
IN THE MATTER OF THE	:	SUPREME COURT OF NEW JERSEY
CERTIFICATES OF	:	DOCKET NO. 089658
NICHOLAS CILENTO,	:	
	:	ON PETITION FOR CERTIFICATION
Respondent-Appellant	:	FROM THE SUPERIOR COURT,
	:	APPELLATE DIVISION
	:	DOCKET NO. A-3586-21
	:	
NEW JERSEY	:	SAT BELOW:
DEPARTMENT OF	:	Hon. Francis J. Vernoia, J.A.D.
EDUCATION, STATE	:	Hon. Katie A. Gummer, J.A.D.
BOARD OF EXAMINERS,	:	
	:	On Appeal from the Final Administrative
Respondent.	:	Decision of the Commissioner of Education
	:	Comm. of Education Dec. No. 131-22
	:	State Bd. of Examiners Dkt. No. 2021-123
	:	Agency Dkt. No. 9-12/21A

**BRIEF AND APPENDIX OF PROPOSED
AMICUS CURIAE NEW JERSEY EDUCATION ASSOCIATION**

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PRELIMINARY STATEMENT

New Jersey Education Association (NJEA) submits this request to appear as *amicus curiae* pursuant to R. 1:13-9(e) and to support the petitioner's application for certification and seek the reversal of the unpublished Appellate Division decision IMO Certificates of Nicholas Cilento. In that case, the Appellate Division, relying on Morison v. Willingboro Board of Education, held that the State Board of Examiners (Examiners) could review a teacher's disciplinary matter following a tenure proceeding in which the arbitrator held that dismissal for the teacher's conduct was not warranted. The Appellate Division held that the legislative intent is for the statutes governing tenure arbitration and certification revocation to be administered separately. While we recognize the difference between teacher tenure laws and the licensure system, it is undeniable that the two are interconnected. This brief seeks to correct the misapplication of New Jersey regulations and case law, focusing on the failure to adhere to the established procedural framework governing discipline for tenured teachers in the State.

Furthermore, this brief will explain that the legislature did not intend, and the regulations do not contemplate, for the Examiners to conduct hearings involving state licensure for teachers who, after a case was resolved by an arbitrator assigned by the Commissioner of Education (Commissioner), were found fit to continue teaching in their school district. The Appellate Court's decision,

which grants the Examiners unfettered authority to review disciplinary matters that have already been adjudicated, threatens to undermine the finality, certainty, and equity of decisions made in tenure proceedings.

For these reasons, *amicus curiae* NJEA respectfully urges that the Court grant the petition for certification and reverse the Appellate Division's decision in Cilento.

STATEMENT OF MATTER INVOLVED

Mr. Cilento, a well-regarded tenured Special Education teacher at Woodbridge, had a long history of successfully managing chronic alcoholism, a disease which afflicts many, throughout his years of dedicated service. Unfortunately, during a period of personal hardship, he experienced a relapse and consumed a minimal amount of alcohol while at school. When confronted, he immediately submitted to an alcohol breath test, which revealed no detectable levels of alcohol in his system. Following this, Mr. Cilento voluntarily entered an alcohol rehabilitation program, which he successfully completed.

As a result of this conduct, Woodbridge initiated tenure charges against Mr. Cilento, which were filed with the Department of Education (DOE). In accordance with N.J.S.A. 18A:6-16 (Section 8 of the "TEACHNJ Act", P.L. 2012, c. 26), the DOE assigned Arbitrator Barbara Deinhart to hear and resolve the matter.

After conducting a full hearing, Arbitrator Deinhart issued her Opinion and Award, constituting the Tenure Final Administrative Decision (Tenure FAD). While she concluded that Mr. Cilento had engaged in unbecoming conduct, she found termination and loss of tenure to be an excessive punishment. Instead, she imposed a three-month employment suspension with job reinstatement under a Last Chance Agreement. Neither Woodbridge nor Mr. Cilento appealed or contested the Tenure FAD, making it a final and binding decision as per N.J.S.A. 18A:6-17.1(e). Mr. Cilento, who was always contrite about his misconduct, then returned to his role where he had been performing as a “Highly Effective” Special Education teacher.

