

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
NATHANIEL T. GERSON : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-260

At its meeting of September 21, 2018, the State Board of Examiners (Board) reviewed a tenure decision regarding Nathaniel T. Gerson, a tenured teacher in the Paterson School District (Paterson). The Paterson Public School District (Paterson) had certified tenure charges against Gerson alleging that he had engaged in conduct unbecoming and placed students at risk by forcing a school bus to stop on a highway, entering the bus and proceeding to curse, yell and shove/pull students. On May 23, 2018, the Arbitrator assigned to the case pursuant to *N.J.S.A.* 18A:6-16 approved a settlement, in which Gerson agreed to resign from his tenured position, effective March 21, 2018. *In the Matter of the Tenure Hearing of Nathaniel T. Gerson*, Dkt. No. 19-1/18 (Arbitrator’s Decision, May 23, 2018). The matter was referred to the Board for review.

In the tenure charges (which are incorporated herein by reference), Paterson had alleged that on or about the afternoon of February 13, 2017, after students had left school for the day, Gerson was driving on Route 20 North in Paterson next to a District school bus. As Gerson drove alongside the bus, C.A., an 11-year-old student, tossed a melting snow ball out of the school bus window and hit Gerson’s vehicle. At that point, Gerson repeatedly blew his horn at the bus and motioned for the bus to stop. Gerson then positioned his vehicle in front of the bus on the highway and came to a stop, forcing the bus to stop in the middle of Route 20. The school bus driver was unable to pull to the road’s shoulder because it was blocked by Gerson’s vehicle.

Gerson then exited his vehicle, banged on the school bus door and eventually gained entry to the bus. As he entered the bus, Gerson was shouting statements to the effect of “Where is the motherfucker who threw that snow ball?”, “That little bitch!” and “Come here you piece of shit.” Gerson’s cursing was witnessed by many students, the bus driver and the bus aide.

When Gerson located C.A. on the bus, he approached the student in an aggressive manner, including shoving another student, D.J., an 11-year-old girl, out of the way. Gerson then grabbed C.A. by the neck and arm, pulled him out of his seat and forced C.A. to the floor of the bus. At the time, Gerson was shouting at C.A. such statements as: “Are you fucking crazy?”, “Why the fuck did you hit my car?” and “You little bitch!” Once again, Gerson’s cursing was witnessed by the bus driver, the bus aide and numerous students. Gerson also struck C.A. on the head several times as he had him on the floor of the bus.

Another Paterson teacher, Maria Colon, had witnessed Gerson forcing the bus to a stop. She pulled her car over and entered the bus shortly after Gerson gained entry. As she entered the bus, Colon observed Gerson on top of C.A. with his knee on C.A.’s back while he was screaming at C.A. and asking C.A. his name.

Gerson’s conduct was upsetting to C.A., who cried as a result of the incident. Other middle school students on the bus and other witnesses were also upset by the incident.

Gerson currently holds a Teacher of Elementary School in Grades K-8 Certificate of Eligibility and a Teacher of Elementary School in Grades K-8 certificate. After reviewing the above information, at its November 1, 2018 meeting, the Board voted to issue an Order to Show Cause to Gerson as to why his certificates should not be revoked.

The Board sent Gerson the Order to Show Cause by regular and certified mail on November 7, 2018. The Order provided that Gerson had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Gerson did not respond. On December 18, 2018, the Board sent Gerson 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” and the regular mail copy was not returned. Gerson did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on January 29, 2019, the Board sent Gerson 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 his failure to file an Answer. Thus, Gerson 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 his certificates. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Gerson's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Gerson was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Gerson did not file a response.

The threshold issue before the Board in this matter is whether Gerson's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Gerson 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 April 12, 2019, the Board considered only the allegations in the Order to Show Cause. The Board concluded that no material facts related to Gerson's offense were in dispute since he never denied that he had 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 Gerson had engaged in unbecoming conduct.

The Board must now determine whether Gerson's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates 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). Gerson's actions, which led

to his resignation from Paterson, clearly demonstrate conduct that is unacceptable for any adult, especially one who is ostensibly a role model. The Board therefore concludes that the only appropriate response to his breach is a revocation of his certificates.

Accordingly, on April 12, 2019, the Board voted to revoke Nathaniel T. Gerson's Teacher of Elementary School in Grades K-8 Certificate of Eligibility and his Teacher of Elementary School in Grades K-8 certificate. On this 17th day of May 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Gerson's certificates are hereby revoked, effective immediately. It is further ORDERED that Gerson return his certificates 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.

Rani Singh, Acting Secretary
State Board of Examiners

Date of Mailing:
via certified and regular mail

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