

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
GREGORY MONSOLINO : ORDER OF SUSPENSION
_____ : DOCKET NO: 0405-204

At its meeting of February 24, 2005, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that in January 2005, Gregory Monsolino had been arrested and charged with sexual assault and endangering the welfare of children. As a result of this arrest, Monsolino was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Monsolino did not challenge the accuracy of his criminal history record. Upon review of the above information, at its February 24, 2005 meeting, the State Board of Examiners voted to issue Monsolino an Order to Show Cause as to why his certificates should not be suspended pending resolution of the criminal charges against him. Monsolino currently holds a Teacher of Elementary School Certificate of Eligibility, issued in August 1998 and a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in April 2004.

The Board sent Monsolino the Order to Show Cause by regular and certified mail on March 22, 2005. The certified mail receipt was signed and returned. The regular mail copy was not returned. The Order provided that Monsolino must file an Answer within 30 days. Monsolino did not respond to the Order to Show Cause. Thereafter, on April 28, 2005, the Board of Examiners sent him a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. The regular mail copy was not returned. The certified mail copy was signed and returned. Once again, Monsolino did not file an Answer. Both notices advised Monsolino that if he did not respond to the charges, the Board would decide the matter based solely on the information it already possessed.

At its meeting of July 21, 2005, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Monsolino's offenses were in dispute since he had never denied that he

had been charged with the offenses nor did he deny the resulting potential disqualification in the event of a conviction. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The issue before the State Board of Examiners in this matter, therefore, is whether Monsolino's arrest and possible resultant disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates 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 a danger to them. Individuals convicted of a crime of violence fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing condemnation of acts of violence by teaching-staff members. "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, Monsolino has an arrest for a violent crime that directly endangered children. 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 Monsolino's arrest and his potential disqualification from service in the public schools of this State for the offenses of sexual assault and endangering the welfare of children provide just cause to take action against his certificates.

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 would be barred from service in public schools if convicted of that offense, should not be permitted to retain the license that authorizes such service while the courts determine his or her culpability. Thus, because the Legislature considers Monsolino's offenses so significant, the State Board of Examiners in this matter believes that the appropriate sanction pending resolution of the criminal charges against him is the suspension of his certificates to teach.

Accordingly, it is therefore ORDERED that Gregory Monsolino's Teacher of Elementary School Certificate of Eligibility and Teacher of Elementary School Certificate of Eligibility With Advanced Standing be suspended on this 21st day of July 2005. If the charges are resolved in his favor, he shall notify the Board of Examiners for appropriate action regarding the suspension order. It is further ORDERED that Monsolino return his certificates to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: AUGUST 17, 2005

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