However, the Examiners later issued an Order to Show Cause (OTSC) against Mr. Cilento based entirely on the facts established in the Tenure FAD. In response, Mr. Cilento contested the OTSC. No additional hearings or fact-finding occurred; the Examiners simply allowed him to address the issue of what penalty should be imposed. Ultimately, the Examiners issued an Order of Suspension (OOS) for two years, relying solely on the factual record previously established before the Arbitrator. This approach created a puzzling contradiction: how can an arbitrator conclude that a teacher should not lose their job, yet the Examiners, without conducting any additional inquiry, determine that the same teacher deserves to lose their license? This disparity not only undermined the finality of the

arbitrator's decision but also introduced a troubling inconsistency where an individual is deemed fit to retain their job but unfit to hold the very credential that qualifies them for that position. The Examiners failed to provide any separate reasoning for why a certificate suspension was needed that effectively superseded and added to the existing discipline, imposing an additional one year and nine months in which Mr. Cilento was barred from returning to teaching.

Consequently, Woodbridge terminated Mr. Cilento's tenured employment based on the OOS. Mr. Cilento appealed the OOS to the Commissioner under N.J.A.C. 6A:4-1.3(b), but the Commissioner affirmed the OOS in the License Final Administrative Decision (License FAD). Mr. Cilento then appealed the matter to the Appellate Division.

On June 26, 2024, the Appellate Division upheld the License FAD, relying on its decision in Morison v. Willingboro Board of Education, 478 N.J. Super. 229 (App. Div. 2024). In Morison, the Appellate Division ruled that a Tenure FAD did not prevent the Examiners from pursuing an OTSC that apparently exceeded the discipline imposed in the originating tenure proceeding, noting the distinct nature of tenure hearings and licensure revocation proceedings.

In affirming the License FAD, the Appellate Division concluded that there was "no basis to deviate" from its Morison ruling. On July 9, 2024, Mr. Cilento filed a Notice of Petition for Certification, leading to the current Petition.

QUESTION PRESENTED

1. Does the State Board of Examiners have the authority to review and impose penalties on a tenured teacher's certification based solely on the conduct adjudicated in a final and binding tenure arbitration, where the Examiners' penalty exceeds the same discipline already imposed?

ERRORS COMPLAINED OF

I. THE APPELLATE COURT FAILED TO RECOGNIZE THAT TENURE ARBITRATION AND CERTIFICATION REVOCATION ARE INTERCONNECTED PROCESSES MEANT TO WORK IN TANDEM

The appellate court's reasoning in Cilento relied on the principle articulated in Morison, which suggested that tenure arbitration and licensure revocation proceedings should be treated as separate and independent processes. The Morison court stated, "The manifest legislative intent is for the two statutes to be administered independently of one another." 478 N.J. Super. 229, 235 (App. Div. 2024). This interpretation mischaracterizes the relationship between the two systems.

While it is true that the roles of the arbitrator in tenure hearings and the Examiners in licensure revocation cases are distinct, this does not mean the processes are wholly independent. On the contrary, the two systems are intertwined and designed to work in tandem. Together, they form a cohesive framework for addressing teacher disciplinary matters, ensuring consistency, fairness, and

efficiency. The intent is for them to function in tandem, with each fulfilling its respective role while contributing to a unified disciplinary process.

The error in Morison, and subsequently in Cilento, lies in overlooking how the same set of facts and circumstances underpin both the tenure arbitration and licensure proceedings. In Cilento, for instance, a teacher subjected to a three-month employment suspension by an arbitrator was later given a two-year license suspension by the Examiners, even though both decisions were based on the same factual record. This inconsistency undermines the finality of arbitration decisions and leads to duplicative or contradictory penalties. Additionally, if these processes were truly independent, then the Examiners could intervene at any stage—before, during, or after an arbitration ruling—without considering the arbitrator’s findings. But the regulations contemplate a typical review by the Examiners occurring after a referral is made as a result of tenure proceedings. N.J.A.C. 6A:9B-4.5(a)(1)

The Morison court’s emphasis on “major differences” between the two proceedings is ill-founded because the arbitrator’s fact-finding serves as the basis for both employment and licensure decisions. There was no new evidence presented to the Examiners in Cilento—they relied solely on the findings made during the tenure arbitration. This makes clear that the factual record and findings of an arbitrator are not only relevant but should be determinative for both processes if tenure charges do not result in the employee’s dismissal.

