

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS  
FRANK M. SCIROCCO : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1819-200

At its meeting of April 12, 2019, the State Board of Examiners (Board) reviewed information the Union County Prosecutor's Office and the Office of Student Protection (OSP) forwarded regarding Frank M. Scirocco. On September 26, 2018, Scirocco received an Order of Postponement and entered a Pre-Trial Intervention (PTI) program for a period of 12 months after being charged with Distributing Controlled Substances within 500 feet of public property and several counts of possession of CDS and drug paraphernalia. Scirocco was also ordered to perform 60 hours of community service.

Scirocco currently holds a substitute credential which expires January 2021. Upon review of the above information, at its May 17, 2019 meeting, the Board voted to issue Scirocco an Order to Show Cause as to why his credential should not be revoked.

The Board sent Scirocco the Order to Show Cause by regular and certified mail on May 22, 2019. The Order provided that Scirocco had 30 days to respond. The certified mail copy was received and signed for and the regular mail copy was not returned. Scirocco did not respond. Thereafter, on July 11, 2019, the Board sent another notice providing Scirocco an additional 15 days to respond to the Order to Show Cause. The certified mail copy was received and signed for and the regular mail copy was not returned. Once again, Scirocco did not respond.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on August 2, 2019, the Board sent Scirocco a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Scirocco 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 his certificates. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense,

the Board would determine if Scirocco's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Scirocco was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was received and signed pursuant to the USPS online tracking system and the regular mail copy was returned. Once again, Scirocco did not file a response.

The threshold issue before the Board in this matter is whether Scirocco's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Scirocco failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Consequently, at its meeting of November 1, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from the Prosecutor's Office and the OSP. The Board concluded that no material facts related to Scirocco's offense were in dispute since he never denied that he had engaged in the alleged conduct. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.6(h). After reviewing the allegations, the Board found that Scirocco engaged in unbecoming conduct.

The Board must now determine whether Scirocco's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9B-4.4. The Board finds that it does.

The Board 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:9B-4.4. "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). Scirocco's actions of distributing CDS within 500 feet of public property and several other counts of CDS possession and

paraphernalia possession is clearly conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to his breach is the revocation of his credential.

Accordingly, on November 1, 2019, the Board voted to revoke Frank M. Scirocco's substitute credential. On this 13<sup>th</sup> day of December 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Scirocco's credential is hereby revoked, effective immediately. It is further ORDERED that Scirocco return his credential to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Rani Singh, Secretary  
State Board of Examiners

**Date of Mailing:**  
**Via certified and regular mail**

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