

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
KEYAN OSTAD-HASHEMI : ORDER OF SUSPENSION
_____ : DOCKET NO: 2021-147

At its meeting of April 1, 2021, the State Board of Examiners (Board) reviewed information the Rutherford School District (Rutherford) forwarded regarding Keyan Ostad-Hashemi. Rutherford reported that Hashemi resigned from his position as a leave replacement teacher following allegations of unbecoming conduct.

Specifically, Rutherford alleged that on November 30, 2020, which was a full remote instruction day in Rutherford, the mother of one of Hashemi's students reported that Hashemi used the restroom in front of the class while on Zoom. The student took a screenshot of the incident and his mother provided it to Rutherford. The mother reported that this was not the first time this occurred. Hashemi admitted to bringing the computer into the bathroom.

Ostad-Hashemi currently holds a Teacher of Elementary Grades K-6 Certificate of Eligibility (CE), issued November 2018; a Teacher of Elementary with Subject Matter Specialization : Science Grades 5-8 CE, issued November 2018; a Teacher of Social Studies CE, issued June 2019; a Teacher of Social Studies Provisional Certificate, expiring July 2022; a Teacher of Elementary Grades K-6 Provisional Certificate, expiring July 2022; and a Teacher of Elementary with Subject Matter Specialization: Science Grades 5-8 Provisional Certificate, expiring July 2022. Upon review of the above information, at its May 13, 2021 meeting, the Board voted to issue Ostad-Hashemi an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Ostad-Hashemi the Order to Show Cause by regular and certified mail on May 20, 2021. The Order provided that Ostad-Hashemi had 30 days to respond. Ostad-Hashemi submitted an Answer via electronic filing on May 30, 2021. In his Answer, Ostad-Hashemi states that he resigned his

position because he was given no alternative and he would be terminated if he did not resign. Answer at ¶ 3. He states that the conduct at issue occurred only one (1) time. He had several classes back-to-back and needed to use the restroom. He was showing a clip from a documentary and mistakenly thought students could not see or hear him. He did not want to leave his computer unattended as it would be akin to leaving the students alone. *Id.* at ¶ 4. He does not believe his certificates should be revoked because he is a decent and hardworking educator who made a simple mistake. *Id.* at ¶ 7.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on June 22, 2021, the Board sent Ostad-Hashemi 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 admission to the conduct. Thus, Ostad-Hashemi 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 his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Ostad-Hashemi was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail and the regular mail copy was not returned. The Board also sent notice of a hearing on the papers via regular and certified mail. That certified notice was unclaimed with no authorized recipient available and the regular mail was not returned. Ostad-Hashemi did not respond to either notice.

The threshold issue before the Board in this matter is whether Ostad-Hashemi's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Ostad-Hashemi admitted the conduct occurred, the allegations are admitted. *N.J.A.C.* 6A:9B-4.6(c). Consequently, at its meeting of September 17, 2021, the Board considered only the allegations in the Order to Show Cause, information received from Rutherford, and the Answer submitted by Ostad-Hashemi. The Board concluded that no material facts

related to Ostad-Hashemi's offense were in dispute since he never denied that he had engaged in the alleged conduct. 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 Ostad-Hashemi engaged in unbecoming conduct.

The Board must now determine whether Ostad-Hashemi'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). Ostad-Hashemi's conduct in bringing his laptop with the camera on into the bathroom while in front of students on Zoom clearly indicates a serious lapse in judgment. The Board therefore concludes that the appropriate response to his breach is a one-year suspension of his certificates.

Accordingly, on September 17, 2021, the Board voted to suspend Keyan Ostad-Hashemi's Teacher of Elementary Grades K-6 Certificate of Eligibility (CE), Teacher of Elementary with Subject Matter Specialization : Science Grades 5-8 CE, Teacher of Social Studies CE, Teacher of Social Studies Provisional Certificate, expiring July 2022; Teacher of Elementary Grades K-6 Provisional Certificate, expiring July 2022; and Teacher of Elementary with Subject Matter Specialization: Science Grades 5-8 Provisional Certificate, expiring July 2022. On this 28th day of October 2021 the Board voted to adopt its formal written decision and it is therefore ORDERED that Ostad-Hashemi's certificates are hereby

suspended for one year, effective immediately. It is further ORDERED that Ostad-Hashemi 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, 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.