Moreover, the standards for employment termination and licensure revocation are identical, further demonstrating the interconnectedness of these processes. N.J.S.A. 18A:6-10, which governs tenure charges, and N.J.A.C. 6A:9B-4.4(a), which governs licensure revocation, both rely on the same criteria: inefficiency, incapacity, conduct unbecoming a teacher, or other just cause. The consistent application of these standards across both tenure and licensure matters illustrates that once an arbitrator finds a teacher fit to remain employed, in an Examiner's proceeding arising from the tenure proceeding, the Examiners should not second-guess that decision by taking action against the teacher's certification.

In Cilento, the arbitrator thoroughly reviewed the teacher's conduct and determined that a three-month employment suspension was the appropriate sanction. The Examiners, without conducting any further fact-finding, imposed a harsher two-year license suspension, using the same factual record. This highlights the flawed premise of treating tenure arbitration and certification revocation as entirely independent. If both processes rely on the same facts and apply the same legal standards, then a decision reached in one proceeding should inherently resolve the question in the other.

Therefore, further review by the Examiners in cases where the arbitrator has already deemed the teacher fit for continued employment is not only unnecessary but undermines the finality of the arbitration process. It creates a duplicative and

inconsistent disciplinary system, contradicting the unified statutory framework that governs both tenure and licensure matters. The appellate court in Cilento failed to appreciate this interconnection and, as a result, erred in permitting the Examiners to impose additional penalties on a teacher whose case had already been resolved through arbitration.

II. THE APPELLATE COURT ALLOWED THE BOARD OF EXAMINERS TO REVIEW A CONTESTED CASE WHEN IT DID NOT MEET THE CONDITIONS SET FORTH IN N.J.A.C. 6A:9B-4.5(A)(1)

N.J.A.C. 6A:9B-4.5 outlines the process for initiating action against educator certificates. N.J.A.C. 6A:9B-4.5(a)(1) states that in a proceeding arising from a referral from a tenure proceeding:

The Board of Examiners may issue an order to show cause to a certificate holder if the Board of Examiners determines the conduct of the holder warrants the revocation or suspension of the certificate(s) held where the Commissioner transmits a contested case to the Board of Examiners that resulted in a teaching staff member's loss of tenure, dismissal, resignation, or retirement.

Notably, suspension is absent from this list, suggesting an intent that in cases where tenure charges trigger review of a teacher's license, the Examiners should review only those cases where the teacher's employment status has been terminated, not those involving temporary disciplinary measures.

N.J.A.C. 6A:3-5.6 is to the same effect. It governs settlements affecting tenure cases. Section (a)(6) states,

Once tenure charges are certified to the Commissioner, they may be withdrawn or settled only with approval. Any proposed withdrawal or settlement, whether submitted to the Commissioner or to the arbitrator, shall address the following standards established by the State Board of Education in the matter entitled *In re Cardonick*, State Board decision of April 6, 1983 (1990 School Law Decisions (S.L.D.) 842, 846): (6) if the charged party is a teaching staff member, a showing the teaching staff member has been advised of the Commissioner's duty to refer tenure determinations **resulting in loss of position** to the State Board of Examiners for possible suspension or revocation of certificate. (emphasis added)

This provision explains that if there is a withdrawal or settlement in a tenure case, the Commissioner is obligated to advise the teaching staff member that, should the settlement result in loss of employment, the decision must be forwarded to the Examiners for review of the teacher's certification. Thus, this language strongly implies that if the settlement or judgment does not involve loss of employment, then the Commissioner has no obligation to refer the matter to the Examiners. The focus on loss of employment as a prerequisite for referral further supports the notion that the Examiners need only review cases where the teacher is no longer employed by the district, aligning with N.J.A.C. 6A:9B-4.5(a)(1), which provides that the Commissioner's referral of contested cases is limited to those cases resulting in loss of tenure, dismissal, resignation, or retirement. Had the regulations intended for the Examiners to review any case, it would have required the Commissioner to refer all results to the Examiners, regardless of the outcome.

Instead, regarding contested cases that are referred, the requirement is limited to situations where a teacher is deemed unfit to continue working in the school district, and thus, a review is warranted to determine whether the individual should continue to hold a teaching certificate in the State of New Jersey.

