

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
PAUL STURM : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 779-06/03

At its meeting of June 12, 2003, the State Board of Examiners reviewed a settlement of a tenure proceeding forwarded by the Commissioner of Education in which the South Plainfield School District (hereafter "District") had sought to remove Paul Sturm from his tenured position in the District for charges of unbecoming conduct. *In the Matter of the Tenure Hearing of Paul Sturm*, Docket Nos. 114-4/02 and 369-11/02 (Commissioner's Decision, March 14, 2003). Sturm currently holds a Teacher of Music certificate, issued in June 1981.

This case originated when the District certified tenure charges against Sturm. The District charged him with unbecoming conduct, alleging that Sturm had improperly rubbed and touched students, used abrasive, threatening language and directed harassing conduct at students, parents, faculty members and administrators. The District also alleged that Sturm had harassed the Superintendent once Sturm's tenure hearing had begun, had entered the middle school despite a directive not to do so, and had attempted to communicate with the District Board of Education and staff members in violation of directives issued by the Board attorney and his own counsel.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). However prior to the conclusion of the tenure hearing, Sturm resigned from his tenured position. The Commissioner of Education concurred with the Administrative Law Judge's (ALJ) conclusion that Sturm's resignation from his tenured position rendered his tenure case moot. The Commissioner also agreed with the

ALJ's recommendation that Sturm's case should be referred to the State Board of Examiners for possible action against his certificate. (Commissioner's Decision, slip op. at ).

Thereafter, on June 12, 2003, the State Board of Examiners issued Sturm an Order to Show Cause as to why his certificate should not be suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been alleged in the tenure proceeding.

The Board sent Sturm the Order to Show Cause by regular and certified mail on August 4, 2003. The Order provided that Sturm's Answer was due within 30 days. Sturm filed an Answer on November 12, 2003. In his Answer Sturm admitted that the District had certified tenure charges against him and that he had resigned his tenured position prior to the conclusion of the tenure hearing. (Answer, ¶¶ 1-5). Sturm also claimed that the allegations in the tenure charges were factually inaccurate and that at a plenary hearing he would be able to prove that the allegations were untrue. (Answer, Affirmative Defense).

The Examiners transmitted the case to the OAL. Administrative Law Judge (ALJ) Israel Dubin heard testimony on several days in November 2004. The only testimony presented was on behalf of the Board of Examiners, including many students, parents, administrators and District Board of education members. The hearing was adjourned several times and Sturm's counsel filed a motion to be removed as counsel. Sturm did not respond to that motion nor did he appear on either of the two peremptory hearing dates that ALJ Dubin scheduled. Therefore, based on Sturm's repeated failure to appear, ALJ Dubin ruled that Sturm had abandoned his defense. As a result, the ALJ

ruled that the evidence submitted by the Board of Examiners constituted his findings of fact in the case. The record closed and the ALJ issued an Initial Decision on August 18, 2008. *In the Matter of the Certificate of Paul Sturm.*, Dkt. No. EDE 11812-03 (Initial Decision, August 18, 2008).

ALJ Dubin found that Sturm had pulled a student, A.F., out of class for talking and threw a chair down the hallway and screamed “what are you going to do, go to the office and cry like a baby?” (Initial Decision, slip op. at 3). Sturm called A.F.’s mother, S.F., who told him she did not want to discuss the incident with him because she was going to see the principal the next day. (Initial Decision, slip op. at 4). When she concluded the conversation, Sturm called her right back and started to yell and curse at her. (Initial Decision, slip op. at 4). When S.F. hung up on Sturm, he continued to call her back repeatedly until her husband grabbed the phone and told Sturm never to call them again. (Initial Decision, slip op. at 4). At that point, S.F. called the police to seek a restraining order against Sturm. (Initial Decision, slip op. at 4).

ALJ Dubin also found that Sturm isolated a student in a classroom to question what she had said about him to her guidance counselor. (Initial Decision, slip op. at 4). Sturm pushed a piano in front of the door and refused to let the student’s friends into the room. (Initial Decision, slip op. at 4). In another incident, Sturm stormed out of a classroom shutting the lights as he left when the students did not sing the song Sturm was playing. (Initial Decision, slip op. at 5). Moments later, Sturm tried to climb into the classroom through an open window. (Initial Decision, slip op. at 5).

