

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
THOMAS CANTILLON : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0506-241

At its meeting of June 8, 2006, the State Board of Examiners reviewed information received from the Hillsborough School District regarding Thomas Cantillon. Pursuant to N.J.A.C. 6A:9-17.4, Hillsborough had reported that Cantillon, a tenured teacher, had resigned after the district alleged that he had engaged in an inappropriate relationship with a female student. According to Hillsborough's information, Cantillon had made personal phone calls of an intimate nature to the student, took her out on dates, transported her out-of-State several times, including on a one week camping trip and spent the night alone with her in his apartment on several occasions. Cantillon currently holds a Teacher of English certificate, issued in February 1991.

Thereafter, on June 8, 2006, the State Board of Examiners issued Cantillon an Order to Show Cause as to why his certificate should not be suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been alleged in the tenure charges.

The Board sent Cantillon the Order to Show Cause by regular and certified mail on June 14, 2006 and re-sent it on July 31, 2006. The Order provided that Cantillon's Answer was due within 30 days. Cantillon filed an Answer on August 21, 2006. In his Answer Cantillon admitted that the district had suspended him from his tenured position and that he had resigned. (Answer, ¶ 4). He also stated that the Board of Examiners was "arbitrary, capricious and unreasonable" in stating that his conduct provided just cause for the consideration of the revocation or suspension of his certificate. (Answer, Second Defense). Notwithstanding

Cantillon's claims, the Examiners found probable cause to consider the suspension or revocation of his certificate.

The Examiners transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Margaret Monaco heard testimony on June 11 and 13, 2007. After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on April 18, 2007. *In the Matter of the Certificate of Thomas Cantillon*, Dkt No. EDE 10433-06 (Initial Decision, April 18, 2008).

In that decision ALJ Monaco found that Cantillon met Jane<sup>1</sup> when she was a freshman in high school and he shared a classroom with one of her teachers. (Initial Decision, slip op. at 18). Cantillon formed a friendship with Jane which continued to develop over the course of her time at the high school; most of their interactions at the school were in the presence of another teacher, Ms. Jones. (Initial Decision, slip op. at 18). After Jane's junior year in the summer of 2004 she and Cantillon started interacting outside of school as well. (Initial Decision, slip op. at 18). In the summer of 2004, Jane and Cantillon drove alone to Ms. Jones' beach house and spent three days and two nights there; all three slept in separate rooms. (Initial Decision, slip op. at 18). Although Jane's mother knew she was there, Mrs. Smith believed that other members of Ms. Jones' family would be at the beach house. (Initial Decision, slip op. at 18). Jane and Cantillon spent a lot of time alone while at the beach house and Jane's feelings for Cantillon intensified. (Initial Decision, slip op. at 18). The two of them drove back home alone from the beach and stopped to go to a Shakespeare festival, which turned out to be cancelled due to rain. (Initial Decision, slip op. at 18). Instead, Jane and Cantillon went to the movies; Jane did not

---

<sup>1</sup> This decision will utilize the same fictitious names to identify the student (Jane), her mother (Mrs. Smith) and another teacher employed in the district (Ms. Jones), that the Initial decision did.

inform her mother that she went to the movies with Cantillon. (Initial Decision, slip op. at 18-19).

Other outings Jane and Cantillon had that summer were a trip to see the movie ‘Spiderman 2’ and a trip to New York City to see an off-Broadway show. (Initial Decision, slip op. at 19). On both occasions, Cantillon’s suggested that Jane spend the night at his apartment. (Initial Decision, slip op. at 19). In the first instance, Jane’s mother agreed because the weather was bad, Jane was a new driver and Jane told her mother that Ms. Jones would also be staying even though she was not there. (Initial Decision, slip op. at 19). Jane and Cantillon slept in separate rooms and there was no physical contact between them. (Initial Decision, slip op. at 19). The second time, Mrs. Smith adamantly refused to let Jane stay over and picked her up. (Initial Decision, slip op. at 19). Jane and Cantillon saw each other on other occasions that summer and Jane stayed at Cantillon’s apartment several times. (Initial Decision, slip op. at 19-20).

Cantillon also invited Jane to accompany him on a trip to Colorado. (Initial Decision, slip op. at 20). Mrs. Smith gave her consent because Cantillon advised his family would be present. (Initial Decision, slip op. at 20). That trip was cancelled, but Cantillon and Jane went camping alone together to New Hampshire for one week; they slept in a single tent during the trip. (Initial Decision, slip op. at 20). Jane never told Cantillon of her feelings for him and he never expressed any feelings to her. (Initial Decision, slip op. at 20). Jane paid her own way for most of her activities with Cantillon and ALJ Monaco did not find any evidence of sexual interaction between them. (Initial Decision, slip op. at 20-21). She also found that Cantillon took no meaningful steps to ascertain whether Jane’s parents were aware of her interactions with him. (Initial Decision, slip op. at 21).

