

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ADAM FELDMAN : ORDER OF REVOCATION
_____ : DOCKET NO: 0304-282

At its meeting of June 10, 2004, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Adam Feldman had been indicted for criminal sexual contact, aggravated criminal sexual contact and endangering the welfare of children. Feldman was suspended from his public school teaching position because the crimes for which he was indicted were disqualifying offenses pursuant to N.J.S.A. 18A:6-7.1 et seq. Feldman did not challenge the accuracy of his criminal record before the Commissioner of Education. Upon review of the above information, at its June 10, 2004, meeting the State Board of Examiners voted to issue Feldman an Order to Show Cause. Feldman currently holds a Teacher of Physical Education Certificate of Eligibility issued in July 1999, a Teacher of Physical Education certificate issued in July 2000 and a Teacher of Health and Physical Education certificate issued in March 2002.

The Board sent Feldman the Order to Show Cause by regular and certified mail on July 20, 2004. The certified mail receipt was signed and returned. The regular mail copy was not returned. The Order provided that Feldman must file an Answer within 30 days. Feldman did not respond to the Order. Thereafter, on August 26, 2004, the Board sent Feldman a second notice by regular and certified mail providing an additional 15 days in which to file his Answer. On September 7, 2004, Feldman's attorney notified the Board that Feldman was not challenging the revocation of his teaching certificates.

The issue before the State Board of Examiners in this matter, therefore, is whether the conduct underlying Feldman's disqualifying offenses is conduct unbecoming a teaching staff member. At its October 28, 2004, meeting, the State Board of Examiners reviewed the charges and papers Feldman filed in response to the Order to Show Cause. After review of the response,

the Board of Examiners determined that no material facts were in dispute since Feldman was not contesting the Order to Show Cause.

It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. The issue before the State Board of Examiners in this matter, therefore, is to determine whether Feldman's disqualification, which was predicated on the same sexual offenses as were set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to N.J.A.C. 6A:9-17.5.

In this case, Feldman has been disqualified from public school employment because of an indictment for sexual offenses against his students. 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 (Sup. Ct. 1943), aff'd., 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Feldman's disqualification from service in the public schools of this State because of his indictment for criminal sexual contact, aggravated criminal sexual contact and endangering the welfare of children provides just cause to take action against his certificates.

In enacting the Criminal History Review statute, N.J.S.A. 18A:6-7.1 et seq. in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. Individuals such as Feldman fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing policy of holding teachers to a higher standard. "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. Clearly, Feldman's behavior is inexcusable for any individual, teacher or not.

That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1(b) also offers guidance to the State Board of Examiners as to the appropriate sanction in this

matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the license that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Feldman's offenses so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificates to teach. See In the Matter of the Revocation of the Teaching Certificate of Patricia Rector, Agency Dkt. No. 19-02 (St. Bd. of Education, August 7, 2002) (affirming the decision of the State Board of Examiners to revoke Rector's teaching certificate on the basis of the disqualification pursuant to N.J.S.A. 18A:6-7.1.)

Accordingly, it is therefore ORDERED that Adam Feldman's Teacher of Physical Education Certificate of Eligibility and Teacher of Physical Education and Teacher of Health and Physical Education certificates be revoked on this 28th day of October 2004. It is further ORDERED that Feldman return his certificates to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: December 29, 2004

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.