

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JOHN CERUTTI : MOTION FOR RECONSIDERATION
_____ : DOCKET NO: 516-04/99-202M

At its meeting of November 4, 1999, the State Board of Examiners rendered a decision that suspended John Cerutti's Teacher of the Handicapped certificate for a period of six years, effective that date. The Board issued that decision based on Cerutti's unbecoming conduct. Cerutti, an orientation and mobility instructor for the Department of Human Services, had engaged in a sexual relationship with an adult client and falsified time records.

Cerutti has now made a Motion for Reconsideration before this Board as to the penalty imposed. Cerutti first argues that if the Board is to impose a six-year suspension on his certificate then the time of the suspension should run from the date that he stopped teaching for the Department of Human Services, November 1996. Cerutti claims that he cannot work as a teacher in his field in this State other than working for the Department of Human Services and some non-profit groups in the State. He asserts that if the Board continues its current time frame for the suspension, by the time he can teach again it will have been nine or ten years since he last taught.

In addition, Cerutti states that he has taught orientation and mobility to several isolated blind children in New York State on a paid volunteer basis for 30 hours per year for the past five years. He claims that if he can no longer teach, these children will "again not be serviced by another nationally certified O&M instructor anytime soon." (Motion for Reconsideration, p.1). Accordingly, Cerutti also requests that his suspension only extend until May 2000, so that he might continue to provide these services. Finally, Cerutti recounts certain incidents that occurred at the Department of Human Services which demonstrate "the deep-seated resentment this administration had for me prior to this action." (Motion for Reconsideration, p.3).

The State Board of Examiners reviewed Cerutti's arguments in depth at its meeting of April 6, 2000 and concluded that Cerutti failed to introduce any new evidence that would warrant a change in the Board's decision as to his penalty. Indeed, all of the reasons articulated in the Board's November decision were still true as of the time of Cerutti's motion.

Moreover, Cerutti's argument that he had not taught since he lost his job with Human Services in November 1996 is of no consequence to this decision. Cerutti's termination as a teacher with the Department of Human Services only affects his tenure rights within that particular organization; it does not impact upon his ability to teach in the entire State (or to use his certificate to teach elsewhere). Rather, that decision falls within the purview of the Board of Examiners and was the subject of Cerutti's suspension from the profession as a whole. N.J.A.C. 6:11-3.4. Thus, the Board sees no reason to overturn its prior penalty decision.

Accordingly, it is therefore ORDERED that John Cerutti's Motion for Reconsideration as to Penalty be denied this 6th day of April 2000.

Secretary
State Board of Examiners

Date of Mailing: September 26, 2000

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

IBG:MZ:kb:Cerutti decision on motion