

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
PAUL CANALLY : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-135

At its meeting of November 1, 2013, the State Board of Examiners (Board) reviewed information regarding Paul Canally. In August 2013 the North Carolina State Board of Education revoked Canally's teaching certificates in that state as the result of his guilty plea to multiple counts of Statutory rape, Indecent Liberties with Child, Sex Offense Student, Sexual Exploitation of a Minor and Solicit Child By Computer. Canally was sentenced to 25 to 30 years in prison. In New Jersey, Canally holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in April 2006 and a Teacher of Elementary School With Subject Matter Specialization: Science in Grades 5-8 Certificate of Eligibility, issued in November 2006. Upon review of the above information, at its December 6, 2013 meeting, the Board voted to issue Canally an Order to Show Cause.

The Board sent Canally the Order to Show Cause by regular and certified mail on December 12, 2013. The Order provided that Canally had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Canally did not respond. Thereafter, on January 27, 2014, the Board sent Canally 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 signed and returned and the regular copy was not returned. Canally did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on February 14, 2014, the Board sent Canally a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Canally 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 his certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Canally's offenses warranted

action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Canally was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Canally did not respond.

The threshold issue before the Board in this matter is whether Canally's conduct and crime constitute conduct unbecoming a certificate holder. Since Canally failed to respond to the Order to Show Cause or the hearing notice, at its meeting of May 22, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Canally's offense were in dispute since he never denied that he had been convicted or that his North Carolina certificates had been revoked. 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 Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Canally's conviction and the revocation of his North Carolina certificates, as set forth in the Order to Show Cause, provide just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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*. "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). In this matter, Canally has a conviction for multiple sexual offenses against children. His lengthy prison sentence and the revocation of his North Carolina certification leave no doubt that he is unfit to be a teacher anywhere. His conduct demonstrates behavior that falls so far short of a role model that the Board believes that the only appropriate sanction in this case is the revocation of Canally's New Jersey certificates.

Accordingly, on May 22, 2014, the Board voted to revoke Canally's Teacher of Elementary School Certificate of Eligibility With Advanced Standing and Teacher of Elementary School With Subject Matter Specialization: Science in Grades 5-8 Certificate of Eligibility. On this 15th day of July 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Paul Canally's certificates be effective immediately. It is further ORDERED that Canally return his certificates 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:th