

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ROSE GIOVINAZZI : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-170

At its meeting of February 11, 2010, the State Board of Examiners (Board) reviewed information received from the Cumberland County Prosecutor's Office indicating that on March 24, 2008, Rose Giovinazzi pled guilty to a charge of Conspiracy to Distribute CDS. On April 25, 2008, Giovinazzi was sentenced to three years' probation and fined. Giovinazzi currently holds a Teacher of Art certificate, issued in June 1988. Upon review of the above information, at its April 29, 2010 meeting, the Board voted to issue Giovinazzi an Order to Show Cause.

The Board sent Giovinazzi the Order to Show Cause by regular and certified mail on May 4, 2010. The Order provided that Giovinazzi's Answer was due within 30 days. Both the regular mail copy and the certified mail copy were returned stating that the mail could not be delivered or forwarded. After obtaining a new address for Giovinazzi from the Motor Vehicle Commission, the Board re-sent the Order to Show Cause by certified and regular mail to her new address on May 25, 2010. The regular mail was not returned and the certified mail copy was unclaimed and returned. Giovinazzi did not file a response. Thereafter, on June 30, 2010, the Board sent Giovinazzi a second notice by regular and certified mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Giovinazzi did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 20, 2010, the Board sent Giovinazzi a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Giovinazzi 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 as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against her certificate. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Giovinazzi's offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Giovinazzi was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Once again, Giovinazzi did not respond.

The threshold issue before the Board in this matter is whether Giovinazzi's conviction constitutes conduct unbecoming a certificate holder. Since Giovinazzi failed to respond to the Order to Show Cause or the hearing notice, at its meeting of October 28, 2010, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Giovinazzi's offense were in dispute since she never denied that she had pled guilty to the offense charged and had been sentenced accordingly. Thus, the Board 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 Board must now determine whether Giovinazzi's conviction, as set forth in the Order to Show Cause, provides just cause to act against her certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9-17.5*. "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. Giovinazzi’s act of Conspiracy to Distribute CDS is inexcusable for any individual, teacher or not. The Commissioner has long held that teachers serve as role models for their students. Clearly, Giovinazzi cannot claim status as a role model to anyone. Moreover, 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 (1943), *aff’d*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Giovinazzi’s conviction demonstrates egregious behavior that warrants revocation.

Accordingly, on October 28, 2010 the Board voted to revoke Giovinazzi’s Teacher of Art certificate. On this 9th day of December 2010 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Rose Giovinazzi’s certificate be effective immediately. It is further ORDERED that Giovinazzi return her 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.

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:6-38.4.

RRH:MZ:th