After considering all of the evidence, ALJ Monaco concluded that Cantillon had engaged in conduct unbecoming a teacher. (Initial Decision, slip op. at 25). The ALJ held that “Cantillon’s intent, as well as the consent of the minor or her mother, are not controlling in judging the appropriateness of Cantillon’s actions.” (Initial Decision, slip op. at 25). The ALJ found that Cantillon exhibited extremely poor judgment in participating in a personal relationship with a student and that the “absence of a sexual or romantic involvement does not mitigate the seriousness of Cantillon’s infraction.” (Initial Decision, slip op. at 26). In fact, ALJ Monaco stated that “Cantillon’s conduct not only evidences his extremely poor judgment but raises concern as to his continued performance and fitness as a teacher.” (Initial Decision, slip op. at 27). Accordingly, the ALJ concluded that Cantillon’s unbecoming conduct warranted the revocation of his teaching certificate. (Initial Decision, slip op. at 27).

Cantillon filed exceptions to the ALJ’s decision. He argued that appropriate teacher-student relationships were protected by the First Amendment right of association and that since there was no evidence of a romantic or sexual relationship between him and Jane the revocation of his certificate was not only unwarranted but unconstitutional. (Exceptions, pp. 4-10). Cantillon also argued that his intent and Mrs. Smith’s consent were relevant factors in determining whether Cantillon’s actions were appropriate. (Exceptions, pp. 10-12). He noted that his relationship with Jane did not expose her to inappropriate activities such as drinking or drug use. (Exceptions, p. 10). Moreover, Cantillon stated that Mrs. Smith was aware that Jane was spending time with him and that he was never given any indication that she disapproved of their relationship. (Exceptions, pp. 11-12).

The Deputy Attorney General (DAG) representing the Board of Examiners filed Reply Exceptions to the Initial Decision. In her reply, the DAG argued that Cantillon’s contention that

his relationship with Jane was protected by the First Amendment was without merit, because the freedom to associate was “context-specific,” Cantillon was not “expressing” anything by this relationship and “only certain types of personal relationships are entitled to the protections afforded by the First Amendment” and this did not fall within that purview. (Reply Exceptions, pp. 3-4.) The DAG further argued that ALJ Monaco properly found that Cantillon’s conduct had to be judged by an objective standard and that his subjective intentions should not “be a factor in assessing the propriety of his conduct, when the objective facts show that his actions represented a significant departure from what the public expects of its educators. (Reply Exceptions, p. 6). Finally, the DAG argued that Jane’s perceptions of Cantillon’s behavior was not at issue and the ALJ correctly applied an objective standard of behavior. (Reply Exceptions, p. 7). Accordingly, the DAG argued that the Board of Examiners should adopt the Initial Decision and revoke Cantillon’s certificate. (Reply Exceptions, pp. 7-8).

The Board must now determine whether to adopt, modify or dismiss the Initial Decision in this matter. At its meeting of June 5, 2008, the State Board of Examiners reviewed the Initial Decision and Exceptions. After full and fair consideration of all the submissions, the Board voted to adopt the Initial Decision.

There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to the ALJ’s findings of Fact.

Furthermore, there is no doubt that the ALJ was correct in her assessment that Cantillon’s conduct is unacceptable by any objective standard for teachers’ behavior. His ongoing poor judgment in maintaining an out-of-school relationship with Jane that included evenings alone and overnights at his apartment, regardless of the lack of sexual content, bespeaks volumes as to his unfitness to remain a role model for students. Moreover, his continued insistence that there

was nothing untoward about the relationship calls into question his ability to discern right from wrong. Clearly Cantillon is not an individual who should be teaching in New Jersey's classrooms. The Examiners agree with the ALJ's conclusion that the allegations in the Order to Show Cause have been proven and that the only proper response to Cantillon's breach is the revocation of his certificate to teach. (Initial Decision, slip op. at 25-27).

Accordingly, on June 5, 2008, the Board of Examiners voted to adopt the Initial Decision and revoke Cantillon's certificate. On this 17th day of July 2008, the Board of Examiners formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Thomas Cantillon's Teacher of English certificate is hereby revoked effective this day. It is further ORDERED that Cantillon return his certificate 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.

---

Robert R. Higgins, Secretary  
State Board of Examiners

**Date of Mailing: JULY 28, 2008**

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.A.C.* 6A:4-1.3(b).