

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
KIM INNOCENTI : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1314-179

At its meeting of January 17, 2014, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) and the Union City School District (Union City) regarding Kim Innocenti. On April 5, 2013, Innocenti pled guilty in federal court in Pennsylvania to Possession of a Controlled Dangerous Substance. Innocenti was sentenced to two years' probation and eight months of home detention with electronic monitoring. The CHRU notified the Board that, as a result of the conviction, Innocenti was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Union City notified that Board that Innocenti did not report her arrest and plea as required by *N.J.A.C. 6A:9-17.1(c)*. Innocenti currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in February 1999, a Teacher of Elementary School certificate, issued in May 2000 and a Teacher of English as a Second Language certificate, issued in March 2005.

Innocenti did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of February 27, 2014 to issue Innocenti an Order to Show Cause why her certificates should not be revoked.

The Board sent Innocenti the Order to Show Cause by regular and certified mail on February 28, 2014. The Order provided that Innocenti must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Innocenti did not file a response. Thereafter, on April 9, 2014, the Board sent Innocenti another notice

by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. Innocenti responded on April 28, 2014. In her Answer, Innocenti denied ever being arrested. (Answer, ¶¶ 5, 7). She admitted to all of the other allegations in the Order to Show Cause. (Answer, ¶¶ 1-4, 6, 8).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May, 5, 2014, the Board sent Innocenti a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Innocenti was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder, as well as arguments with regard to the appropriate sanction in the event that the Board found just cause to take action against her certificates. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her disqualifying offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Innocenti was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Innocenti did not respond.

The threshold issue before the Board in this matter is whether Innocenti's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of July 24, 2014, the Board considered the allegations in the Order to Show Cause as well as Innocenti's Answer. The Board determined that no material facts related to Innocenti's offense were in dispute since she never denied that she had been convicted of the offense charged and been subsequently disqualified. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Innocenti's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her 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. Individuals convicted of a crime such as Possession of a Controlled Dangerous Substance fall squarely within in this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their 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. Moreover, 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Innocenti's conviction for Possession of a Controlled Dangerous Substance demonstrates behavior that falls far short of a role model.

The 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 Board 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 certificate 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 and the Commissioner consider Innocenti's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates. The Board need not address the issue of whether Innocenti was

arrested or reported it to Union City, as her conviction and disqualification are a sufficient predicate for the revocation of her certificates.

Accordingly, on July 24, 2014, the Board voted to revoke Kim Innocenti's Teacher of Elementary School Certificate of Eligibility With Advanced Standing and her Teacher of Elementary School and Teacher of English as a Second Language certificates. On this 19th day of September 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Kim Innocenti's certificates be effective immediately. It is further ORDERED that Innocenti return her certificates 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

RRH/MZ/th

**Date of Mailing:**

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.