

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
ROBIN GIALANELLA : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0607-143

At its meeting of December 7, 2006, the State Board of Examiners reviewed information received from the Ocean County Prosecutor's Office indicating that on February 23, 2005, Robin Gialanella had pled guilty to two charges of endangering the welfare of a child. On June 10, 2005, Gialanella was sentenced to 364 days' imprisonment in the Ocean County Jail and parole supervision for life. The court also ordered Gialanella to register as a sex offender under the provisions of Megan's Law and to provide a DNA sample. She was also directed to continue psychotherapy treatment and was fined. The court also ordered her to forfeit her teaching certificates. Gialanella currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in August 2002, and a Teacher of Elementary School certificate, issued in July 2003. Upon review of the above information, at its January 18, 2007 meeting, the State Board of Examiners voted to issue Gialanella an Order to Show Cause.

The Board sent Gialanella the Order to Show Cause by regular and certified mail on January 25, 2007. The Order provided that Gialanella's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Gialanella did not file a response. Thereafter, on March 7, 2007, the Board sent Gialanella a second notice by regular and certified mail providing her an additional 15 days in which to file an Answer. The certified mail copy was signed and returned. The regular mail copy was not returned. The notice explained that if she did not file a response, the allegations in the Order to

Show Cause would be deemed admitted and the Board of Examiners would decide the matter based on the evidence before it. Once again, Gialanella did not file an Answer.

At its meeting of May 3, 2007, 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 Gialanella's offense were in dispute since she had never denied that she 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 Gialanella's offense, as set forth in the Order to Show Cause, represents just cause to act against her 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. Gialanella's acts of endangering the welfare of a child are 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, Gialanella's conduct is egregious because she endangered a child.

Accordingly, on May 3, 2007, the Board of Examiners voted to revoke Gialanella's Teacher of Elementary School Certificate of Eligibility With Advanced Standing and Teacher of Elementary School certificate. On this 7th day of June 2007 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Robin Gialanella's certificates be immediately effective. It is further ORDERED that Gialanella return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing: JUNE 12, 2007

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