

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
SHAWN S. SYPHERD : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-113

At its meeting of November 1, 2018, the State Board of Examiners (Board) reviewed information the Office of Student Protection (OSP), formerly the Criminal History Review Unit (CHRU), provided regarding Shawn S. Sypherd. On February 16, 2018, Sypherd pled guilty to federal charges of Health Care Fraud and Attempt and Conspiracy resulting from his involvement in a scheme to submit fraudulent claims for medically unnecessary prescriptions. The OSP notified the Board that, as a result of his conviction, Sypherd was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Sypherd currently holds Teacher of Social Studies Certificate of Eligibility with Advanced Standing, Teacher of Elementary School in Grades K-8 Certificates of Eligibility with Advanced Standing, Teacher of Social Studies, and Teacher of Elementary School in Grades K-8 certificates.

Sypherd did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of December 17, 2018 to issue Sypherd an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Sypherd the Order to Show Cause by regular and certified mail on December 20, 2018. The Order provided that Sypherd had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Sypherd did not file a response.

Thereafter, on March 7, 2019, the Board sent Sypherd another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Sypherd

filed a response on March 25, 2019 asking the Board to put the matter on hold until the federal investigation was resolved. The Board responded to Sypherd indicating that since he had pled guilty to the federal charges and there was no criminal case pending against him he had to submit an Answer to the Order to Show Cause within 15 days. Sypherd filed a response on April 15, 2019.

In his Answer, Sypherd admitted that he pled guilty in federal court to the charges alleged in the Order to Show Cause but indicated that he had not yet been sentenced so there was no judgment of conviction. (Answer, ¶ 3). He added that since he had not been sentenced and there was no judgement of conviction “it is not legally appropriate to revoke my teaching certificates.” (Answer, ¶ 4).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 23, 2019, the Board sent Sypherd a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Sypherd 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. Sypherd was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail was returned as “Unclaimed” and the regular mail copy was not returned. Sypherd did not file a response.

The threshold issue before the Board in this matter is whether Sypherd's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. At its meeting of August 1, 2019, the Board considered only the allegations in the Order to Show Cause and Sypherd's Answer. The Board concluded that no material facts related to Sypherd's offense were in dispute since he admitted that he had engaged in the conduct alleged and had pled guilty. The Board therefore determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Sypherd had engaged in unbecoming conduct.

The Board must now determine whether Sypherd's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be poor exemplars for them. Individuals convicted of crimes such as Health Care Fraud and Attempt and Conspiracy fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "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. Moreover, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Sypherd's conviction demonstrates behavior that falls far short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate 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. Thus, because the Legislature and the Commissioner consider Sypherd's offenses so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on August 1, 2019, the Board voted to revoke Shawn S. Sypherd's Teacher of Social Studies Certificate of Eligibility with Advanced Standing, Teacher of Elementary School in Grades K-8 Certificates of Eligibility with Advanced Standing, Teacher of Social Studies, and Teacher of Elementary School in Grades K-8 certificates. On this 19th day of September 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that Sypherd's certificates be revoked, effective immediately. It is further ORDERED that Sypherd 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.

Rani Singh, Acting Secretary
State Board of Examiners

Date of Mailing:
By 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.