

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
PHILIP B. STERN : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-213

At its meeting of July 25, 2013, the State Board of Examiners (Board) reviewed information it had received from the Office of Certification and Induction (Office) regarding Philip Stern. The Office reported that, in March 2007, Stern surrendered his teaching certificates in New York after the Special Commissioner of Investigation for the New York City School District substantiated allegations that Stern had made a sexual proposition to a 17 year-old student. Specifically, when the student went to talk to Stern about her failing grade in his class, he took her to an area of the gymnasium where they were alone and told her that she could perform “extra credit” in his class to achieve a passing grade. When she questioned the feasibility of extra credit so close to the end of the school year, Stern told her that she could “bend over and pull down her pants.” Stern told the student that he was serious and she could pass his class by having sex with him. He told her that they could meet in a classroom when school ended for the day and told her to have security call him so she could re-enter the building. Stern then took her hand and kissed her forehead. Stern currently holds a Teacher of Physical Education certificate, issued in September 1976. Upon review of the above information, the Board voted at its September 20, 2013 meeting to issue Stern an Order to Show Cause why his New Jersey certificate should not be revoked.

The Board sent Stern the Order to Show Cause by regular and certified mail on September 24, 2013. The Order provided that Stern’s Answer was due within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Stern did not file a response. Thereafter, on October 29, 2013, the Board sent Stern 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 mail copy was not returned. Stern did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 22, 2013, the Board sent Stern a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts

were in dispute. Thus, Stern 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 certificate. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Stern's conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Stern was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned and the regular mail copy was not returned. Once again, Stern did not file a response.

The threshold issue before the Board in this matter is whether Stern's conduct constitutes conduct unbecoming a certificate holder. Since Stern failed to respond to the Order to Show Cause or the Hearing Notice, at its meeting of February 27, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Stern's offense were in dispute since he did not deny that he had surrendered his New York certificates in light of allegations he had sexually propositioned a student. 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 Stern's conduct as set forth in the Order to Show Cause, represents just cause to act against his certificate 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*. "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. In this case, Stern did not deny that he surrendered his New York certificates because of substantiated allegations that he

had sexually propositioned a student. 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. The Board therefore determines that the appropriate response to Stern's unbecoming conduct is the revocation of his New Jersey certificate.

Accordingly, on February 27, 2014, the Board voted to revoke Philip B. Stern's Teacher of Physical Education certificate. On this 4th day of April 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Stern's certificate be effective immediately. It is further ORDERED that Stern return his certificate 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.

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