This rationale is supported by Cardonick, which led to the enactment of N.J.A.C. 6A:3-5.6(a)(6). In Cardonick, a teacher resigned as part of a settlement following tenure charges but was not informed of the Commissioner's duty to refer the case to the Examiners for possible certification revocation. The State Board of Education ruled that teachers must be informed of this referral obligation, reasoning that "in this case, there is no indication that the teacher was advised of the commissioner's duty to refer determinations to the state board of examiners for possible revocation of certificate. **We believe the disclosure should be part of any agreement which results in loss of position.**" In Re Cardonick, 1990 S.L.D. 846, 851 (State Board of Education April 6, 1983) (Cardonick) (emphasis added). Similarly, Allen involved a teacher who was dismissed from tenured employment after multiple instances of misconduct. In that case, the court concluded that the respondent's acknowledgment of the Commissioner's duty to make the referral, as included in the settlement proposal, was sufficient to ensure the respondent understood that one implication of the settlement was referral to the Examiners. The court further stated that "it is the determination by the State Board of

Examiners that may preclude a teacher **who has been dismissed from tenured employment** from future employment in any school district in New Jersey.” IMO Tenure Hearing of Lenore M. Allen, Township of Old Bridge, OAL Dkt. No. EDU 897-00, Commissioner Dkt. No. 193-00, SB Dkt. No. 38-00 (State Board of Education November 1, 2000) (Allen) (slip opinion at page 5) (emphasis added). Both cases highlight that the basis for the Examiners’ involvement is the loss of employment. Their reasoning is straightforward: if, following a tenure hearing, the teacher is deemed fit to continue working in the district, then the question of whether the teacher should remain certified to practice in the state is resolved.

The Examiners has attempted to justify its overreach by reasoning that if an arbitrator’s decision barred the Examiners from suspending a teacher’s certificate, that system “would essentially hamstring the Board from exercising its responsibility and statutory authority on revocation/suspension of educator certificates, usurping the Board’s expertise and authority on these matters.” Cilento OOS, page 4. This reasoning is both shortsighted and misguided. N.J.A.C. 6A:9B-4.5(a) enumerates as many as ten circumstances where it is specifically contemplated that the Examiners will conduct a mandatory review of a teacher’s license. While not without power to independently review teacher’s licenses, the Examiners are attempting to assert their power in a manner that ignores the referral system. It also ignores the implementing regulations, N.J.A.C. 6A:9B-4.5(a)(1) and

N.J.A.C. 6A:3-5.6(a)(6), as well as case law confirming as to when the Examiners' involvement is necessary in cases that fall under the rubric of the referral system. In the case of tenure proceedings, when a tenured teacher retains their job and continues working in the school district, the Commissioner does not refer the case to the Examiners for further review. This is not a loophole; it is the deliberate structure of the law, which reserves the Examiners' involvement for cases where a teacher is deemed unfit for continued employment, not where they have already been cleared to resume their duties.

III. THE APPELLATE COURT CREATED AN ILLOGICAL AND INCONSISTENT DISCIPLINARY FRAMEWORK, ALLOWING TWO BODIES UNDER THE COMMISSIONER OF EDUCATION'S AUTHORITY TO REACH CONFLICTING CONCLUSIONS BASED ON THE SAME SET OF FACTS

The Commissioner of Education plays a role in both the tenure arbitration process and the Board of Examiners, creating a connection between the two systems. When tenure charges are filed, the Commissioner is responsible for determining whether the charges are sufficient to proceed to arbitration under N.J.S.A. 18A:6-16. Once referred, the Commissioner assigns the arbitrator from a panel of fifty permanent arbitrators, all of whom are members of the American Arbitration Association and the National Academy of Arbitrators, with expertise in school employment matters. These arbitrators are also required to undergo rigorous training on issues such as unbecoming conduct, ensuring they are equipped to

handle such cases. The arbitration process then leads to a final and binding decision on the teacher's employment. N.J.S.A. 18A:6-17.1(e).

Furthermore, the Commissioner serves as an ex officio member of the Board of Examiners. N.J.A.C. 6A:9B-3.1(a). In this capacity, the Commissioner plays a central role in the Examiners' oversight of certification and disciplinary matters. Additionally, N.J.S.A. 18A:6-38.4 provides that any appeal of a determination made by the Examiners is directed to the Commissioner, whose decision is considered a final agency action under the Administrative Procedure Act, N.J.S.A. 52:14B-1, et seq. This dual function—participating in Examiners' decisions and reviewing appeals—emphasizes the Commissioner's integral role in both guiding and overseeing the actions of the Examiners.

