

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
BERNARD SHERO : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-161

At its meeting of February 28, 2013, the State Board of Examiners (Board) reviewed information it had received from the Philadelphia Court of Common Pleas indicating that on January 30, 2013, Bernard Shero was convicted in Pennsylvania of Rape of Child, Involuntary Deviate Sexual Intercourse with Child, Endangering the Welfare of Children-Parent/Guardian, Corruption of Minors and Indecent Assault of Person Less Than 13 Years of Age. In New Jersey, Shero currently holds a Teacher of the Handicapped certificate, issued in June 2001. The Board voted to issue Shero an Order to Show Cause at its meeting of April 12, 2013.

The Board sent Shero the Order to Show Cause by regular and certified mail on April 30, 2013. The Order provided that Shero must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Shero did not file a response. Thereafter, on June 13, 2013, the Board sent Shero another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Both the certified mail copy and the regular mail copy were returned. After securing a new address for Shero, on June 26, 2013, the Board re-sent Shero the second notice by regular and certified mail. The certified mail receipt was signed and returned and the regular mail copy was not returned. Shero did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 16, 2013, the Board sent Shero a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Shero 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 determined 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 Shero's conduct warranted action

against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Shero 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. Once again, Shero did not file a response.

The threshold issue before the Board in this matter is whether Shero's conviction constitutes conduct unbecoming a certificate holder. Since Shero failed to respond to the Order to Show Cause or the Hearing Notice, at its meeting of September 20, 2013, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Shero's offense were in dispute since he never denied that he had been convicted of the offense charged and sentenced accordingly. 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 Shero's conviction, as set forth in the Order to Show Cause, provides 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. Shero's acts of Rape of Child, Involuntary Deviate Sexual Intercourse with Child, Endangering the Welfare of Children-Parent/Guardian, Corruption of Minors and Indecent Assault of Person Less Than 13 Years of Age are inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher convicted of Rape of Child, Involuntary Deviate Sexual Intercourse with Child, Endangering the Welfare of Children-Parent/Guardian, Corruption of Minors and Indecent Assault of Person Less Than 13

Years of Age cannot claim status as a role model to anyone. The Board therefore believes that the only appropriate sanction in this case is the revocation of Shero's certificate. *In the Matter of the Certificates of Kevin Jordan*, Dkt. No. A-0155-08T3 (App. Div. October 5, 2009) (Unpublished Opinion).

Accordingly, on September 20, 2013, the Board voted to revoke Shero's Teacher of the Handicapped certificate. On this 1st day of November 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Bernard Shero's certificate be effective immediately. It is further ORDERED that Shero return his certificate to the Secretary of the State Board of Examiners, Office of Licensure, P.O. 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.

RRH:MZ:th