

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
CHERYL TEDESCO : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-200

At its meeting of May 3, 2007, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Cheryl Tedesco was convicted in 2006 for eluding. As a result of such conviction, Tedesco was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Tedesco currently holds a Teacher of Music certificate, issued in July 1990. Tedesco did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Tedesco an Order to Show Cause at its meeting of May 3, 2007.

The Board sent Tedesco the Order to Show Cause by regular and certified mail on May 8, 2007. The Order provided that Tedesco must file an Answer within 30 days. Tedesco filed an Answer on June 12, 2007.

In her Answer, Tedesco admitted that she had been disqualified because she had been convicted of eluding. (Answer, ¶ 3.) She asserted that she did not realize what was happening at the time because she was suffering from a mental illness. (Answer, ¶ 3.) She also claimed that she could not challenge her criminal history record because she was under “heavy treatment” and completely unaware of the matter. (Answer, ¶ 4.) Tedesco added that she did not commit the act as a delinquent but because of a poor chemical reaction in her brain which was now under control. (Answer, ¶ 5.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 15, 2007, the Board sent Tedesco a hearing notice by regular and certified mail. The notice explained that since it appeared no

material facts were in dispute, Tedesco 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. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the State Board of Examiners would determine if her disqualifying offense warranted action against her certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified copy of the notice was returned as unclaimed and the regular mail copy was not returned. Tedesco did not file a response.

On January 31, 2008, the Board sent Tedesco a notice providing her with the opportunity to file a written submission with regard to the appropriate sanction in the event the Board found just cause to suspend or revoke her certificate and to provide her an opportunity to appear and testify on the sanction issue. Although Tedesco filed a response on March 4, 2008 indicating that she would like to appear before the Board in person, she did not attend the hearing. In her response, she reiterated that she had heard voices the night she was arrested and was out of touch with reality. (Hearing Response, p. 1.) The police brought her to a psychiatric ward where she was treated for several weeks. (Hearing Response, p. 1.) She also checked herself into another hospital thereafter to regulate her medication. (Hearing Response, p. 1.) She stated she was now doing well and working to have her criminal record expunged. (Hearing Response, p. 1.)

At its meeting of March 27, 2008, the State Board of Examiners reviewed the charges and papers Tedesco filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to her offense were in dispute since Tedesco never denied that she had committed the offense nor did she deny that she had been disqualified because of it. Thus, the Board of Examiners determined that summary decision

was appropriate in this matter. *N.J.A.C.* 6A:9-17.7(h). It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Tedesco's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represents just cause to act against her certificate pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that it does.

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 either dangerous or deficient as role models. Individuals convicted of the crime of eluding fall squarely within the latter category. This strong legislative policy statement is in accord with the Commissioner's long-standing demand of a higher standard of behavior for teaching-staff members. "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.

In this case, Tedesco has a conviction for a crime that involved disrespect for police authority. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his/her certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Tedesco's disqualification from service in

the public schools of this State because of her conviction for eluding provides just cause to take action against her certificate.

That 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 State Board of Examiners 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 considers Tedesco's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of her Teacher of Music certificate.

Accordingly, on March 27, 2008 the Board of Examiners voted to revoke Tedesco's Teacher of Music certificate. On this 1st day of May 2008 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Cheryl Tedesco's certificate be effective immediately. It is further ORDERED that Tedesco return her certificate to the Secretary of the State Board of Examiners, Office of Licensure, 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: MAY 8, 2008

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