The Commissioner's involvement in both the tenure arbitration and certification oversight processes reflects how intertwined these systems are. This interconnection demonstrates that the Examiners should have confidence in the arbitration process, which is overseen by the Commissioner, and should follow the rule set forth in N.J.A.C. 6A:9B-4.5(a), which specifies that the Commissioner will refer cases to the Examiners only when a teacher has lost their job, such as through dismissal, resignation, or loss of tenure. To allow the Examiners to intervene in cases where the teacher was reinstated would not only undermine the finality of the arbitration process but also conflict with the Commissioner's statutory role and

authority within the Board of Examiners. This is especially unnecessary given the statutory requirements that the arbitrators be highly qualified, and the deference given to their decisions. N.J.S.A. 18A:6-17.1. To be clear, N.J.S.A. 2A:24-8 provides the limited circumstances in which an arbitrator's award can be vacated, as follows:

The court shall vacate the award in any of the following cases:

- a. Where the award was procured by corruption, fraud or undue means;
- b. Where there was either evident partiality or corruption in the arbitrators, or any thereof;
- c. Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause being shown therefor, or in refusing to hear evidence, pertinent and material to the controversy, or of any other misbehaviors prejudicial to the rights of any party;
- d. Where the arbitrators exceeded or so imperfectly executed their powers that a mutual, final and definite award upon the subject matter submitted was not made.

From a practical standpoint, in Cilento, it is illogical for the tenure arbitration process, overseen by the Commissioner, to impose a penalty such as a three-month employment suspension, only for the Commissioner himself, on appeal after the Examiners' decision, to affirm a two-year license suspension based on the same set of facts and circumstances. This inconsistency is further underscored in Ahern, where the State Board of Education stated that the dismissal

from a tenured position and revocation of certification serve different purposes. While this claim might appear to support the argument that the Examiners can impose penalties beyond those of the arbitrator, the Ahern decision also described, in footnote 1, the Commissioner's role and that of the Examiners as "analogous." In the Matter of the Revocation of the Teaching Certificates of John Ahern, OAL Dkt. No. EDE 2842-86, SB Dkt. No. 23-87 (State Board of Education August 5, 1987) (Ahern) (Slip Opinion, page 4). This suggests, as argued in this brief, that while the tasks are distinct, they should not contradict each other.

The disparity between the rulings in Cilento (a three-month employment suspension versus a two-year license suspension) is far from analogous, and similar contradictions can be expected if the Examiners are permitted to review cases where the teacher has been deemed fit to continue employment. Even a shorter suspension by the Examiners would likely result in a loss of the teacher's job, effectively rendering the arbitration's decision meaningless. Schailey v. Board of Education of the Southern Reg. High School District, OAL Dkt. No. EDU 2878-08, Agency Dkt. No. 83-3/08, 2009 N.J. AGEN LEXIS 10 (Initial Decision January 13, 2009) 2009 N.J. AGEN LEXIS 628 (Commissioner of Education February 19, 2009) (Schailey). The logical and consistent way to keep these rulings analogous is to generally limit the Examiners' review in cases arising from tenure proceedings to cases where a teacher has lost their job, as clearly outlined in

N.J.A.C. 6A:3-5.6, N.J.A.C. 6A:9B-4.5(a), and supported by Cardonick and Allen. This ensures that the two bodies operate in a manner that is consistent, complementary, and avoids conflicting outcomes that erode confidence in the fairness of the disciplinary process. Nevertheless, Ahern instructs that when the Examiners impose additional penalties, they must provide a clear and independent rationale as to whether the individual should be precluded from employment in other districts based on all the evidence (i.e. “analysis of the teacher’s conduct in the context of his employment history and his potential”). Ahern, page 2. Without such justification, as here in Cilento, where the Examiners failed to adequately explain their reasoning for revoking certification beyond the findings in the tenure proceeding, the Examiners create decisions that conflict with the established record, undermining the arbitration process and the overall fairness and intent of the disciplinary framework.

Beyond Ahern, common sense and fairness require, or at least suggest, that if an arbitrator concludes that the teacher can remain employed, the Examiners must provide a compelling reason before taking action against the teacher’s certificate.

