

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MELODY GIOVANNETTI : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-135

At its meeting of December 17, 2018, the State Board of Examiners (Board) reviewed information regarding Melody Giovannetti. The Creative Achievement Academy, LLC (Academy) provided information to the State Board of Examiners (Board) regarding Giovannetti. The Academy reported that on or about September 17, 2018, Giovannetti arrived at school disheveled, off balance and having difficulty articulating her words. She was sent for a drug test and tested positive for cocaine. Giovannetti was terminated from her position at the Academy. Giovannetti is the holder of a Teacher of Preschool-Grade 3 Certificate of Eligibility with Advanced Standing and a Teacher of Preschool-Grade 3 Provisional certificate, which expires in July 2019.

Upon review of the above information, the Board voted at its meeting December 17, 2018 to issue Giovannetti an Order to Show Cause as to why her certificates should not be revoked.

The Board published notice of the Order to Show Cause on March 26, 2019 after several attempts for service at various addresses were unsuccessful. The Order provided that Giovannetti had 30 days to respond. Giovannetti did not respond.

Thereafter, on September 16, 2019, after obtaining a new address for service, the Board sent Giovannetti another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Giovannetti did not file a response.

Accordingly, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on October 31, 2019, the Board sent Giovannetti a hearing notice by regular and certified mail after it found a proper address for her.

The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Giovannetti 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 his defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Giovannetti was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail card was not returned as undeliverable and the regular mail copy was not returned. Once again, Giovannetti did not file a response.

The threshold issue before the Board in this matter is whether Giovannetti's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Giovannetti 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 February 28, 2020, the Board considered only the allegations in the Order to Show Cause and the information received and considered by the Board. The Board concluded that no material facts related to Giovannetti's offense were in dispute since she never denied that she engaged in the conduct alleged and therefore 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 Giovannetti engaged in unbecoming conduct.

The Board must now determine whether Giovannetti's conduct, as set forth in the Order to Show Cause, represent just cause to act against her certificate pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

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). Giovannetti’s conduct in coming to school while under the influence of cocaine clearly indicates a serious lapse in judgment. The Board concludes that the appropriate response to her breach is a revocation of her certificates.

Accordingly, on February 28, 2020, the Board voted to revoke Melody Giovannetti’s Teacher of Preschool-Grade 3 Certificate of Eligibility with Advanced Standing and a Teacher of Preschool-Grade 3 Provisional certificate, which expired in July 2019. On this 14th day May 2020, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Giovannetti’s certificate be effective immediately. It is further ORDERED that Giovannetti return her certificates 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.

Rani Singh, Secretary
State Board of Examiners

Date of Mailing:
By 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.