Sturm also yelled at students and told them to “get the hell out of class” if they talked. (Initial Decision, slip op. at 5). Another time, after telling a student she was not a

good singer, Sturm called her out of a class later that day to apologize. While he was talking to her, he started to rub her shoulder. The student complained to the principal and later quit the chorus. (Initial Decision, slip op. at 5).

In addition to his incidents with students, Sturm had also harassed administrators and Board members. (Initial Decision, slip op. at 6-10). Several of them testified that Sturm continued to contact them after being suspended and subject to a restraining order. (Initial Decision, slip op. at 6-10). In fact, Sturm was observed removing a box of items from the middle school months after receiving a letter barring him from school events and District property. (Initial Decision, slip op. at 10).

In reviewing the evidence, ALJ Dubin concluded that “[t]here is no question that Sturm’s unpredictable, violent, abusive and unbecoming conduct directed at students, parents, faculty members, administrators and board members alike render him unfit to function as a teacher.” (Initial Decision, slip op at 11). The ALJ mentioned Sturm’s verbal abuse of A.F. and his mother, the harassing phone calls Sturm made to District administrators and Board members, his bizarre and inappropriate conduct in the classroom and his refusal to comply with his principal’s directive to meet with him immediately. (Initial Decision, slip op. at 11-12). ALJ Dubin therefore concluded that “Sturm’s unbecoming conduct and insubordination are sufficiently flagrant to warrant the ultimate remedy of revocation of his teaching certificate.” (Initial Decision, slip op. at 13). Accordingly, he ordered the revocation of Sturm’s Teacher of Music certificate. (Initial Decision, slip op. at 13).

Sturm filed Exceptions to the Initial Decision and the Deputy Attorney General (DAG) representing the Board of Examiners filed Reply Exceptions. In his Exceptions,

Sturm detailed his educational background and denied all of the findings of fact and conclusions in the Initial Decision. (Exceptions, pp. 1-15). In fact, he stated that the Initial Decision contained an “extraordinary number of inaccuracies” and opined that there were dozens and perhaps even hundreds. (Exceptions, p. 6). Specifically, Sturm claimed that he never displayed any violent behavior and that “unpredictable and unprofessional behavior are normally a matter of opinion.” (Exceptions, pp. 6-7). He also noted that he did not make strange calls, only necessary ones. (Exceptions, p. 10). Sturm claimed that he was “a very dedicated and intelligent instructor” and that “only an extremely sub-par and poor school system can ‘dream up’ these silly charges.” (Exceptions, p. 15).

In her reply exceptions, the DAG argued that ALJ Dubin’s decision was “well-reasoned and supported by the testimony and evidence presented by the Examiner’s witnesses.” (Reply Exceptions, p. 2). The DAG also noted that Dubin had had the opportunity to present a defense at the OAL hearing and had abandoned his defense. (Reply Exceptions, p.3). Therefore, according to the DAG, “[t]his is the improper forum for Respondent to attempt to refute the evidence presented during the hearing.” (Reply Exceptions, p. 3).

The Board must now determine whether to adopt, modify or dismiss the Initial Decision in this matter. At its meeting of October 16, 2008, the Board reviewed the Initial Decision, exceptions and reply exceptions. After full and fair consideration of the decision and the issues raised therein, the Board voted to adopt the Initial Decision. There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings.

Furthermore, there is no doubt that the ALJ was correct in his assessment that teachers are subject to an objective standard of acceptable behavior. The Board agrees that Sturm's behavior falls far short of that standard of conduct and finds that his ongoing "unpredictable, violent, abusive and unbecoming conduct" render him unfit to teach. Moreover, his abandonment of his defense and his continued insistence that there was nothing untoward about his behavior calls into question his ability to discern right from wrong. Clearly Sturm is not an individual who should be teaching in New Jersey's classrooms. The Examiners agree with the ALJ's conclusion that the allegations in the Order to Show Cause have been proven and that the only proper response to Sturm's conduct is the revocation of his certificate to teach. (Initial Decision, slip op. at 11-13).

Accordingly, on October 16, 2008, the Board of Examiners voted to adopt the Initial Decision and revoke Sturm's certificate. On this 20th day of November 2008, the Board of Examiners formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Paul Sturm's Teacher of Music certificate is hereby revoked effective this day. It is further ORDERED that Sturm return his 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 State Board of Education pursuant to the provisions of *N.J.S.A. 18A:6-28*.

RRH:MZ:RMG