

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
DANIELLE PICKLO : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1213-129

At its meeting of April 12, 2013, the State Board of Examiners (Board) reviewed information it had received from the Office of Licensure and Credentials (Office) regarding Danielle Picklo. The Office reported that, pursuant to a consent order, on October 13, 2011, the South Carolina State Board of Education accepted the permanent voluntary surrender of Picklo's South Carolina teaching certificate, which had the effect of a permanent revocation. The South Carolina State Board found that the evidence demonstrated that Picklo had engaged in an inappropriate relationship with a sixteen year old male high school student. Additionally, the Office reported that Picklo had certified under oath on her New Jersey certification application dated November 15, 2012 that she had not had a certificate revoked or suspended in New Jersey or any other state. Picklo currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing, a Teacher of Preschool Through Grade 3 Certificate of Eligibility With Advanced Standing, and a Teacher of Students With Disabilities Certificate of Eligibility With Advanced Standing, all issued in February 2009, and a Teacher of Preschool Through Grade 3 Provisional certificate and a Teacher of Students with Disabilities Provisional certificate, both of which expire in July 2014. Thereafter, on May 16, 2013, the Board issued Picklo an Amended Order to Show Cause as to why her certificates should not be revoked.<sup>1</sup>

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<sup>1</sup> Although the Board first issued Picklo an Order to Show Cause on January 25, 2013, the additional information regarding her New Jersey certification application surfaced after that date. Accordingly, at the Board's April 2013 meeting the Board reviewed this matter again, resulting in the Amended Order to Show Cause.

The Board sent Picklo the Amended Order to Show Cause by regular and certified mail on May 20, 2013. The Order provided that Picklo's Answer was due within 30 days. Picklo responded on June 10, 2013.

In her Answer, Picklo admitted that she entered into a consent order with the South Carolina Board of Education and noted that "said Consent Order speaks for itself." (Answer, ¶ 3). Picklo stated that she was "without sufficient information to know whether the allegation [regarding her New Jersey application] is true, and therefore the allegation is denied based upon information and belief." (Answer, ¶ 4). Picklo also denied that there was just cause to revoke her New Jersey certificates. (Answer, ¶ 5). In a series of Separate Defenses, Picklo argued that the Order to Show Cause involved allegations that did not warrant an Order to Show Cause; that, due to mitigating circumstances, revocation was not warranted; that the Order to Show Cause disregarded critical evidence; that the Order to Show Cause was brought without due process and that Picklo had already been disciplined for her alleged conduct through the revocation of her South Carolina certificate and her resignation from a South Carolina school district. (Answer, Separate Defenses, ¶¶ 2, 3, 4, 6, 7).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 17, 2013, the Board sent Picklo a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Picklo 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 certificates. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Picklo's offenses warranted action against her certificates.

Thereupon, the Board would also determine the appropriate sanction, if any. Picklo was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. After receiving an extension of time, Picklo filed a written response on August 2, 2013. In that response she also requested to appear before the Board to provide testimony.

In her Hearing Response, Picklo noted that her consent order with South Carolina “never explained or resolved in any manner [my] inappropriate relationship with a sixteen year old male high school student.” (Hearing Response, p. 3). She added that there were no criminal charges filed against her or any record created before or by the South Carolina Board of Education concerning “the circumstances or explanation of the ‘inappropriate relationship’” between her and the student. (Hearing Response, p. 3). Picklo admitted that she had an inappropriate relationship with the student by exchanging a series of Facebook messages with him, but stated that the relationship was akin to a brother-sister relationship. She added that her interactions with the student did not involve her teaching position in South Carolina as she taught at the elementary school level. (Hearing Response, pp. 3-4). Picklo maintained that she entered into the consent agreement because she wanted to resolve the matter in South Carolina in an expeditious manner as she had already determined to move back to New Jersey. (Hearing Response, p. 4). She therefore entered into the consent order “without any charges and/or evidence being presented before or by the South Carolina State Board of Education.” (Hearing Response, p. 40). Picklo added that she did not intend to make any false representation on her New Jersey teaching application, but, rather, thought that her South Carolina teaching certificate “was never revoked or suspended because [I] had voluntarily relinquished [it].” (Hearing Response, p. 4). She added that she would not have signed the consent order if she had understood that it might potentially bar her from obtaining New Jersey certification. (Hearing

