

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
PHILIP SCARDILLI : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-128

At its meeting of September 25, 2003, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on March 17, 2003, Philip Scardilli had pled guilty to charges of theft by deception. On August 18, 2003, Scardilli was sentenced to six years' confinement in State prison and ordered to pay restitution in the amount of \$3,668,177.22. The court also ordered Scardilli to forfeit all teaching certificates. Scardilli is currently the holder of Teacher of Elementary School, Learning-Disabilities Teacher Consultant, Supervisor, Principal/Supervisor and School Administrator certificates, all issued prior to March 1991. Upon review of the above information, at its September 2003 meeting, the State Board of Examiners voted to issue Scardilli an Order to Show Cause.

The Board sent Scardilli the Order to Show Cause by regular and certified mail on February 9, 2004. The Order provided that Scardilli must file an Answer within 20 days. Scardilli's attorney signed for the certified mail but did not file an Answer. On March 12, 2004 the Board sent Scardilli a second notice by regular and certified mail. Again, Scardilli's attorney signed for the certified mail but did not file an Answer.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Scardilli's conviction gives the Board just cause to act against his certificates pursuant to N.J.A.C. 6A:9-17.5. Since Scardilli did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6A:9-17.7(c). Since Scardilli's conviction is admitted, the

Board of Examiners must now decide whether it constitutes a sufficient basis to act against his certificates pursuant to N.J.A.C. 6:A:9-17.5. We find that it does.

The State Board of Examiners 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. Scardilli’s acts of theft are inexcusable, especially because they deprived public school districts of funds they could have used to provide services for students.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff’d. 131 N.J.L. 326 (E & A 1944). In this instance, Scardilli’s criminal activity, which was widespread and long-standing, serves as a sufficient predicate to bar him permanently from all of New Jersey’s schools.

Accordingly, it is therefore ORDERED that Philip Scardilli’s Teacher of Elementary School, Learning Disabilities-Teacher Consultant, Supervisor, Principal/Supervisor and School Administrator certificates be revoked on this 6th day of May 2004. It is further ORDERED that Scardilli return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 20 days of receipt of this decision.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: JULY 1, 2004

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