

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS  
JOSEPH GIORGIO : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0607-205

At its meeting of March 29, 2007, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Joseph Giorgio was convicted in January 2007 on charges of aggravated assault with a weapon. As a result of such conviction, Giorgio was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Giorgio did not challenge the disqualification before the Commissioner of Education. Giorgio currently holds a County Substitute credential, issued in May 2005. Upon review of the above information, at its May 3, 2007 meeting, the State Board of Examiners voted to issue Giorgio an Order to Show Cause.

The Board sent Giorgio the Order to Show Cause by regular and certified mail on May 8, 2007. Neither copy was returned. The Order provided that Giorgio must file an Answer within 30 days. Giorgio did not respond to the Order. Thereafter, the Board sent Giorgio 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 and the certified mail receipt was signed and returned. 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, Giorgio did not file an Answer. On October 5, 2007, the Board sent Giorgio correspondence allowing him the opportunity to appear before the Board and/or submit documentation to present testimony regarding the penalty phase of his hearing. Giorgio did not respond.

At its meeting of November 1, 2007, 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 Giorgio's offense were in dispute since he had never denied that he had been convicted of the offense nor did he deny the resulting disqualification. 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 Giorgio's conviction and disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represent just cause to act against his credential 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 aggravated assault, fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must serve as role models for students. "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). Accordingly, the State Board of Examiners finds that Giorgio's conviction and disqualification from service in the public schools of this State because

of his conviction for aggravated assault with a weapon provide just cause to take action against his credential.

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 is barred from service in public schools should not be permitted to retain the credential that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Giorgio's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of his credential.

Accordingly, on November 1, 2007 the Board of Examiners voted to revoke Giorgio's County Substitute credential. On this 21st day of February 2008 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Joseph Giorgio's credential be effective immediately. It is further ORDERED that Giorgio return his credential to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Robert R. Higgins, Secretary  
State Board of Examiners

**Date of Mailing: FEBRUARY 27, 2008**

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