

IN THE MATTER OF	:	NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF	:	STATE BOARD OF EXAMINERS
IMELDA P. DELVECCHIO	:	ORDER OF REVOCATION
_____	:	DOCKET NO: 1718-138

At its meeting of November 1, 2017, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) had forwarded regarding Imelda P. Delvecchio. NASDTEC provided notice that, on May 31, 2017, Delvecchio's Pennsylvania teaching certificate was revoked following her conviction for Theft by Unlawful Taking or Disposition for failing to pay the cost of a rental vehicle and failing to return the rental vehicle.

In New Jersey, Delvecchio currently holds a Teacher of Spanish certificate. Upon review of the above information, at its December 8, 2017 meeting, the Board voted to issue Delvecchio an Order to Show Cause as to why her certificate should not be revoked.

The Board sent Delvecchio the Order to Show Cause by regular and certified mail on December 13, 2017. The Order provided that Delvecchio had 30 days to respond. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Delvecchio did not respond. After securing a new address for Delvecchio, on February 8, 2018, the Board sent Delvecchio another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. Both the certified and regular mail copies were returned as "No Mail Receptacle." As a result, the Board published notification of the Order to Show Cause on March 28, 2018. Delvecchio did not respond. Thereafter, on May 31, 2018, the Board published another notice providing Delvecchio an additional 15 days to respond to the Order to Show Cause. Once again, Delvecchio did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on June 28, 2018, the Board published a Hearing Notice requiring Delvecchio's response within 30 days and providing her with the opportunity to file a written submission on the issue of whether her conduct provided cause for the Board to take action against her certificate and, if so, the appropriate sanction. Delvecchio did not respond.

The threshold issue before the Board in this matter is whether Delvecchio's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Delvecchio failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of November 1, 2018, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC. The Board concluded that no material facts related to Delvecchio's offense were in dispute since she never denied that she engaged in the conduct alleged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Delvecchio had engaged in unbecoming conduct.

The Board must now determine whether Delvecchio's conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificate pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

The Board 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:9B-4.4*. "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). Delvecchio's actions in failing to return and pay for a rental car and her conviction for theft clearly demonstrate conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is the revocation of her certificate.

Accordingly, on November 1, 2018, the Board voted to revoke Imelda P. Delvecchio's Teacher of Spanish certificate. On this 17th day of December 2018 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Delvecchio's certificate be effective immediately. It is further ORDERED that Delvecchio return her certificate 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.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:
Via certified and regular mail

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