

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CHRISTINE GALLAGHER : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-305

At its meeting of July 21, 2005, the State Board of Examiners reviewed information received from the Rahway Superintendent of Schools indicating that on May 4, 2005, Christine Gallagher pled guilty to a charge of second degree sexual assault. The court also ordered Gallagher to forfeit her public employment and forever barred her from holding a public office in the State of New Jersey. Gallagher currently holds a Teacher of English As A Second Language certificate and a Teacher of Spanish Certificate of Eligibility With Advanced Standing, both issued in June 2002. Upon review of the above information, at its July 21, 2005, meeting, the State Board of Examiners voted to issue Gallagher an Order to Show Cause.

The Board sent Gallagher the Order to Show Cause by regular and certified mail on November 22, 2005. The Order provided that Gallagher's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Gallagher did not file a response to the Order to Show Cause.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 25, 2006, the Board of Examiners sent Gallagher a second notice by regular and certified mail. The notice explained that Gallagher had an additional 15 days in which to submit an Answer. If she did not do so, the allegations in the Order to Show Cause would be deemed admitted and the Board would decide the matter based on the evidence before it. Once again the certified mail copy was signed and returned and the regular mail copy was not returned. Gallagher did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Gallagher's guilty plea to sexual assault and the subsequent forfeiture of her public office constitute conduct unbecoming a certificate holder. At its meeting of May 4, 2006, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since Gallagher had not responded to the Order, the charges were deemed admitted. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Gallagher's offense as set forth in the Order to Show Cause, provides 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. Gallagher’s acts underlying her conviction of sexual assault 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, the court concluded that Gallagher’s actions were egregious enough to warrant the forfeiture of her public office and a permanent bar from holding any public position in New Jersey. The only appropriate response to Gallagher’s heinous act is the revocation of her teaching certificates.

Accordingly, it is therefore ORDERED that Christine Gallagher’s Teacher of English As A Second Language certificate and her Teacher of Spanish Certificate of Eligibility With Advanced Standing be revoked effective this 8th day of June, 2006. It is further ORDERED that Gallagher return her 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: JUNE 12, 2006

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