

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
GITANJALI FILIPPONE : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-194

At its meeting of March 1, 2018, the State Board of Examiners (Board) reviewed information received from the Bergen County Prosecutor's Office and the Criminal History Review Unit (CHRU) regarding Gitanjali Filippone. On September 18, 2017, Filippone pled guilty to Aggravated Assault-On Domestic Violence Victim. According to the complaint, Filippone caused serious bodily injury to the victim by repeatedly striking him in the face with a closed fist causing hematomas to his head, fracturing his left orbital bone, fracturing the medial/posterior walls of his sinus, depressing the nasal bone and causing temporary blindness in both eyes. On January 12, 2018, Filippone was sentenced to five years' probation and ordered to have no contact with the victim. The CHRU notified the Board that, as a result of her conviction, Filippone was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Filippone currently holds a Teacher of English Certificate of Eligibility with Advanced Standing and a Teacher of English certificate.

Filippone 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 April 13, 2018 to issue Filippone an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Filippone the Order to Show Cause by regular and certified mail on April 18, 2018. The Order provided that Filippone had 30 days to respond. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Filippone did not file a response.

Thereafter, on June 1, 2018, the Board sent Filippone another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Filippone did not file a response.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on June 25, 2018, the Board sent Filippone a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Filippone 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. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Filippone was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Once again, Filippone did not file a response.

The threshold issue before the Board in this matter is whether Filippone’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Filippone 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 December 17, 2018, the Board considered only the allegations in the Order to Show Cause and the information received from the Prosecutor’s Office and the CHRU. The Board concluded that no material

facts related to Filippone's offense were in dispute since she never denied that she had engaged in the conduct alleged and therefore 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 Filippone had engaged in unbecoming conduct.

The Board must now determine whether Filippone'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 Aggravated Assault 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, Filippone'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 himself out as a teacher. Thus, because the Legislature and the Commissioner consider Filippone's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Accordingly, on December 17, 2018, the Board voted to revoke Gitanjali Filippone's Teacher of English Certificate of Eligibility with Advanced Standing and her Teacher of English certificate. On this 24th day of January 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Filippone's certificates be effective immediately. It is further ORDERED that Filippone 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.

Robert R. Higgins, Secretary
State Board of Examiners

RRH/MZ/th

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.