

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
NICHOLAS DIPASQUALE : ORDER OF REVOCATION
_____ : DOCKET NO: 2021-176

At its meeting of June 25, 2021, the State Board of Examiners (Board) reviewed information received from the Haddon Heights Public School District (District) regarding Nicholas DiPasquale, a former teacher in the District. DiPasquale resigned on May 5, 2021 after he was accused of unbecoming conduct after it was alleged that he accessed the District network to go onto a website named OMEGLE several times. The District reported that DiPasquale accessed OMEGLE via a Chromebook device that may have been issued by the District. The District's filtering software, Go Guardian, flagged the access to OMEGLE via an alert to the District's technology department on April 26, 2021. The Go Guardian Program took screenshots of what was transpiring while DiPasquale was on the website. The pictures reveal DiPasquale was masturbating while on the website.

DiPasquale currently holds a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing, and Teacher of Health and Physical Education Standard Certificate. Upon review of the above information, the Board voted at its meeting of July 30, 2021 to issue DiPasquale an Order to Show Cause as to why his certificates should not be revoked.

The Board sent DiPasquale the Order to Show Cause by regular and certified mail on August 5, 2021. The Order provided that DiPasquale must file an Answer within 30 days. DiPasquale filed an Answer on August 31, 2021.

In his Answer, DiPasquale indicates that he is sorry for his actions and it has brought shame and embarrassment to him and his family. He indicates that when he went on the website in question it was in his own home, using his own Wi-Fi and after contracted school hours. Answer at ¶ 3.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on September 8, 2021, the Board sent DiPasquale a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, DiPasquale 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 regarding 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 his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. DiPasquale was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. On October 1, 2021, DiPasquale made an additional submission, indicating that he did not wish to appear before the Board. The submission indicated that since receiving his educator certificate(s) in 2013, he has worked for multiple districts without incident. He has never had any past legal issues or problems with the law.

The threshold issue before the Board in this matter is whether DiPasquale's conduct constitutes conduct unbecoming a certificate holder. At its meeting of October 28, 2021, the Board considered the allegations in the Order to Show Cause as well as DiPasquale's Answer and Hearing Response. The Board determined that no material facts related to DiPasquale's offense were in dispute since he admitted 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)*.

The Board must now determine whether DiPasquale's conduct, as set forth in the Order to Show Cause, represent 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). In this matter, DiPasquale's action in using his district issued Chromebook to access a chat website and engage in masturbation while

on video chat is conduct that indicates a serious lapse in judgment. Although no students were present and the conduct occurred after school hours, to use district issued technology for this purpose demonstrates such a significant lapse in judgment, that the Board finds the appropriate response to this breach is revocation of DiPasquale's certificates.

Accordingly, on October 28, 2021, the Board voted to revoke Nicholas DiPasquale's Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing and Teacher of Health and Physical Education standard certificate. On this 16th day of December 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of DiPasquale's certificates be effective immediately. It is further ORDERED that DiPasquale return his 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:
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.