

New Jersey Commissioner of Education

Final Decision

In the Matter of the Tenure Hearing of
Maria Castellitto, School District of the
Township of North Bergen, Hudson County.

For the Petitioner, Jason M. Ryglicki, Esq.

No appearance by or on behalf of Respondent, Maria Castellitto

This matter was opened before the Commissioner of Education on March 25, 2024, through tenure charges of unbecoming conduct certified by George Solter, Superintendent of the North Bergen School District (“District”), together with supporting evidence against respondent, Maria Castellitto, a tenured teaching staff member in the District’s employ.

The District attempted to serve respondent with written notice of such certification at the respondent’s last known address. However, a private investigator employed by the District to effectuate service was unable to locate respondent. The investigator’s efforts included surveilling respondent’s last known address and attempting to obtain information from other residents of that location; contacting respondent’s daughter, who advised that respondent had been missing without contact for the past two years; visiting locations respondent was reported to have frequented; and contacting local police, who advised that they had not had contact with respondent since a welfare check conducted in 2022. The District also served copies of the tenure charges on the president and attorney of the District’s teachers’ union via regular and

certified mail. No reply to the tenure charges was received from or on behalf of the respondent.

N.J.A.C. 6A:3-5.3 requires that tenure charges and related documents must be served on the respondent. However, that provision does not specify what occurs when a district is unable to effectuate service, so the Commissioner looks to the New Jersey Court Rules for guidance. Pursuant to *N.J.Ct.R. 1:5-2*, if no address is known for a party, despite diligent effort, the filing of papers with the clerk shall be deemed to satisfy the service requirement. The Commissioner concludes that the District made diligent efforts to effectuate service of the tenure charges upon respondent, and therefore accepts the filing of those charges with the Commissioner, through the Office of Controversies and Disputes, in satisfaction of the service requirement.

The certified tenure charges and statement of supporting evidence filed by the District in this matter indicate that the respondent was employed by the District as a tenured teacher. The charges indicate that following multiple instances of paranoid and troubled behavior, which led to at least two hospitalizations, the District placed respondent on medical leave and sought and was granted an Order compelling respondent to appear for a fitness for duty examination. *Bd. of Educ. of the Twp. of North Bergen, Hudson Co. v. Maria Castellitto*, Commissioner Decision No. 230-22E (decided Sept. 14, 2022). Respondent failed to appear for the examination and remains on medical leave. During this time, respondent has failed to perform the duties of her job.

Deeming the allegations to be admitted, the Commissioner finds that the District's charge of unbecoming conduct has been proven and warrants the respondent's dismissal. Accordingly, summary decision is hereby granted to the District, and the respondent is

dismissed from her tenured position with the North Bergen School District. This matter will be transmitted to the State Board of Examiners for action against respondent's certificate(s) as that body deems appropriate.

IT IS SO ORDERED.¹



ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 29, 2024

Date of Mailing: May 1, 2024

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.