

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
SHARIR M. FELDMAN : ORDER OF REVOCATION
_____ : DOCKET NO: 493-01/99-187

At its meeting of January 21, 1999, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Sharir M. Feldman had been convicted for aggravated assault in 1994. As a result of such conviction, Feldman was disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1 et seq. Feldman did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, at that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent. Feldman currently holds a County Substitute certificate.

The Order to Show Cause was mailed to Respondent by regular and certified mail on February 24, 1999. Although the regular mail copy was not returned and the certified copy was signed and returned, Feldman did not respond. On May 7, 1999, Feldman was advised by regular and certified mail that he was being provided an additional ten days to respond to the Order. Once again the regular mail copy was not returned and the certified copy was signed and returned.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Feldman's disqualification from serving in the public schools of New Jersey gives the Board just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. Since Feldman did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the

charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Feldman's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against Feldman's certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

The Commissioner has long-recognized that: "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.

In this case, Feldman has a conviction for a crime that involves bodily injury. Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), *aff'd*. 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Feldman's disqualification from service in the public schools of this State because of his conviction for aggravated assault provides just cause to take action against his certificate.

In enacting the Criminal History Review statute, N.J.S.A. 6-7.1 et seq. in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense warrants his exclusion from service in the public schools should not be permitted to retain the license that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Feldman's offense

so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificate to teach.

Accordingly, it is therefore ORDERED that Sharir M. Feldman's County Substitute certificate be revoked on this 17th day of June, 1999. It is further ORDERED that Sharir M. Feldman return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: August 6, 1999

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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