

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
NADINE S. SUDLOW : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-227

At its meeting of April 6, 2017, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the New York City School District (NYSD) had forwarded regarding Nadine S. Sudlow. On August 22, 2016, Sudlow's New York teaching certificate was revoked based on "sexual misconduct that did not result in a criminal conviction." The report issued by the Special Commissioner of Investigation for the New York City School District substantiated that Sudlow was involved in a sexual relationship with a male student. According to the report, Sudlow would spend a lot of time with this student during school hours, brought him coffee in the morning and lunch in the afternoon. The student told investigators that Sudlow communicated with him by text and email messages and began to comment about what she wanted to do with him. The student indicated that on one occasion, Sudlow picked him up near his home and drove him to a hotel where she engaged in sexual activities with him. The student also had photos and a video on his cell phone of the two of them engaging in sex.

Sudlow currently holds a Teacher of English certificate, issued in April 2015. Upon review of the above information, at its May 12, 2017 meeting, the Board voted to issue Sudlow an Order to Show Cause as to why her certificate should not be revoked.

The Board sent Sudlow the Order to Show Cause by regular and certified mail on May 17, 2017. The Order provided that Sudlow had 30 days to respond. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Sudlow did not file a response.

Thereafter, on July 26, 2017, the Board sent Sudlow another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as "Unclaimed" and the regular copy was not returned. Sudlow did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on August 21, 2017, the Board sent Sudlow a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Sudlow 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 found just cause to take action against her certificate. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Sudlow was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Since the certified mail copy was returned as “Vacant” and the regular mail copy was not returned, the Board re-sent Sudlow the hearing notice at a different address on September 28, 2017. Sudlow responded on October 13, 2017.

In that response, Sudlow stated that she was not writing “to defend why my teaching license should not be revoked, but to explain how I ended up teaching in New Jersey..., and to address the appropriate sanction in the event that my license is revoked.” (Hearing Response, p. 1). She explained that she resigned from her teaching position in New York City in July 2014 since she was facing many allegations and the likelihood of never being able to teach again. (Hearing Response, p. 1). Sudlow added that she still had a desire to teach and she had “worked so hard for my degree and license, and teaching was all I knew.” (Hearing Response, p. 1). She indicated that when the principal of the Girls Academy of Newark called her asking her to teach at that school, Sudlow was hopeful. (Hearing Response, p. 1). She disclosed what was happening in New York but stated that the principal encouraged her to apply for certification in New Jersey, indicating that the “two entities were completely separate and that it would be fine.” (Hearing Response, p. 1). Sudlow stated that she hesitated because she felt it was wrong to pursue teaching in another state but the principal insisted that she do it because she would be a perfect fit. (Hearing Response, p. 1). Sudlow indicated that she started at that school on April 29, 2015 and was let go on June 12, 2015. (Hearing Response, p. 1). Sudlow noted that when she applied for

certification in New Jersey she still held her New York state certification and was not trying “to get over on anyone, or create bigger problems for myself or anyone else.” (Hearing Response, p. 1). She added that she has learned from her mistakes and taken full advantage of all opportunities afforded to her since the end of her teaching career. (Hearing Response, p. 1). Sudlow noted that she was “unfamiliar with appropriate sanctions in the event that my license is taking [*sic*] away...,” but she asked the Board to “have mercy on me.” (Hearing Response, p. 2). Sudlow added that she was willing to share her story as testimony before the Board on the sanction issue, if necessary. (Hearing Response, p. 2). However, she did not appear for a hearing.

The threshold issue before the Board in this matter is whether Sudlow’s conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Sudlow failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of December 8, 2017, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and the NYSD when assessing Sudlow’s conduct. The Board concluded that no material facts related to Sudlow’s offense were in dispute since she never denied that she engaged in the conduct alleged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Sudlow had engaged in unbecoming conduct.

The Board must now determine whether Sudlow’s conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificate pursuant to *N.J.A.C. 6A:9B-4.4*. 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-4.4*. “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. Moreover, 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 (1943), *aff'd*, 131 N.J.L. 326 (E & A 1944). Sudlow's actions in engaging in a sexual relationship with a student conduct that is inexcusable for a role model. Moreover, nothing in Sudlow's Hearing Response or testimony altered the Board's conclusion or provided mitigation for her egregious actions. The Board therefore agrees with New York that the appropriate response to her breach is the revocation of her teaching certificate.

Accordingly, on December 8, 2017, the Board voted to revoke Nadine S. Sudlow's Teacher of English certificate, effective immediately. On this 19th day of January 2018, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Sudlow's certificate be effective immediately. It is further ORDERED that Sudlow return her certificate to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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:
via certified and regular mail

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