

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JEANNE CUTTITO : ORDER OF REVOCATION
_____ : DOCKET NO: 553-04/00-233

At its meeting of April 6, 2000, the State Board of Examiners reviewed information received from the Division of Youth and Family Services (DYFS) indicating that it had substantiated allegations of sexual abuse involving Jeanne Cuttito, a tenured art teacher. According to the DYFS report, Cuttito had admitted to being sexually involved with one of her students. Upon review of the above information, at that meeting the State Board of Examiners voted to issue an Order to Show Cause to Cuttito.

The Order to Show Cause was mailed to Cuttito by regular and certified mail on June 22, 2000. The Order provided that an Answer had to be filed within 20 days. Cuttito did not respond to the Order to Show Cause. On August 8, 2000, Cuttito was provided an additional 10 days to respond to the Order. She was advised that if she did not respond, the allegations in the Order to Show Cause would be deemed admitted and the State Board of Examiners would proceed to a decision as to revocation or suspension on the basis of the evidence before it. Once again, Cuttito did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Cuttito's sexual relationship with one of her students, as outlined in the DYFS report, constitutes conduct unbecoming a certificate holder. Since Cuttito failed to respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether Cuttito's conduct, as set forth in the Order to Show Cause, represents just cause to act against her certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

The Commissioner has long-recognized that teachers in the State of New Jersey "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.

In this case, Cuttito has engaged in a sexual relationship with one of her students. Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). There can be no dispute that engaging in an intimate relationship with a student violates the most fundamental aspect of a teacher's responsibilities. Moreover, not only does it tarnish the teacher's reputation, it sullies the certificate that that individual holds. The Board of Examiners agrees with the Commissioner that such an individual does not belong in a classroom, any classroom. Thus, the only proper response to Cuttito's breach is revocation.

Accordingly, it is therefore ORDERED that Jeanne Cuttito's Teacher of Art certificate be revoked on this 2nd day of November, 2000. It is further ORDERED that Cuttito return her certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: January 17, 2001

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A.
18A:6-28.

IBG:MZ:kb:Jeanne Cuttito