

SBE # 0405-256  
SB # 53-05  
App. Div. # A-5021-05T3

IN THE MATTER OF THE REVOCATION :  
OF THE TEACHING CERTIFICATE OF : STATE BOARD OF EDUCATION  
STEPHEN FOX BY THE STATE BOARD OF : DECISION  
EXAMINERS. :

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Decision by the State Board of Examiners issued on November 15, 2005

Decided by the State Board of Education, May 3, 2006

Remanded by the Appellate Division, August 29, 2007

For the Petitioner-Respondent, Melanie Brooks, Deputy Attorney General  
(Anne M. Milgram, Attorney General of New Jersey)

For the Respondent-Appellant, Oxfeld Cohen, P.C. (Benjamin A. Spivack,  
Esq., of Counsel)

On May 3, 2006, the State Board of Education affirmed the decision of the State Board of Examiners to revoke the teaching certificate of the appellant, Stephen Fox, a teaching staff member, who acknowledged that he had kissed on the lips a male student who had come to him for guidance. The State Board concurred with the Board of Examiners that the appellant's behavior demonstrated his unfitness to teach and that revocation of his certification was the appropriate penalty under the circumstances.

On August 29, 2007, the Appellate Division, concluding that the appellant was entitled to present evidence in mitigation of the revocation sanction, remanded this

matter to the State Board of Education for referral to the Office of Administrative Law for a hearing limited to the issue of the appropriate sanction.

In view of the Court's decision, we remand this matter to the State Board of Examiners for transmittal to the Office of Administrative Law for such proceedings as may be required to fulfill the terms of the Court's decision. We do not retain jurisdiction.

September 20, 2007

Date of mailing \_\_\_\_\_