

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOSE PIZARRO : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-277

At its meeting of May 4, 2006, the State Board of Examiners reviewed information received from the West New York Superintendent of Schools indicating that on March 21, 2005, Jose Pizarro resigned from his tenured teaching position in the district. Pizarro resigned when the superintendent confronted him with claims made by a female student that he had sent her an inappropriate instant message. The district alleged that Pizarro's instant message to the student involved his plans to pierce his penis. Pizarro also provided the student with an internet website at which she could view a picture of a pierced penis. Pizarro currently holds a Teacher of Music Certificate of Eligibility with Advanced Standing, issued in February 2001 and a Teacher of Music certificate, issued in June 2002. Upon review of the above information, at its May 4, 2006 meeting, the State Board of Examiners voted to issue Pizarro an Order to Show Cause. The Board of Examiners formally adopted the Order to Show Cause on June 8, 2006.

The Board sent Pizarro the Order to Show Cause by regular and certified mail on June 23, 2006. The Order provided that Pizarro's Answer was due within 30 days. Neither copy was returned, but the Office of Licensure and Credentials does not have a certified mail return receipt for the certified copy. Pizarro did not file a response. Thereafter, on August 3, 2006, the Board sent Pizarro a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. Again, the regular mail copy was not returned and the certified mail copy was returned as unclaimed. The notice explained that if he did not file a response, the allegations in the Order to Show Cause would be deemed admitted and the Board of Examiners would decide the matter based on the evidence before it. Once again, Pizarro did not file an Answer.

At its meeting of November 2, 2006, 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 Pizarro's offense were in dispute since he had never denied that he had engaged in the alleged conduct. 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 Pizarro's conduct, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds 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. Furthermore, 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). Pizarro's act of discussing his penile piercing with a student and directing her to a website where she could view pictures of pierced penises, is inexcusable.

Accordingly, on November 2, 2006, the Board of Examiners voted to revoke Pizarro's certificates. On this 7th day of December 2006, the Board formally adopted its written decision and it is therefore ORDERED that Jose Pizarro's Teacher of Music Certificate of Eligibility with Advanced Standing and Teacher of Music certificate be revoked effective this day. It is further

ORDERED that Pizarro return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, 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: DECEMBER 13th, 2006

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