

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
JOSEPH E. SHERMAN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1213-192

At its meeting of May 16, 2013, the State Board of Examiners reviewed information the staff of the Office of Certification and Induction had forwarded regarding Joseph Sherman. On February 17, 2010, Sherman surrendered his teaching certificates in New York after the Special Commissioner of Investigation for the New York City School District substantiated that Sherman had made several female students uncomfortable through inappropriate comments and touching. Specifically, Sherman was alleged to have asked one student whether she had a boyfriend and touched her leg with his fingers. Another student alleged that Sherman came up to her and started to rub her back with his hand. He also asked her whether or not she liked older men. A third student alleged that when she bent over to tie her sneakers in Sherman's violin class, he came up behind her and attempted to pull her shirt down. She stated that she straightened up before Sherman could do so. The student said that Sherman then told her she looked pretty, that her hair looked great and that she dressed nice.

Sherman currently holds a Principal certificate, issued in April 1980. Upon review of the above information, at its meeting of July 25, 2013, the Board voted to issue Sherman an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Sherman the Order to Show Cause by regular and certified mail on July 29, 2013. The Order provided that Sherman had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Sherman did not file a response. Thereafter, on August 30, 2013, the Board sent Sherman 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 “Vacant-Unable to Forward” and the regular copy was not returned. The Board could not secure a current address for Sherman and, accordingly, the second notice was published in the New Jersey Star Ledger on February 13 and 14, 2014. Sherman did not file a response to that notice.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on September 5, 2014, the Board published a hearing notice in the Star Ledger, providing Sherman with the opportunity to file a written submission on the issue of whether his conduct provided just cause for the Board to take action against his certificate and, if so, the appropriate sanction. In addition, he was offered the opportunity to appear before the Board to provide testimony on the sanction issue. Once again, Sherman did not respond.

The threshold issue before the Board in this matter, therefore, is whether Sherman’s conduct and the surrender of his New York teaching certificates constitute conduct unbecoming a certificate holder. Since Sherman never responded to the Order to Show Cause, at its meeting of December 12, 2014, the Board had only the allegations contained in the Order to Show Cause to consider. The Board determined that no material facts related to Sherman’s offense were in dispute since he did not deny that he had engaged in the alleged conduct or that he had surrendered his New York certificates. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(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 Sherman’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:9B-4.5*. 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:9B-4.5*. “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. There can be no dispute that Sherman’s ongoing inappropriate touching of and comments to female students demonstrate his inability to be a role model for students. His inappropriate behavior speaks volumes about his unfitness to be a school leader. The Board therefore concludes that the only appropriate response to Sherman’s breach is the revocation of his teaching certificate.

Accordingly, on December 12, 2014, the Board voted to revoke Joseph E. Sherman’s Principal certificate. On this 23rd day of January 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Sherman’s certificate be effective immediately. It is further ORDERED that Sherman 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing: \_\_\_\_\_

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A. 18A:6-38.4*.

RRH:MZ:th