

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
WILLIAM SACCOMANNO : ORDER OF REVOCATION
_____: DOCKET NO. 422-12/96-145

At its meeting of December 12, 1996 the State Board of Examiners reviewed information received from the Office of Criminal History Review concerning the 1991 conviction against William Saccomanno for aggravated assault in Pennsylvania for which he was sentenced to two (2) years' probation and fined. As a result of such conviction, Respondent was disqualified from employment with any school or institution under the supervision of the Department of Education pursuant to N.J.S.A. 18A:6-7.1 et seq. Respondent appealed his disqualification before the Commissioner of Education. By decision dated October 4, 1996, the Deputy Commissioner of Education upheld the disqualification, noting within the decision that the charges against Mr. Saccomanno had been downgraded to convictions for simple assault and reckless endangerment.

Nevertheless, the decision upheld the disqualification finding that the crime for which he was convicted was serious in that it resulted in an injury to the victim that required surgery. See, N.J.S.A. 18A:6-7.1c (disqualifying a candidate for employment in the public schools if there is a conviction for simple assault involving the use of force that involves bodily injury). When required to identify any convictions as a prerequisite for certification, Mr. Saccomanno listed the charges on his application for licensure as simple assault and reckless endangerment. Mr. Saccomanno currently holds a county substitute license issued through the Camden County Office of Education.

At that meeting the State Board of Examiners voted that the convictions constituted sufficient grounds for issuing an Order to Show Cause. William Saccomanno was served with the Order to Show Cause by regular and certified mail on or about January 21, 1997. The Order provided that, if William Saccomanno desired to file an Answer to the Order, such Answer must be filed within twenty (20) days. A response was received from Mr. Saccomanno on February 10, 1997.

Mr. Saccomanno's Answer, dated February 10, 1997, denies that he held a county substitute license, instead suggesting that he applied for one on January 5, 1996 and was awaiting an answer regarding that license. Moreover, Mr. Saccomanno denies he was found guilty of aggravated assault, submitting that he was found guilty of simple assault and reckless endangerment. In support of his application for licensure Mr. Saccomanno submits his educational record, experience working with children, including volunteer work, and a statement that he satisfied probation for the 1991 convictions. He also submitted copies of the sentencing order from Municipal Court in Philadelphia, Pennsylvania. He asks that the State Board of Examiners keep in mind that the incident happened when he was only 23 years of age. He contends his accomplishments since then indicate his desire to make positive changes and focus on his direction in life. At the age of 29, he avers he is more mature and dedicated to the profession of educating youth.

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on July 11, 1997, a hearing notice was mailed by regular and certified mail to Mr. Saccomanno. The notice explained that it appearing no material facts were in contest regarding his convictions, Mr. Saccomanno was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constitutes conduct unbecoming a license holder. It also explained that

upon review of the charges against him and the legal arguments tendered in his defense, the State Board would determine if his disqualifying offense warranted action against his licensure. Thereupon, the State Board of Examiners would also determined the appropriate sanction, if any. Neither copy of the notice was returned. No response was received from or on behalf of Mr. Saccomanno. On October 23, 1997, Mr. Saccomanno was advised by certified and regular mail that he was being provided an additional ten (10) days to file a response to the initial hearing notice. The certified mail return receipt card was signed and returned. The regular mail copy was not returned. No response has been received from or on behalf of Mr. Saccomanno.

The issue before the State Board of Examiners in this matter, therefore, is to determine whether Respondent's disqualification, which was predicated on a conviction for simple assault resulting in bodily injury, represents just cause to act against Respondent's licensure pursuant to N.J.A.C. 6:11-3.6(a)1. Because he failed to respond to the hearing notices, the State Board of Examiners considered Mr. Saccomanno's Answer as the only responsive pleading in the hearing process.

At its meeting of November 20, 1997, the State Board of Examiners reviewed the charges and papers filed by Respondent in response to the Order to Show Cause. After review of his response, the State Board of Examiners determined that no material facts related to Respondent's offense were in contest. The State Board of Examiners concluded that while he provided further information regarding the offenses in his Answer, he did not deny that he has been convicted of an offense for which he was disqualified. The matter could, therefore, proceed to a determination as to whether the Respondent's disqualification constitutes conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

As noted, Respondent has been convicted of simple assault resulting in bodily injury for which he was disqualified pursuant to N.J.S.A. 18A:6-7.1 et seq. Respondent, however, was offered the opportunity to show rehabilitation. The Criminal History Review law has a provision for proving to the Commissioner of Education by clear and convincing evidence that an individual who is barred from employment in the public schools as a result of a disqualifying offense is rehabilitated and thus is a suitable candidate for employment. N.J.S.A. 18A:6-7.1e. Respondent herein availed himself of that appeal provision, but the Commissioner found that he had not proved his rehabilitation. He did not appeal the Commissioner of Education's affirmance of his disqualification to the State Board of Education, as was his prerogative.

In enacting N.J.S.A. 18A:6-7.1 et seq., the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. It therefore barred from employment in schools those individuals convicted of a crime of violence. This strong policy statement is in accord with the Commissioner's policies condemning acts of violence by teaching staff members. Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), *aff'd*. 131 N.J.L. 326 (E & A 1944). "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. Conviction of a crime of violence casts grave doubts upon the respondent's character and, hence, his fitness to serve in the classroom. Parents have the right to be assured that their children will not be subjected to one who could not govern himself.

Accordingly, the State Board of Examiners finds Respondent's disqualification based on an offense involving violence constitutes conduct unbecoming a license holder. The appropriate penalty for his unbecoming conduct is the revocation of Respondent's county substitute license.

It is, therefore, ORDERED that William Saccomanno's County Substitute license is hereby revoked on this 14th day of May, 1998.

It is further ORDERED that William Saccomanno return his license to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: June 9, 1998

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

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