IV. THE APPELLATE COURT MISINTERPRETED "ON ITS OWN INITIATIVE", AS TO ALLOW THE BOARD OF EXAMINERS TO USE 6A:9B-4.5(b) AS A LIMITLESS CATCHALL

The Examiners may attempt to rely on N.J.A.C. 6A:9B-4.5(b) to argue that they have unrestricted authority to review any case involving a teacher's licensure. However, a reading of Section 4.5(b), in conjunction with the other provisions of N.J.A.C. 6A:9B-4.5(a), reveals that this interpretation is flawed and would nullify the process set forth in Section 4.5(a).

4.5(b) states: "Nothing in this section shall preclude the Board of Examiners from issuing an order to show cause on its own initiative when the Board of Examiners determines grounds for revocation or suspension of a certificate may exist." While this provision gives the Examiners discretionary authority, it must be interpreted consistent with the specific circumstances enumerated in Section 4.5(a).

One rational interpretation that aligns with the applicable regulations and case law is that the language "on its own initiative" in Section 4.5(b) suggests that the Examiners can act in unforeseen or exceptional circumstances. In other words, this provision allows the Examiners to act when a situation arises that was not explicitly foreseen in the ten enumerated circumstances outlined in Section 4.5(a). The Examiners' "own initiative" would therefore apply to unique situations where there is a legitimate reason to consider taking action against a teacher's certificate but which fall outside the defined situations listed in Section 4.5(a). However, the

key here is that these actions should be in addition to and not in contradiction to the specific categories listed in Section 4.5(a). To instead interpret Section 4.5(b) as a catchall that permits the Examiners to hear any case would render Section 4.5(a) meaningless. The exception in Section 4.5(b) would swallow the rule in Section 4.5(a), including subsection (a)(1), erasing the distinction between routine disciplinary matters and those serious enough to warrant the Examiners' review.

However, if moving forward, the courts or the Board of Examiners are going to use Section 4.5(b) as a broad catchall provision, bypassing the rationale of existing regulations, then that should be made explicitly clear. Furthermore, if this broad interpretation of Section 4.5(b) is allowed, teachers deserve clarity about how the process will work going forward. It would fundamentally change their understanding of the disciplinary system, leaving them uncertain about the finality of arbitration decisions and at risk of indefinite certification reviews for matters already adjudicated. This would be a significant departure from established principles of fairness and finality in the tenure and licensure systems.

REASONS WHY CERTIFICATION SHOULD BE ALLOWED

The Appellate Division's ruling in Cilento raises a critical issue not only for the individual teacher involved but for all educators across New Jersey. If allowed to stand, the court's decision could lead to a substantial change in the law,

threatening the professional standing of many teachers whose cases have already been adjudicated.

Teachers have long understood the disciplinary process as providing a clear framework for review and resolution. Under the TEACHNJ Act, teachers subject to arbitration and deemed fit to continue working in their district expect that decision to be final and binding, because it is (or has been). This is especially true since the suspension of a certificate means the loss of a teacher's job. Schailey, supra. However, they also recognize that if the outcome results in their dismissal, resignation, or other termination, it is reasonable for the Examiners to further investigate whether additional disciplinary measures—such as suspension or revocation of their teaching certificate—are warranted. This is the practical balance intended, ensuring that only in cases of misconduct leading to job loss do the Examiners review a teacher's license status.

Furthermore, allowing the Examiners to revisit cases where a teacher has not been terminated after arbitration introduces unjust and destabilizing uncertainty. Teachers should not work under the fear that, despite having met the disciplinary requirements, their license and job could still be at risk. This decision, if not reversed, creates a system where no decision is truly final or consistent, eroding trust in the fairness of New Jersey's educational system.

The Court must recognize the public importance of this issue. Teachers are the foundation of our education system, and the integrity of the processes governing their discipline must be preserved. The finality and security provided by the disciplinary system, as teachers have long understood it, are essential for educators to perform their roles without the indefinite threat of revisited discipline, or something close to double jeopardy. While serious misconduct that results in job loss may warrant further state action, teachers who have been deemed fit to retain their job should not face ongoing scrutiny over the same conduct.

For the sake of clarity, justice, and the continued confidence of teachers across the state, the court should grant the petition for certification and reverse the Appellate Division's decision.

CONCLUSION

For all these reasons, we ask this Court to grant the pending Petition for Certification, our application to appear as *amicus curiae* pursuant to R. 1:13- 9(e), and to reverse the unpublished Appellate Division decision in IMO the Certificates of Nicholas Cilento, Dkt. No. A-3586-21 (June 26, 2024).

Respectfully submitted,
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