

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
VINCENT CHIRAVALLE : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-152

At its meeting of October 28, 2004, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on February 17, 1995, Vincent Chiravalle had pled guilty to charges of attempted murder and conspiracy. On March 6, 1995, the court sentenced Chiravalle to 15 years incarceration in state prison and fined. Chiravalle currently holds a Secondary School Teacher of Physical Science certificate, issued in June 1968, a Secondary School Teacher of Mathematics certificate, issued in June 1968, a Principal/Supervisor certificate, issued in July 1972 and a Supervisor certificate, issued in February 1973. Upon review of the above information, at its October 28, 2004, meeting, the State Board of Examiners voted to issue Chiravalle an Order to Show Cause.

The Board sent Chiravalle the Order to Show Cause by regular and certified mail on January 6, 2005. The Order provided that Chiravalle's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Chiravalle did not file a response. Thereafter, on February 15, 2005, the Board of Examiners sent Chiravalle a second notice by certified and regular mail. The certified mail receipt was signed and returned and the regular mail copy was not returned. Both notices advised that if Chiravalle did not respond to the Order, the Board would proceed on the basis of the information it already possessed.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Chiravalle's guilty plea to attempted murder and conspiracy constitutes conduct unbecoming a certificate holder. At its meeting of May 5, 2005, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board determined that there were no material facts related to Chiravalle's offense in dispute since he never denied that he had committed the offense nor did he deny that he had been convicted. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Chiravalle's offenses as set forth in the Order to Show Cause, provide just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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. Chiravalle’s acts of attempted murder and conspiracy are inexcusable for any individual, teacher or not. It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. See *Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981).

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). In this instance, one need not argue that Chiravalle’s conviction for attempted murder and resultant fifteen-year prison sentence form a sufficient predicate to act against his teaching certificates.

Accordingly, it is therefore ORDERED that Vincent Chiravalle’s Secondary School Teacher of Physical Science, Secondary School Teacher of Mathematics, Principal/Supervisor and Supervisor certificates be revoked on this 5th day of May, 2005. It is further ORDERED that Chiravalle return his certificates 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: MAY 18, 2005

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