

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
HOWARD ZLOTKIN : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 2021-184

At its meeting of July 30, 2021, the State Board of Examiners (Board) reviewed information it received from the Jersey City Public School District (Jersey City) regarding Howard Zlotkin.

Zlotkin was a science teacher in Jersey City who resigned after angrily cursing at his students and engaging in a profanity laced diatribe in front of his students, at one point giving his student (s) his middle finger and telling one student “Fuck you.”

Pursuant to the recording, Zlotkin said the following to his students:

a. “...Because I’ve been working for twenty years and I don’t really care who you are or what color you are. I don’t care where you came from. I worked three jobs every fucking day of my life and you know what I have one kid, not seven because I can’t afford seven.”

b. “I lost a house because I was out of work, I worked two careers. I reinvented myself. I never gave up and I don’t give up but I hear people whining and crying about Black Lives Matter, but George Floyd was a fucking criminal and he got arrested and he got killed because he wouldn’t comply and the bottom line is we make him a fucking hero.”

c. “He’s not a hero, he’s like a criminal just like fucking Tawana Brawley and you know what, Tawana Brawley lied and ruined peoples lives and you guys emulate people like um uh people that just are fucking wrong, that are criminals, and you’re making them right because they’re black or because they got a bad story. Everybody’s got a bad story. Half the planet’s starving to death and they’re not whining.”

d. “But the ladies that run Black Lives Matter own five houses and are multimillionaires and they don’t give a shit – they’re making money off people and we’re fighting each other. We’re gonna fall apart and I’ll tell you something right now, that’s not equity. Equity is everybody matters – not just one person, not just the other.”

e. “And I’ll tell you something, I ain’t fucking privileged, I come to work. I haven’t gotten paid by my black vice principal who thinks I’m fucking privileged too. And I come to school....”

f. When a student stated that Zlotkin was privileged, he responded with “You know what S., fuck you I’m privileged, Fuck you....”

Zlotkin currently holds a Teacher of Elementary Grades K-8 Certificate of Eligibility, Teacher of Biological Science Certificate of Eligibility, Teacher of Biological Science standard certificate, and Teacher of Earth Science standard certificate. After reviewing the above information, at its September 17, 2021 meeting, the Board voted to issue an Order to Show Cause (OSC) to Zlotkin as to why his certificates should not be revoked.

The Board sent Zlotkin the Order to Show Cause by regular and certified mail on September 22, 2021. The OSC provided that Zlotkin must file an Answer within 30 days. Zlotkin responded on October 15, 2021. In his Answer, Zlotkin disagreed with the Order to Show Cause as written, indicating that his “diatribe” was amplified by medication(s) he was taking, his decision to resign was due to humiliation from being unjustly called a racist, the statements noted in the Order to Show Cause were incorrectly stated, misrepresented, and taken out of context. *See Answer at ¶¶ 3-5.* Zlotkin further noted that throughout his career he adhered to an *in loco parentis* approach when engaging with students, and that at time profanity may occur in the course of making a point. *Id.* at ¶ 5.

Since there were material facts in dispute, on October 25, 2021, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On February 9, 2023, Administrative Law Judge (ALJ) Nanci G. Stokes issued an Initial Decision in the case. *In the Matter of the Certificates of Howard Zlotkin*, Dkt. No. EDE 08835-21 (Initial Decision, February 9, 2023).

After reviewing the record, ALJ Stokes granted the Board’s motion for summary decision, finding that no genuine issue exists as to the material facts. (Initial Decision, slip op. at 6.) ALJ

Stokes determined that Zlotkin taught class via Zoom and that a heated argument with a student occurred. *Id.* at p. 6. During that encounter, Zlotkin espoused his personal views on a racially charged topic, used profane language, and used a profane gesture directed to a student. *Id.* ALJ Stokes determined that Zlotkin's actions constitute conduct unbecoming a teacher. *Id.* at p. 8.

As to a determination of penalty, ALJ Stokes noted that the Board urged revocation, citing decisions in support of its position. *Id.* at p. 9. Nevertheless, mitigating factors against revocation included Zlotkin's appreciation of the seriousness of his actions and comments and his long, otherwise unblemished, career as an educator. *Id.* at p. 9-10. ALJ Stokes determined that Zlotkin's rant was an aberration and that his teaching career, spanning over 20 years, revealed no similar unsuitable conduct toward his students. *Id.* at p. 10. Accordingly, while Zlotkin's conduct was improper, it did not warrant revocation, but rather a 2-year suspension. *Id.*

The Deputy Attorney General (DAG or Deputy) representing the Board filed Exceptions. In the Exceptions, the DAG argues that ALJ Stokes incorrectly determined that revocation was not warranted. *See* Exceptions at p. 5. Zlotkin's conduct is more than a mere expression of an unpopular opinion. *Id.* at p. 7. Zlotkin's conduct occurred in the classroom, in the presence of students, and included his personal opinions on a sensitive topic. *Id.* Additionally, Zlotkin did not just use profanity, the profanity was directed at a student. Such action warrants the penalty of revocation. *Id.*

Additionally, the DAG argues that ALJ Stokes improperly considered Zlotkin's defense relating to use of medication as a mitigation of the penalty. *Id.* at p. 9. However, there was no proof presented in this matter to support Zlotkin's claims regarding the impact of the medication on his conduct or behavior. *Id.* Overall, the Exceptions argue that the mitigating factors cited by

ALJ Stokes “do not outweigh Zlotkin’s blatant lack of judgment or the true egregiousness of his behavior.” *Id.*

Zlotkin submitted reply exceptions, wherein he argues that the Board should find a 2-year suspension contained in the initial decision by ALJ Stokes to be appropriate. *See Reply to Exceptions* at p. 1. Zlotkin indicates that while his use of profanity is not condoned, he did not volunteer an opinion, but rather the effect of his medication may have amplified his reaction to the student. *Id.* at p. 3. He states that his “disrespectful comment was as volatile as the student’s racially charged thesis.” *Id.* at p. 4.

His reaction was due to frustration at the lack of student motivation. Zlotkin argues that the DAG’s exceptions are out of context and inaccurate and that the ALJ’s decision that the matter does not warrant revocation should be upheld. *Id.* at p. 4.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of April 13, 2023, the Board reviewed the Initial Decision and the Exceptions. After full and fair consideration of the Decision and Exceptions, the Board voted to adopt the Initial Decision without modification of the penalty.

“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. As noted above, after reviewing the record, ALJ Stokes concluded that summary decision was appropriate in this case as material facts were not in dispute. The Board agrees.

The record unequivocally established that Zlotkin engaged in the alleged conduct and that such conduct is certainly unbecoming of a teacher. The Board agrees with ALJ Stokes that there are factors which mitigate the penalty in this matter. Although the Board is not persuaded by

Zlotkin's arguments relating to the use of medication(s) and the impact of same on his behavior as it is unproven in the record, the Board agrees that this was an isolated incident over a lengthy career. While the conduct is certainly egregious, taking into account Zlotkin's otherwise successful career, the Board agrees with the ALJ that a 2-year suspension is appropriate.

Accordingly, on April 13, 2023, the Board voted to adopt the Initial Decision and ordered a 2-year suspension of Zlotkin's certificates. On this 18<sup>th</sup> day of May 2023, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that Howard Zlotkin's Teacher of Elementary Grades K-8 Certificate of Eligibility, Teacher of Biological Science Certificate of Eligibility, Teacher of Biological Science standard certificate, and Teacher of Earth Science standard certificate are hereby SUSPENDED for a period of 2 years, effective immediately. It is further ordered that Zlotkin 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.

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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.