

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
AMY F. GARCIA : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1920-133

At its meeting of December 13, 2019, the State Board of Examiners (Board) reviewed information from the National Association of State Directors of Teacher Education and Certification and the Georgia Professional Standards Commission (Georgia) regarding Amy F. Garcia. On September 12, 2019, Georgia denied Garcia's application for an educator certificate for a period of two (2) years after Garcia submitted fraudulent American Sign Language Proficiency Interview Assessment results.

Garcia currently holds a Teacher of American Sign Language Certificate of Eligibility and Teacher of American Sign Language. Upon review of the above information, at its January 23, 2020 meeting, the Board voted to issue Garcia an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Garcia the Order to Show Cause by regular and certified mail on January 27, 2020. The Order provided that Garcia had 30 days to respond. Garcia filed an Answer on February 7, 2020.

In that Answer, Garcia admits that her application in Georgia was denied because she submitted fraudulent sign language assessment score(s). Garcia denied that this conduct should result in revocation of her certificates. Additionally, Garcia provided annual performance evaluation reports from her current employer.

Pursuant to *N.J.A.C. 6A:9B-4.6(e)*, the Board sent Garcia a hearing notice by regular and certified mail. The notice explained that there were no material facts in dispute based upon the Answer. Thus, Garcia 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 certificate. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Garcia's offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Garcia was also offered the

opportunity to appear before the Board to provide testimony on the sanction issue. Following delays due to the Covid-19 public health emergency, Garcia submitted a brief and requested to appear before the Board.

In that submission, Garcia admitted that she submitted a test result to Georgia “with a proficiency level of three, when her proficiency level score was a two. (Garcia Submission at p. 2). She indicated that her decision was influenced by lack of employment, uncertainty about tenure, and concern about losing her job and becoming homeless. *Id.* Garcia offered that her personal circumstances should result in mitigation of the penalty. Specifically, her case is different from cases where revocation was appropriate. *Id.* at p. 4. Garcia stated that she was in a “precarious position” because she was having health problems which resulted in hospitalization. She was the breadwinner for her family and due to the uncertain economic situation, and the care of her children she “made a terrible lapse in judgment.” *Id.* at p. 5. Garcia also argued that while her conduct was not excusable, it did not touch upon her work with students. She believes the Board should consider her personal history, which includes being raised by a single mother and overcoming an illness from a young age. *Id.* at p. 6-7.

The hearing was scheduled for the Board’s January 22, 2021 meeting. Ms. Garcia appeared virtually via Skype with her counsel, Robert J. DeGrott, Esquire. Garcia and her counsel engaged in a question and answer format during her appearance. Garcia indicated she works at Jefferson Township School District and that she became a teacher because she loves sign language. She took the alternate path to teaching. She has scored highly effective in her current position. She has a great relationship with her students. She admitted that she had to take a proficiency exam with Gallaudet. She scored a 2.0, but a 3.5 is the level of proficiency required in Georgia for certification. She admitted she altered the submission of the score to Georgia. She acknowledged she should not have done it, but indicated she was ill and was the primary breadwinner. She had a child and a spouse who was unemployed at the time. She states she made the choice in desperation because she needed to be employed. She stated that the decision does not demonstrate the integrity she holds. She requests the Board understand her desperation at the time. Further, she accepts culpability for her actions. She has not retaken the assessment because she would need to seek permission from Gallaudet to do so.

The threshold issue before the Board in this matter is whether Garcia's conduct constitutes conduct unbecoming a certificate holder or other just cause. At its meeting of February 26, 2021, the Board considered the allegations in the Order to Show Cause as well as Garcia's Hearing Submission and testimony. The Board determined that no material facts related to Garcia's offense were in dispute since she admitted that she engaged in the alleged conduct. 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 Garcia engaged in unbecoming conduct.

The Board must now determine whether Garcia's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates 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). Garcia's conduct in providing incorrect/inaccurate proficiency assessment scores to Georgia indicates a serious lapse in judgment. Although submission of fraudulent assessment scores is a revocable offense, given Garcia's presentation of mitigation, specifically her explanation of her health condition(s), her desperation in attempting to care for her child, her current good standing with her employer, and the fact that this was her first disciplinary action by all information available, the Board concludes that the appropriate response to her breach is a two-year suspension of her certificates.

Accordingly, on February 26, 2021, the Board voted to suspend Amy F. Garcia's Teacher of the American Sign Language Certificate of Eligibility and Teacher of American Sign Language certificate for a period of two years. On this 1<sup>st</sup> day of April, 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that Garcia's certificates are hereby suspended for a period of two years,

effective immediately. It is further ORDERED that Garcia return her certificates 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

RS/KG/rg

**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.