

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
DAVID E. TROIANO : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1920-104

At its meeting of September 19, 2019, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC), the Secretary of the Delaware Department of Education forwarded regarding David E. Troiano. On June 12, 2019, Delaware suspended Troiano's educator license(s) after allegations that he touched a student on the head without permission and that he was intoxicated at school. Specifically, on January 23, 2019 and January 24, 2019, it is alleged that Troiano touched, without permission, the head of student. Then, on January 31, 2019, staff observed Troiano walking visibly unstable down the hallways. After testing it was determined that Troiano had a blood alcohol level of .211 and .218 (testing is done at 2 different times). Additionally, alcohol was found in Troiano's desk in his classroom.

In New Jersey, Troiano currently holds a Teacher of Mathematics Certificate of Eligibility with Advanced Standing. Upon review of the above information, at its November 1, 2019 meeting, the Board voted to issue Troiano an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Troiano the Order to Show Cause by regular and certified mail on November 7, 2019. The Order provided that Troiano had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Troiano did not respond. On December 31, 2019, the Board sent Troiano another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was "unclaimed", and the regular mail copy was not returned. Troiano did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on January 29, 2020, the Board sent Troiano a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Troiano 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 his certificate. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Troiano's offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Troiano was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was not returned as undeliverable and the regular mail copy was not returned. Once again, Troiano did not file a response.

The threshold issue before the Board in this matter is whether Troiano's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Troiano failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of June 26, 2020, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and Delaware. The Board concluded that no material facts related to Troiano's offense were in dispute since he never denied that he had engaged in the conduct alleged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Troiano had engaged in unbecoming conduct.

The Board must now determine whether Troiano's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

The Board 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:9B-4.4*. "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). Troiano's actions in touching

a student on the head without permission, walking visibly unstable down the school hallway and testing a blood alcohol level of .211 and .218 is clearly conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to his breach is the revocation of his certificate.

Accordingly, on June 26<sup>th</sup>, 2020, the Board voted to revoke David E. Troiano's Teacher of Mathematics Certificate of Eligibility with Advanced Standing. On this 30<sup>th</sup> day of July, 2020 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Troiano's certificate be effective immediately. It is further ORDERED that Troiano return his certificate 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.

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Rani Singh, Secretary  
State Board of Examiners

**Date of Mailing:**  
**Via certified and regular mail**

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