

170-24  
State Board of Examiners Dkt. No.  
1920-191 Agency Dkt. No. 02-01/24A

## **New Jersey Commissioner of Education**

### **Final Decision**

In the Matter of the Certificates of  
Vincent Cinquina, State Board of Examiners,  
New Jersey Department of Education.

Order of Revocation by the State Board of Examiners, dated December 8, 2023

Respondent-Appellant, appearing pro se

For the Petitioner-Respondent State Board of Examiners, David L. Kalisky,  
Deputy Attorney General (Matthew J. Platkin, Attorney General of New Jersey)

The Commissioner has reviewed the record and submissions filed in connection with Vincent Cinquina's appeal of the Order of the State Board of Examiners (Board), dated December 8, 2023, revoking his Teacher of General Business Certificate of Eligibility, Teacher of Elementary Grades K-8 Certificate of Eligibility, Teacher of Students with Disabilities Certificate of Eligibility, Teacher of General Business Standard Certificate, Teacher of Elementary Grades K-8 Standard Certificate, and Teacher of Students with Disabilities Standard Certificate.

In revoking appellant's certificates, the Board determined that no material facts were in dispute. It reasoned that appellant's "acts of failing to remedy a situation where students were using an offensive and inappropriate group label, allowing students to engage in a game of [f] truth or dare during which students kissed and touched each other inappropriately, and disrupting a class by calling law enforcement because he was upset that the Principal was conducting an evaluation

constitute conduct unbecoming a teacher as they clearly indicate a repeated lack of the necessary self-restraint and controlled behavior expected in an educator.”

Appeals of Board decisions revoking certificates must be submitted to the Commissioner per *N.J.S.A.* 18A:6-38.4, and in accordance with the rules at *N.J.A.C.* 6A:4. Those rules provide, in relevant part, that “[a]ppeals of final State Board of Examiners decisions shall be filed within 30 days of the filing date of the decision being appealed.” *N.J.A.C.* 6A:4-2.2(a). The record reflects that the Board issued its Order of Revocation to appellant on December 8, 2023, via certified mail, regular mail, and email. The Office of Controversies and Disputes received appellant’s appeal on January 23, 2024—two weeks after the 30-day filing deadline had passed.

Appellant has not established any unusual or compelling circumstances that would, in the interest of justice, warrant relaxation of the 30-day filing deadline for appeals of final State Board of Examiners decisions. Therefore, the Commissioner holds that the appeal must be dismissed as untimely. Furthermore, because the Board’s decision is supported by sufficient, credible evidence in the record, and appellant has failed to establish that the decision was arbitrary, capricious, or contrary to law, the Commissioner has no grounds to disturb it. *N.J.A.C.* 6A:4-4.1(a).

Accordingly, appellant’s appeal of the Board’s December 8, 2023, Order of Revocation is dismissed as untimely.<sup>1</sup>

  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 22, 2024  
Date of Mailing: April 24, 2024

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
VINCENT CINQUINA : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1920-191

At its meeting of June 26, 2020, the State Board of Examiners (Board) reviewed the Arbitration decision in *In the Matter of the Tenure Charges Against Vincent Cinquina*. The Perth Amboy Board of Education (Perth Amboy) certified tenure charges against Vincent Cinquina (Cinquina) for inefficiency, unbecoming conduct, incapacity, and other just cause for allegedly, among other things, permitting students to play a game of truth or dare in class. The dares consisted of kissing someone or hugging someone, licking the floor, and running through the hall screaming. On March 31, 2020, the Arbitrator found that Perth Amboy demonstrated the truthfulness of the charges and dismissed Cinquina from his tenured employment.

Cinquina currently holds a Teacher of General Business Certificate of Eligibility issued July 2004; a Teacher of Elementary Grades K-8 Certificate of Eligibility issued September 2005; a Teacher of Students with Disabilities Certificate of Eligibility issued September 2005; a standard Teacher of General Business certificate issued August 2007; a standard Teacher of Elementary Grades K-8 certificate, issued August 2007; and a standard Teacher of Students with Disabilities certificate, issued August 2009. Upon review of the above information, at its July 30, 2020 meeting, the Board voted to issue Cinquina an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Cinquina the Order to Show Cause by regular and certified mail on August 12, 2020. Cinquina filed an Answer on or about May 8, 2022. Based upon the answer, there are no material facts in dispute. Accordingly, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, the Board sent Cinquina a hearing notice by regular and certified mail on September 7, 2023. The notice explained that there were no material facts in dispute and offered Cinquina an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause to take action against his certificates as

well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine his conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Cinquina was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Cinquina did not file a written submission with the Board. However, he appeared before the Board at its meeting on September 21, 2023. During his testimony before the Board, Cinquina challenged the fairness and accuracy of the tenure arbitration, but he did not specifically deny the conduct alleged in the Order to Show Cause. He also stated that he had no plans to return to the teaching profession.

The threshold issue before the Board in this matter is whether Cinquina's conduct constitutes conduct unbecoming a certificate holder or other just cause. At its meeting of October 27, 2023, the Board considered the allegations in the Order to Show Cause as well as Cinquina's testimony during his appearance before the Board. The Board determined that no material facts related to Cinquina's offense were in dispute since he never denied that he engaged in the alleged conduct. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Cinquina's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. 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:9B-4.4*. Educators must be held to a particularly "high standard of conduct because of the influence they exercise over the students." *State Bd. of Exam'rs v. Charlton*, 96 N.J.A.R. 2d (EDE) 18, 21; see also *In re Tyler*, 13 N.J.A.R. 297, 308. 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. “That school authorities have the right and the duty to screen the officials, teachers, and employees as to their fitness to maintain the integrity of the schools as part of ordered society, cannot be doubted.” *In re Grossman*, 127 N.J. Super. 13, 30 (App. Div. 1974) (citation omitted). 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).

Cinquina’s acts of failing to remedy a situation where students were using an offensive and inappropriate group label, allowing students to engage in a game or truth or dare during which students kissed and touched each other inappropriately, and disrupting a class by calling law enforcement because he was upset that the Principal was conducting an evaluation constitute conduct unbecoming a teacher as they clearly indicate a repeated lack of the necessary self-restraint and controlled behavior expected in an educator.

Accordingly, on October 27, 2023, the Board voted to revoke Vincent Cinquina’s certificates. On this 8th day of December 2023, the Board voted to adopt its formal written decision and it is therefore ORDERED that Vincent Cinquina’s certificates are hereby REVOKED, effective immediately. It is further ORDERED that Cinquina return his paper certificates, if applicable, to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.



Rani Singh, Secretary  
State Board of Examiners

**Date of Mailing:**  
**Via certified , regular mail and Email**

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.