

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ALLISON GALIANO : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-161

At its meeting of January 7, 2010, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review indicating that respondent Allison Galiano was convicted in Florida in May 1985 of Grand Larceny. As a result of the conviction, Galiano was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* On her applications for certification, Galiano checked “no” in response to the question asking whether she had any criminal convictions. Galiano currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility, issued in June 2008 and a Teacher of Students With Disabilities Certificate of Eligibility, issued in September 2008.

Galiano did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted to issue Galiano an Order to Show Cause at its meeting of March 25, 2010.

The Board sent Galiano the Order to Show Cause by regular and certified mail on April 8, 2010. The Order provided that Galiano must file an Answer within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Galiano did not file a response. Thereafter, on May 24, 2010, the Board sent Galiano another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Galiano did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 18, 2010, the Board sent Galiano a hearing notice by regular and certified mail. The notice explained that it appeared that no

material facts were in dispute. Thus, Galiano 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 disqualifying offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Galiano was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Once again, the certified mail receipt was signed and returned and the regular mail copy was not returned. Galiano did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Galiano's conviction and subsequent disqualification as well as her misrepresentations on her certification applications constitute conduct unbecoming a certificate holder. Since Galiano failed to respond to the Order to Show Cause or the hearing notice, at its meeting of September 16, 2010, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Galiano's offense were in dispute since she never denied that she had been convicted of the offense charged and never denied lying on her applications for certification. Thus, the Board 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 Board must now determine whether Galiano's conviction and resulting disqualification as well as her misrepresentations, as set forth in the Order to Show Cause,

represent just cause to act against her certificates pursuant to *N.J.A.C.* 6A:9-17.5. 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 dishonest. Individuals convicted of a crime such as Grand Larceny fall squarely within this category as do those who lie regarding their past convictions. This strong legislative policy statement is 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. Clearly, Galiano's actions here are not those of a role model.

It is well established that the Board has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). In this case, Galiano has a conviction for Grand Larceny. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain her certificate. *In re Grossman*, 127 *N.J. Super.* 13, 30 (App. Div.), cert. denied, 65 *N.J.* 292 (1974). Moreover, she lied on two applications when applying for certification.

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 herself out as a teacher. Thus, because the Legislature considers Galiano's offense so significant, and Galiano has not demonstrated a propensity for veracity, the Board believes that the only appropriate sanction in this case is the revocation of Galiano's certificates.

Accordingly, on September 16, 2010, the Board voted to revoke Allison Galiano's Teacher of Elementary School in Grades K-5 and Teacher of Students With Disabilities Certificates of Eligibility. On this 28th day of October 2010 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Allison Galiano's certificates be effective immediately. It is further ORDERED that Galiano return her certificates 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:

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