

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
SHAWN SOCHASKI : ORDER OF REVOCATION
_____ : DOCKET NO: 1415-153

At its meeting of January 23, 2015, the State Board of Examiners (Board) reviewed information it had received from the Florida Department of Education, Office of Professional Practices Services (OPPS) regarding Shawn Sochaski. OPPS reported that, when applying for certification in Florida, Sochaski indicated that he was certified as a Teacher of Students with Disabilities in New Jersey and provided a copy of the purported certificate. OPPS inquired about Sochaski's certification status and was informed by the Office of Certification and Induction (OCI) that the certificate Sochaski submitted was actually his standard Teacher of Social Studies certificate, which was altered to appear as if he were issued a standard Teacher of Students with Disabilities certificate at the same time. The identification number on the certificate which Sochaski submitted, which is printed in the upper right hand corner, was that issued for Sochaski's Teacher of Social Studies certificate. New Jersey teaching certificates never have two different teaching endorsements printed on the same certificate form and each certificate has a unique identification number. The certificate Sochaski submitted also had two different fonts, including one not used by the OCI. New Jersey teaching certificates are printed with a single font.

Sochaski currently holds a Teacher of Social Studies Certificate of Eligibility, issued in September 2004, a Teacher of Social Studies Certificate of Eligibility With Advanced Standing, issued in August 2006, a Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing, issued in July 2007, a Teacher of Students With Disabilities Certificate of Eligibility, issued in October 2007 and a Teacher of Social Studies certificate,

issued in September 2009. After reviewing the above information, at its March 12, 2015 meeting, the Board voted to issue an Order to Show Cause to Sochaski as to why his certificates should not be revoked.

The Board sent Sochaski the Order to Show Cause by regular and certified mail on March 17, 2015. The Order provided that Sochaski must file an Answer within 30 days. Sochaski responded on April 25, 2015. In his Answer, Sochaski noted that he had been an educator in New Jersey since 2004. (Answer, p. 1). He also stated that when he applied for a job in Florida “I emailed and took screen shots from a cellular phone of the certifications I currently held to the school district. Most of the picture images were blurry and are of poor quality.” (Answer, p. 1). He added that he had “never physically mailed, and/or emailed any copies of any certifications to Florida’s department of Education.” (Answer, p. 1). Instead, Sochaski claimed that he had sent “poorly captured screen shots to the school district.” (Answer, p. 1). He added that he had all of his legitimately-issued certifications and they had not been altered. (Answer, p. 1). Sochaski noted that he was “a very ethical and honest person” and that he took his profession very seriously. (Answer, p. 1). He stated that he did “not feel that my certifications should be revoked in any way” and maintained that “I did not send any fraudulent certification to Florida’s Department of Education.” (Answer, p. 1).

Since there were material facts in dispute, on June 30, 2015, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Lisa James-Beavers heard the matter as oral argument on a summary decision motion on June 22, 2016. The record closed on June 22, 2016, and the ALJ issued an Initial Decision on August 10, 2016. *In the Matter of the Certificates of Shawn Sochaski*, Dkt. No. EDE 09679-15 (Initial Decision, August 10, 2016).

After reviewing the record, ALJ James-Beavers found that Sochaski had submitted two New Jersey teaching certificates to the Florida Department of Education, one for Teacher of Social Studies and the other for Teacher of Social Studies and Teacher of Students with Disabilities. (Initial Decision, slip op. at 3). The ALJ also noted that when the OCI was contacted by the Florida DOE about the authenticity of Sochaski's certificates, the OCI stated that the certificate Sochaski submitted that "purportedly shows that he holds standard certification as a Teacher of Social Studies and a Teacher of Students with Disabilities ...is not authentic." *Ibid.* The ALJ found that Florida DOE rejected Sochaski's application for a Florida Educator's certificate because of the allegations that he had fraudulently altered his New Jersey teaching certificate "to add certification in Students with Disabilities to the original certification in Social Studies." *Id.* at 4. The ALJ also noted that in the Florida proceedings, Sochaski indicated he did not dispute the allegation that he altered his teaching certificate and waived his right to a formal hearing to dispute the allegation. *Ibid.* Sochaski only appeared at his Florida hearing to offer mitigation evidence and apologize for his actions. *Id.* at 5-6.

ALJ James-Beavers concluded that summary decision was appropriate in the case because Sochaski had admitted the conduct set forth in the Order to Show Cause in his sworn testimony before the Florida tribunal. *Id.* at 7. In assessing the appropriate penalty, the ALJ acknowledged that there was no explanation for how Sochaski's "altered certificate, which does not appear to be a screen shot, ended up with the Florida DOE. However, all that matters is that he admitted that he caused the altered certificate to be fraudulently submitted to the Florida DOE in support of his teaching application in that state." *Id.* at 9. Based on prior case law, the ALJ concluded that Sochaski's actions constituted conduct unbecoming a teacher, that the Board was entitled to judgment as a matter of law and that revocation was warranted "because no other

penalty is appropriate for such a violation.” *Id.* at 10. ALJ James-Beavers therefore ordered the revocation of Sochaski’s certificates. *Ibid.* Neither Sochaski nor the Deputy Attorney General (DAG) representing the Board filed Exceptions or Reply Exceptions.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of September 16, 2016, the Board reviewed the Initial Decision. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision.

As noted above, after assessing the evidence in the record, ALJ James-Beavers concluded that the Board had amply demonstrated that Sochaski had engaged in and admitted to conduct unbecoming a teacher by submitting an altered version of his New Jersey certification to the Florida DOE. According to the ALJ, such conduct warranted the revocation of Sochaski’s certificates. (Initial Decision, slip op. at 10). After reviewing the entire record, the Board agrees with the ALJ.

“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. 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 (Sup. Ct. 1943), *aff’d*, 131 *N.J.L.* 326 (E & A 1944). In this case, Sochaski’s actions, taken as a whole, clearly demonstrate conduct that warrants action against his legitimately-issued certificates. Not only did he attempt to deceive Florida authorities regarding his certification in New Jersey, he continued to deny his responsibility for the conduct until faced with a disciplinary proceeding. Even in this matter, when faced with the same charges, Sochaski in his Answer continued to feign surprise and maintained he had only submitted a poor screen shot of his certificates. His

behavior clearly falls far short of that of a role model and the Board determines, as did the ALJ, that revocation is the only appropriate response here. The Board therefore adopts the Initial Decision.

Accordingly, on September 16, 2016, the Board voted to adopt the Initial Decision and ordered to revoke Sochaski's certificates. On this 1st day of November 2016, the Board formally adopted its written decision in this matter, and it is therefore ORDERED that Shawn Sochaski's Teacher of Social Studies and Teacher of Students With Disabilities Certificates of Eligibility, his Teacher of Social Studies and Teacher of Elementary School in Grades K-5 Certificates of Eligibility With Advanced Standing and his Teacher of Social Studies certificate are hereby revoked, effective immediately. It is further ORDERED that Sochaski 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.

Robert R. Higgins, Secretary
State Board of Examiners

RRH/MZ/th

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.