

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
AMY L. OCHETTO : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-166

At its meeting of June 26, 2015, the State Board of Examiners (Board) reviewed information received from the Superior Court of New Jersey, Atlantic County and the Criminal History Review Unit (CHRU) regarding Amy L. Ochetto. On October 24, 2014, Ochetto pled guilty to Aggravated Arson. On January 9, 2015, she was sentenced to three years in prison. The CHRU notified the Board that, as a result of her conviction, Ochetto was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Ochetto currently holds a Substitute Credential which expires in July 2017.

Ochetto 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 July 30, 2015 to issue Ochetto an Order to Show Cause as to why her credential should not be revoked.

The Board sent Ochetto the Order to Show Cause by regular and certified mail on August 3, 2015. The Order provided that Ochetto must file an Answer within 30 days. Ochetto filed an Answer on August 28, 2015.

In her Answer, Ochetto stated that she took a plea because she thought it was in her best interest. (Answer, ¶ 3). She added that not taking the matter to trial was a great mistake but her life was in great turmoil at the time as she had just gone through a stressful divorce. (Answer, ¶ 4). Ochetto acknowledged that she made a mistake and took full responsibility for her actions but noted that no fatalities stemmed from this incident. (Answer, ¶ 5). She added that she was in the process of rehabilitation while in prison and moving forward with her life upon her release.

(Answer, ¶ 5). Ochetto stated that she disagreed with the Board's action against her credential, maintaining that she was "a professional with multiple degrees in education and a role model."

(Answer, ¶ 6).

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.7(e), on September 16, 2015, the Board sent Ochetto a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Ochetto 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 credential. 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 disqualifying offense warranted action against her credential. Thereupon, the Board would also determine the appropriate sanction, if any. Ochetto 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. Ochetto did not respond.

The threshold issue before the Board in this matter is whether Ochetto's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of December 10, 2015, the Board considered the allegations in the Order to Show Cause as well as Ochetto's Answer. The Board determined that no material facts related to Ochetto's offense were in dispute since she never denied that she had been convicted of the offense charged and been subsequently disqualified. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.7(h).

The Board must now determine whether Ochetto's convictions and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her credential pursuant to *N.J.A.C.* 6A:9B-4.5. 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 a crime such as Aggravated Arson fall squarely within in 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, Ochetto's conviction demonstrates behavior that falls far short of a role model. The fact that no one was injured by her actions is mere happenstance and does not negate the severity of her conduct.

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 Ochetto's

offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her credential.

Accordingly, on December 10, 2015, the Board voted to revoke Amy L. Ochetto's Substitute Credential. On this 21st day of January 2016 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Amy Ochetto's credential be effective immediately. It is further ORDERED that Ochetto return her credential 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:

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