

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JUDAH LANDA : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-103

At its meeting of September 15, 2011, the State Board of Examiners (Board) reviewed information regarding Judah Landa. Landa's teaching certificates were revoked in New York in February 2002 after the Professional Practices Subcommittee of the State Professional Standards and Practices Board for Teaching determined that a substantial question existed as to Landa's moral character. The Subcommittee's findings were based upon a prior Education Law proceeding in which the hearing officer substantiated charges of insubordination and conduct unbecoming a teacher against Landa and recommended that Landa's employment be terminated. Specifically, the hearing officer found that, while giving a student a ride home in his vehicle, Landa put his hands on the student's face, touched her hair and moved it from her face. He also took the student's hand and kissed it and then kissed her arm. The hearing officer further found that Landa's conduct was particularly egregious because he had previously received a letter of reprimand for similar conduct with students and had been warned not to touch any student in any manner for any reason. During the Education Law proceeding, Landa was represented by counsel and had the opportunity to cross examine witnesses. In New Jersey, Landa currently holds a Teacher of Physical Science certificate, issued in July 2001 and a Supervisor certificate, issued in September 2002. Upon review of the above information, at its November 1, 2011 meeting, the Board voted to issue Landa an Order to Show Cause.

The Board sent Landa the Order to Show Cause by regular and certified mail on April 17, 2012. The Order provided that Landa must file an Answer within 30 days. Landa submitted a response on May 11, 2012. In that Answer, Landa denied any knowledge of the revocation of his New York teaching certificates. (Answer, ¶ 3). He also indicated that he had a 39 year teaching career which consisted "entirely of exemplary conduct and expert performance, as attested to by multiple supervisors, administrators, colleagues and even publishers." (Answer, ¶ 4). Landa stated that the hearing he had in New York was not a revocation proceeding but one that only dealt with his employment. (Answer, ¶ 4).

He claimed that he had given a student a ride home in freezing weather and that the mother of the student, rather than expressing gratitude, had filed a complaint. (Answer, ¶ 4). Landa also indicated that the student made a false statement that he had kissed her. (Answer, ¶ 4). He added that he vigorously denied that accusation and opined that the student made up the story so that she could be transferred out of his afternoon physics class which sometimes conflicted with her work schedule. (Answer, ¶ 4). Landa also acknowledged that because the student was shaking uncontrollably from the cold and “acting hysterically” he held her hand to calm her. (Answer, ¶ 4). Finally, Landa emphasized that contrary to the allegation in the Order to Show Cause, he had not been inappropriate with “several students.” (Answer, ¶ 5). He said that the incident with this one student was the only issue ever to be raised and that his actions were not inappropriate. (Answer, ¶ 5). After being provided with the New York revocation order, Landa submitted a supplement to his answer to the Order to Show Cause on May 29, 2012. In that Supplemental Answer, he stated that he had already been residing and working in New Jersey for eight months when New York mailed his revocation notice. (Supplemental Answer, ¶ A). He added that he had never received notice from the New York State Department of Education “informing me that revocation of my teaching certificates was under consideration, nor that I would have an opportunity to address the pertinent issues at a hearing, nor that revocation had indeed occurred.” (Supplemental Answer, ¶ C). Landa added that since he had not heard otherwise, “I can only assume that my New York State Supervisory and Administrative certificates are presently still valid.” (Supplemental Answer, ¶ G).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on August 20, 2012, the Board sent Landa a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Landa 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 Landa’s conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if

any. Landa was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Landa responded on September 18, 2012.

In that response he stated that the heart of the matter was in dispute and reiterated that in his nearly 40 year career, he had never “inappropriately touched or commented to any student, of the thousands that it has been my privilege to teach (or anyone else, for that matter).” (Hearing Response, p. 1). He claimed that the only matter not in dispute was his “violation” of the New York City Board of Education rule against riding with students in private automobiles. (Hearing Response, p. 1). Landa added that he had learned from his mistake and that the next time he saw a student waiting outdoors in freezing weather without a coat he would not offer a ride but call the police. (Hearing Response, p. 1). He noted that he had suffered enough for this rule infraction. (Hearing Response, p. 1). Landa also argued that the New York revocation “occurred in the absence of a hearing at which I could present my side of the story.” (Hearing Response, p. 1).

In his testimony before the Board, Landa again stated that the incident with the student in the car was a singular event in his entire 40 year teaching career. He remarked that there were extenuating circumstances as to why he drove this student home and that the complaint against him was motivated by the student’s desire to transfer out of his afternoon physics class. Landa emphasized that the revocation of his New York certificates took place without his knowledge or a hearing. He stated that the termination of his New York employment and the revocation of his New York certificates were punishment enough for his infraction.

The threshold issue before the Board in this matter, therefore, is whether Landa’s conduct and the revocation of his New York licenses constitute conduct unbecoming a certificate holder. At its meeting of January 25, 2013, the Board considered the allegations in the Order to Show Cause, Landa’s Answer and Supplemental Answer, Hearing Response and testimony. The Board determined that no material facts related to Landa’s offense were in dispute since he could not deny that his New York certificates had been revoked. Moreover, although he denied touching the student in his car, he did admit to having her in his vehicle. 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 Landa's conduct and the revocation of his New York certificates, as set forth in the Order to Show Cause, provide just cause to act against his New Jersey 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. Landa's act of touching a student's face and kissing her arm is inexcusable for a teacher.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher who has engaged in inappropriate contact with a minor and had his certificates revoked as a result cannot claim status as a role model to anyone. Landa's conduct and the revocation of his New York certificates therefore warrant the revocation of his New Jersey certificates.

Moreover, Landa's claim that he only gave a student a ride home on this one occasion and has never had any other incidents in his 40 year career is disingenuous, at best. His employment termination hearing decision in New York specifically mentions prior discipline against him in the form of a letter of reprimand, arising out of student complaints similar to those at issue in the hearing: inappropriate touching, including pinching of cheeks, rubbing of arms, touching of neck, shoulder or hair. The letter was unequivocal in warning Landa to refrain from touching any student for any reason. In that hearing, Landa acknowledged receiving and reading the letter and never grieving it. Furthermore, the hearing officer found the student's testimony credible in describing what happened in the car and found that the existence of the letter of reprimand provided Landa with incentive to describe an incident that did not violate the letter's mandate.

Accordingly, on February 28, 2013, the Board voted to revoke Judah Landa's Teacher of Physical Science and Supervisor certificates. On this 12th day of April 2013 the Board voted to adopt its formal

written decision and it is therefore ORDERED that the revocation of Landa's certificates be effective immediately. It is further ORDERED that Landa 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 *N.J.S.A.* 18A:6-38.4.