

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
MARY SCARDILLI : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-274

At its meeting of October 30, 2003, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on March 17, 2003, Mary Scardilli had pled guilty to charges of conspiracy to commit theft. Scardilli had participated in a scheme in which she was given a “no-show” job at the Windsor School, a private school for the disabled of which her husband was a co-owner. On August 18, 2003, the court sentenced Scardilli to five years of probation and fined her \$100,000. The court also ordered Scardilli to forfeit her education certificates, obtain full-time employment and perform community service. Scardilli currently holds a Teacher of Elementary School certificate, issued in June 1971. Upon review of the above information, at its October 30, 2003, meeting, the State Board of Examiners voted to issue Scardilli an Order to Show Cause.

The Board sent Scardilli the Order to Show Cause by regular and certified mail on July 21, 2004. The Order provided that Scardilli’s Answer was due within 30 days. The regular mail was not returned and the certified mail was returned as unclaimed. As Scardilli did not file a response, the Board sent her a second notice on August 27, 2004, by regular and certified mail. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Scardilli did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Scardilli’s conviction for conspiracy to commit theft constitutes conduct unbecoming a certificate holder. Since Scardilli did not 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. 6A:9-17.7(c)*. Since Scardilli’s conduct, which was predicated on the same conviction as was set forth in the Order to Show Cause, is admitted, the Board of

Examiners must now decide whether that constitutes a sufficient basis to act against her certificate pursuant to *N.J.A.C. 6A:9-17.7(c)*. It finds that it does.

The State Board of Examiners 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:9-17.5*. “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. Scardilli’s acts of theft are inexcusable for any individual, teacher or not.

Furthermore, 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 (Sup. Ct. 1943), *aff’d*, 131 *N.J.L.* 326 (E & A 1944). The court recognized that when it ordered Scardilli to forfeit her teaching certificate.

Accordingly, it is therefore ORDERED that Mary Scardilli’s Teacher of Elementary School certificate be revoked on this 9th day of December 2004. It is further ORDERED that Scardilli return her certificate to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: FEBRUARY 7, 2005

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