Resoponse, pp. 4-5). Picklo also argued that her conduct in South Carolina did not warrant the revocation of her New Jersey certificates because her conduct transpired in South Carolina under her South Carolina certificate. (Hearing Response, pp. 9-11). Picklo maintained that the Board could not point to any evidence that her job performance in New Jersey had been diminished in any way and opined that she should not be further penalized for offenses for which she had already paid her restitution, by way of her loss of her South Carolina teaching certificate. (Hearing Response, pp. 10-11). Finally, Picklo argued that if the Board did find just cause to take action against her New Jersey certificates, there should be no sanction, or, at the very most, something less than revocation. (Hearing Response, pp. 11-13). She added that she had “apologized for [my] actions, ... learned from [my] past mistakes that occurred when [I] was a very young adult, and ... become a more considerate, more mature certificate holder and teacher.” (Hearing Response, p. 12).

In testimony before the Board, Picklo reiterated that she thought that her South Carolina teaching license was not revoked since she voluntarily entered into the consent agreement. She stated that her South Carolina attorney told her that she could respond “no” to questions of whether she had ever had a license revoked. She added that teaching had been her passion since elementary school and that she never taught students that she was friends with or coached. Picklo again noted that no criminal charges had been brought against her. She added that her current district said it would hire her again and she had since obtained her Master’s degree in Special Education. Picklo added that she had learned her lesson and that she wanted to be able to teach again.

The threshold issue before the Board in this matter, therefore, is whether Picklo’s conduct constitutes conduct unbecoming a certificate holder. At its meeting of December 6, 2013, the

Board considered the allegations in the Amended Order to Show Cause as well as Picklo's Answer, Hearing Response and testimony. The Board determined that no material facts related to Picklo's offense were in dispute since she did not deny that she had entered into a consent order in South Carolina which led to the loss of her certificate there. Moreover, although Picklo explained why she answered "no" to the question regarding having any revocations in New Jersey or elsewhere, she could not deny that that was her answer on her New Jersey certification application. Thus, the Board 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 Amended Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Picklo's conduct as set forth in the Amended 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 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:9-17.5*. In this case, Picklo has admitted to an inappropriate relationship with a sixteen year old student, conducted over Facebook. Moreover, she has also admitted to mischaracterizing the revocation of her South Carolina certificate on her New Jersey certification application. Although Picklo asserted that her answer on her application was done pursuant to attorney advice, there was no evidence presented to the Board to support that claim. Furthermore, despite Picklo's assertions to the contrary, the Board is not restricted to behavior that takes place in New Jersey in determining whether that person is fit to teach in this state. Yet, there are circumstances present here which militate against revocation in this matter. Picklo's extreme youth while teaching in South Carolina, coupled with the ambiguous nature of

her Facebook exchanges warrant against the ultimate sanction of revocation. However, mindful of its responsibility to the students of New Jersey, the Board would be remiss if it did not caution her in the strongest terms. The Board therefore determines that the appropriate response to Picklo's unbecoming conduct is a three year suspension of her certificates.

Accordingly, on December 6, 2013, the Board voted to suspend Danielle Picklo's Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing, Teacher of Preschool Through Grade 3 Certificate of Eligibility With Advanced Standing, Teacher of Students With Disabilities Certificate of Eligibility With Advanced Standing, Teacher of Preschool Through Grade 3 Provisional certificate and Teacher of Students with Disabilities Provisional certificate for a period of three years. On this 17th day of January 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Picklo's certificates for a period of three years be effective immediately. It is further ORDERED that Picklo return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Old Bridge, 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:

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

RRH/MZ/th