

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
SCOTT SILVERMAN : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-239

At its meeting of July 28, 2011, the State Board of Examiners (Board) reviewed information regarding Scott Silverman. On March 7, 2002, the Pennsylvania Professional Standards and Practices Commission revoked Silverman's Pennsylvania certificate due to his 2001 conviction for Indecent Assault, Endangering the Welfare of Children and Corrupting a Minor. Silverman was sentenced to a maximum of 23 months in prison and five years' probation. In New Jersey, Silverman currently holds a Teacher of Elementary School certificate, issued in March 1992. Upon review of the above information, at its September 22, 2011 meeting, the Board voted to issue Silverman an Order to Show Cause.

The Board sent Silverman the Order to Show Cause by regular and certified mail on January 10, 2012. The certified mail copy was returned as unclaimed. The regular mail copy was not returned. The Order provided that Silverman must file an Answer within 30 days. Silverman did not file an Answer. Thereafter, on February 21, 2012, the Board sent Silverman another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as unclaimed. The regular mail copy was not returned. Silverman did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 27, 2012, the Board sent Silverman a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Silverman 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 Silverman's conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Silverman was also offered the opportunity to appear before the Board to provide testimony on the

sanction issue. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Once again, Silverman did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Silverman's conviction and the revocation of his Pennsylvania licenses constitute conduct unbecoming a certificate holder. Since Silverman failed to respond to the Order to Show Cause or the hearing notice, at its meeting of June 21, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Silverman's offenses were in dispute since he never denied that he had been convicted of the offenses charged and had been sentenced accordingly. Nor did he deny that his Pennsylvania teaching 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 Silverman's conviction and the revocation of his Pennsylvania certificates, as set forth in the Order to Show Cause, provide just cause to act against his certificate 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. Silverman's acts of Indecent Assault, Endangering the Welfare of Children and Corrupting a Minor are inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher convicted of Indecent Assault, Endangering the Welfare of Children and Corrupting a Minor cannot claim status as a role model to anyone. Silverman's convictions therefore warrant revocation. *In the Matter of the Certificates of Kevin Jordan*, Dkt. No. A-0155-08T3 (App. Div. October 5, 2009) (Unpublished Opinion).

Accordingly, on June 21, 2012, the Board voted to revoke Scott Silverman's Teacher of Elementary School certificate. On this 26th day of July 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Silverman's certificate be effective immediately. It is further ORDERED that Silverman 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 Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.