

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
ASHLEY M. CERTO : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1516-161

At its meeting of January 21, 2016, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) and the Camden County Prosecutor's Office regarding Ashley Certo. On August 17, 2015, Certo pled guilty to Resisting Arrest by Physical Force or Violence. On October 2, 2015, she was sentenced to two years' probation, ordered to perform 50 hours of community service, undergo drug and alcohol evaluation and successfully complete an anger management program. The court also ordered Certo to forfeit her teaching position. The CHRU notified the Board that, as a result of her conviction, Certo was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Certo currently holds Teacher of Health and Physical Education and Teacher of Driver Education Certificates of Eligibility With Advanced Standing, both issued in July 2013.

Certo did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of March 3, 2016 to issue Certo an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Certo the Order to Show Cause by regular and certified mail on March 8, 2016. The Order provided that Certo must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Certo filed a response on April 14, 2016.

In that Answer, Certo asked the Board to reconsider revoking or suspending her certificates. (Answer, p. 1). She stated that she had changed aspects of her life since facing the criminal charges. (Answer, p. 1). She added that since she was young she always had a love and "calling to teach children social, emotional, physical health, as well as the fundamental aspects of all different sports." (Answer, p. 1). Certo acknowledged her mistake and stated that she was truly sorry. (Answer, p. 1). In addition to her Answer, Certo submitted several character reference letters.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on June 29, 2016, the Board sent Certo a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Certo 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 with regard to the appropriate sanction in the event that the Board found just cause to take action against her certificates. Certo was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Certo did not file a response.

At its meeting of September 16, 2016, the Board considered the allegations in the Order to Show Cause as well as Certo's Answer. The Board determined that no material facts related to Certo's offense were in dispute since she never denied that she had engaged in the conduct alleged in the Order to Show Cause. 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 Certo's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger. Individuals convicted of crimes such as Resisting Arrest by Physical Force or Violence fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "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 instance, Certo's conviction demonstrates behavior that falls far short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold herself out as a teacher. Thus, because the Legislature and the Commissioner consider Certo's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Accordingly, on September 16, 2016, the Board voted to revoke Ashley Certo's Teacher of Health and Physical Education and Teacher of Driver Education Certificates of Eligibility With Advanced Standing. On this 1st day of November 2016 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Ashley Certo's certificates be effective immediately. It is further ORDERED that Certo return her 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

RRH/MZ/th

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.