

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
LUCIANA RECCHIONE : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-149

At its meeting of December 2, 2009, the State Board of Examiners reviewed information received from the West Orange School District (West Orange) and the Essex County Prosecutor's Office regarding Luciana Recchione. The Essex County Prosecutor's Office indicated that Recchione pled guilty to charges of Abuse of a Child and on September 11, 2009, was sentenced to two years' probation and fined. West Orange advised that Recchione's conduct had occurred on school property during the performance of her duties. As a result of her conviction, Recchione was forever barred from holding any office or position of honor, trust or profit under this state or any of its administrative or political subdivisions pursuant to *N.J.S.A. 2C:51-2a(2)*. Recchione currently holds a Teacher of the Handicapped certificate, issued in July 2003. Upon review of the above information, at its January 7, 2010 meeting, the State Board of Examiners voted to issue Recchione an Order to Show Cause.

The Board sent Recchione the Order to Show Cause by regular and certified mail on January 13, 2010. The Order provided that Recchione's Answer was due within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Recchione did not file a response. Thereafter, on February 24, 2010, the Board sent Recchione a second notice by regular and certified mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Recchione did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 21, 2010, the Board of Examiners sent Recchione a hearing notice by regular and certified mail and facsimile. The notice explained that it appeared that no material facts were in dispute. Thus, Recchione 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 determined 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 State Board of Examiners would determine if Recchione's offense warranted action against her certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Recchione was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Once again, Recchione did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Recchione's conviction and resulting bar from public employment constitute conduct unbecoming a certificate holder. Since Recchione failed to respond to the Order to Show Cause or the hearing notice, at its meeting of July 22, 2010, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to Recchione's offense were in dispute since she never denied that she had pled guilty to the offense charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Recchione's conviction and bar from public employment, as set forth in the Order to Show Cause, provide just cause to act against her certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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. Recchione's act of Abuse of a Child is inexcusable for any individual, teacher or not. Moreover, the Commissioner has long held that teachers serve as role models for their students. Clearly, Recchione cannot claim status as a role model to anyone.

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). In this instance, Recchione's conviction for Abuse of a Child led the court to conclude that she should never be allowed to teach again. Clearly her offense demonstrates egregious behavior that warrants revocation.

Accordingly, on July 22, 2010, the Board of Examiners voted to revoke Recchione's Teacher of the Handicapped certificate. On this 16th day of September 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Luciana Recchione's certificate be effective immediately. It is further ORDERED that Recchione return her certificate to the Secretary of the State Board of Examiners, Office of

Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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

RRH:MZ: