

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
DAVID SHAW : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-165

At its meeting of February 28, 2013, the State Board of Examiners (Board) reviewed information provided by the Department of Children and Families, Institutional Abuse Investigation Unit (IAIU) regarding David Shaw. The IAIU investigated allegations of inappropriate conduct against Shaw, including allegations that he had engaged in an ongoing personal relationship with a student who was 16 years old. In one instance during the 2011 school year, Shaw and the student engaged in a sexual interaction at his home. Shaw also allegedly sent the student a sexually explicit photograph of himself via text message. Shaw admitted to his alleged conduct during the IAIU investigation and the IAIU substantiated the allegations of Sexual Abuse/Sexual Molestation against Shaw. Shaw currently holds a Teacher of Art Certificate of Eligibility With Advanced Standing, issued in January 2008. Upon review of the above information, at its meeting of April 12, 2013, the Board voted to issue Shaw an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Shaw the Order to Show Cause by regular and certified mail on April 30, 2013. Shaw responded on May 7, 2013. In his response, Shaw stated that his conduct was inexcusable and that he took responsibility for his actions. (Answer, p. 1). He also stated that the information provided by the IAIU was accurate and noted “My action was unbecoming of a professional, and I cannot be a role model to anyone.” (Answer, p. 1). Shaw added that he regretted his actions and was “attempting to move on and live a productive life.” (Answer, p. 1). Finally, Shaw noted that “**I believe it is in the interest of the Department of Education and of society to revoke my Certificate of Eligibility with Advanced Standing.**” (Answer, p. 1, emphasis in original).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 10, 2013, the Board sent Shaw a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Shaw 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. Shaw 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. Shaw did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Shaw's conduct constitutes conduct unbecoming a certificate holder. At its meeting of July 25, 2013, the Board considered the allegations in the Order to Show Cause and Shaw's Answer. The Board determined that no material facts related to Shaw's offense were in dispute since he admitted to the allegations in the Order to Show Cause. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Shaw's conduct, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. 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:9-17.5*. "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. Shaw's act of engaging in a sexual relationship with a student is inexcusable for any individual, teacher or not. Moreover, as Shaw himself noted, his conduct amply demonstrates his inability to be a role model for

students. The Board agrees and therefore concludes that the only appropriate response to Shaw's breach is the revocation of his teaching certificate.

Accordingly, on July 25, 2013, the Board voted to revoke Shaw's Teacher of Art Certificate of Eligibility With Advanced Standing. On this 20th day of September 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of David Shaw's certificate be effective immediately. It is further ORDERED that Shaw return his certificate to the Secretary of the State Board of Examiners, Office of Licensure and Certificates, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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