

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ERNEST PIANO : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-301

At its meeting of July 21, 2005, the State Board of Examiners reviewed information received from the Cranford school district indicating that Ernest Piano, a teacher at Cranford High School, had pled guilty to charges that he had made improper advances to a high school student during school hours and while he was employed as a teacher. On January 18, 2005, Piano was fined and ordered to continue psychological counseling. Additionally, Piano agreed to surrender his teaching certification. Piano currently holds a Teacher of Business Education certificate, issued in July 1982, a Student Personnel Services certificate, issued in August 1991 and a Supervisor certificate, issued in September 1993. Upon review of the above information, at its July 21, 2005 meeting, the State Board of Examiners voted to issue Piano an Order to Show Cause.

The Board sent Piano's attorney the Order to Show Cause by regular and certified mail on August 19, 2005. The Order provided that Piano's Answer was due within 30 days. The certified mail return receipt was signed for and returned. The regular mail copy was not returned. No response was filed on Piano's behalf. On October 4, 2005, the Board sent Piano's attorney a second notice by certified mail. Once again, the certified mail receipt was signed for and returned but the attorney did not respond to the Order to Show Cause. Thereafter, because the Board had no address for Piano, it published the Order to Show Cause on August 13 and 14, 2006. Piano did not respond to the published notice.

At its meeting of November 2, 2006, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Piano's offense were in dispute since he had never denied that he had pled guilty to the offense and had been sentenced accordingly. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The issue before the State Board of Examiners in this matter, therefore, is whether Piano's offense, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9-17.5*. "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. Piano's act of making improper advances toward a high school student is inexcusable for any individual, teacher or not.

Furthermore, 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). In this instance, Piano's conduct is egregious because he violated the boundaries of the teacher-student relationship.

Accordingly, on November 2, 2006, the Board of Examiners voted to revoke Piano's certificates. On this 7th day of December 2006 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Ernest Piano's Teacher of Business Education, Student Personnel Services and Supervisor certificates be effective immediately. It is further ORDERED that Piano return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: DECEMBER 13th, 2006

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