

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
ANTHONY CALANDRILLO : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0607-237

At its meeting of June 7, 2007, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Anthony Calandrillo was convicted in 2006 of two counts of criminal sexual contact. As a result of the conviction, Calandrillo was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Calandrillo currently holds a Teacher of Social Studies Certificate of Eligibility, issued in January 2005. Calandrillo did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Calandrillo an Order to Show Cause at its meeting of July 19, 2007.

The Board sent Calandrillo the Order to Show Cause by regular and certified mail on July 25, 2007. Neither copy was returned. The Order provided that Calandrillo must file an Answer within 30 days. Calandrillo did not respond. Thereafter, on November 15, 2007, the Board sent Calandrillo another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Both copies of the notice were returned. After ascertaining Calandrillo's correct address from the Motor Vehicle Commission, the Board re-sent the Order to Show Cause to him on May 8, 2008 by regular and certified mail. The certified mail copy was returned as unclaimed but the regular mail was not returned. Calandrillo did not respond to the Order. On July 9, 2008, the Board sent Calandrillo a second notice providing him with an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Calandrillo did not respond to the notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 17, 2008, the Board sent Calandrillo a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute and Calandrillo was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if the conduct underlying his conviction and resulting disqualification warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Calandrillo was also provided the opportunity to appear before the Board to testify on the sanction issue. Calandrillo did not file a response although the certified mail return receipt card had been signed and returned.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Calandrillo's disqualifying offense constitutes conduct unbecoming a certificate holder. Since Calandrillo failed to respond to the Order to Show Cause or the hearing notice, at its meeting of May 11, 2009, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to Calandrillo's offense were in dispute since he never denied that he had committed the offense nor did he deny that he had been disqualified because of it. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Calandrillo's conviction and disqualification, predicated on the same offense as in the Order to Show Cause, represent just cause to act against his certificate pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be dangerous. Individuals convicted of a crime that endangers the welfare of children fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must serve as role models for students. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." *Tenure of Sammons*, 1972 *S.L.D.* 302, 321.

In this case, Calandrillo has a conviction for a crime that involved sexual contact. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Calandrillo's disqualification from service in the public schools of this State because of his conviction for criminal sexual contact provides just cause to take action against his certificate.

That strong policy statement on the part of the Legislature, set forth in *N.J.S.A.* 18A:6-7.1(b), also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public

schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Calandrillo's offense so significant, and the court in his criminal proceeding ordered him to forfeit his certificate, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Calandrillo's Teacher of Social Studies Certificate of Eligibility.

Accordingly, on May 11, 2009 the Board of Examiners voted to revoke Anthony Calandrillo's Teacher of Social Studies Certificate of Eligibility. On this 22nd day of June 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Calandrillo's certificate be effective immediately. It is further ORDERED that Calandrillo return his certificate to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A. 18A:6-28*.

RRH:MZ: