



SUPERINTENDENT OF PUBLIC INSTRUCTION

Chris Reykdal Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

IN THE MATTER OF THE EDUCATION)
CERTIFICATE OF)

OPP No. D19-06-054

JACOB SHERMAN)
Certificate No. 521818E)

FINAL ORDER)
OF MANDATORY)
PERMANENT REVOCATION)

After receiving and investigating a complaint from the Evergreen Public Schools (School District) regarding the above referenced Educator, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds that JACOB SHERMAN (Educator) has been convicted of a crime listed in Revised Code of Washington (RCW) 28A.400.322 and per RCW 28A.410.090(4) does hereby PERMANENTLY REVOKE the Educator's Washington Education Certificate No. 521818E, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On August 10, 2016, the Educator was issued Washington Education Certificate No. 521818E. The Educator's certificate will expire on June 30, 2023.

2. During the 2018–2019 school year, the Educator was employed by the School District at Mountain View High School as a science teacher.

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JACOB SHERMAN
FINAL ORDER OF MANDATORY PERMANENT REVOCATION

3. On June 5, 2019, the Office of Professional Practices (OPP) within the Office of Superintendent of Public Instruction (OSPI) received a complaint from Mike Merlino, the Superintendent of the School District, alleging that the Educator committed unprofessional conduct pursuant to Washington Administrative Code (WAC) 181-87 for sending a sexually themed email to a student.
4. From September 2011 through June 2015, the Educator was employed by the Valley Catholic High School in Beaverton, Oregon.
5. In April 2015, the Educator began a sexual relationship with Student A, a 16-year-old Valley Catholic High School student. The sexual relationship continued until November 2019.
6. During the 2018–2019 school year, the Educator exchanged multiple emails with Student B, a 12th-grade female student in the Evergreen School District, that were of a personal, non-school related nature. One of the emails from the Educator to Student B detailed a sexual encounter with her.
7. On May 22, 2019, the Educator was placed on administrative leave by the School District.
8. On May 30, 2019, the Educator signed a Resignation and Settlement Agreement with the School District. Per the Agreement, the Educator resigned his employment effective June 14, 2019.
9. On January 20, 2020, Hillsboro (Oregon) Police Department initiated an investigation into the Educator’s sexual relationship with Student A.
10. On March 21, 2021, a Secret Indictment was filed in Washington County, Oregon District Court charging the Educator with three (3) counts of Sexual Abuse 2nd Degree; Oregon Revised Statute (ORS) 163.425. Student A is the victim of this Indictment.

11. On June 24, 2022, a Petition to Enter Plea and Order was filed in Washington County District Court. In the Petition, the Educator stated, ‘I unlawfully and knowingly subjected (Student A) who was then under 18, to sexual intercourse (ct 1) and oral sexual intercourse (ct 2) on or about September 1, 2015, in Washington County, OR”.
12. On June 24, 2022, the Educator was found guilty, by plea, of two (2) counts of Sexual Abuse 2nd Degree, ORS 163.425, and sentenced. Count 3 was dismissed per plea agreement.
13. Sexual abuse in the second degree under Oregon law, is an offense similar to RCW 9A.44.093, Sexual misconduct with a minor in the first degree.¹
14. RCW 28A.410.090(4) requires that a certificate shall be revoked upon a plea or conviction of any felony crime considered a crime against children listed under RCW 28A.400.322, which includes sexual offenses under chapter 9A.44 RCW where a victim is a minor. Also included are violation of laws of another jurisdiction that are similar to those listed in RCW 28A.400.322.

¹ ORS 163.425 – Sexual abuse in the second degree: (1) A person commits the crime of sexual abuse in the second degree when: (a) person subjects another person to sexual intercourse, oral or anal sexual intercourse or, except as provided in ORS 163.412 (Exceptions to unlawful sexual penetration prohibition), penetration of the vagina, anus or penis with any object other than the penis or mouth of the actor and the victim does not consent thereto; or (b)(A) The person violates ORS 163.415 (Sexual abuse in the third degree)(1)(a)(B); (B) The person is 21 years of age or older; and (C) At any time before the commission of the offense, the person was the victim’s coach as defined in ORS 163.426.

RCW 9A.44.093 – Sexual misconduct with a minor in the first degree: A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with his or her foster child who is at least sixteen.

15. Because ORS 163.425 and RCW 9A.44.093 are similar, such a plea or conviction requires OSPI to PERMANENTLY REVOKE the Educator's Washington Education Certificate No. 521818E pursuant to RCW 28A.410.090(4).

II. CONCLUSIONS OF LAW

1. Chapter 28A.410 RCW gives the Professional Educator Standards Board the authority to develop regulations determining eligibility for and certification of personnel employed in the common schools of the state of Washington. OSPI acts as the administrator of those statutes and regulations and has the authority to issue, reprimand, suspend, and revoke education certificates. RCW 28A.410.010; RCW 28A.410.090. Chapters 181-86 and 181-87 of the WAC further implement OSPI's authority.

2. OSPI has jurisdiction over the Educator and the subject matter of this action.

3. Pursuant to WAC 181-86-070, there is clear and convincing evidence the Educator has pleaded guilty to or has been convicted of a crime specified in RCW 28A.410.090(4).

4. Pursuant to RCW 28A.410.090(4) and WAC 181-86-013(2), a plea of guilty or a conviction of Sexual Misconduct 1st Degree, RCW 9A.44.093 "bars the certificate holder from any future practice as an education practitioner" and mandates OSPI to permanently revoke the Educator's certificate.

5. Pursuant to WAC 181-86-170, WAC 181-86-013(4), and WAC 181-86-014, there is clear and convincing evidence the Educator has a behavioral problem that endangers the educational welfare or personal safety of students.

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6. Pursuant to WAC 181-86-080, eleven factors, at a minimum, are to be considered to determine the appropriate level and range of educator discipline:

- (1) The seriousness of the act(s) and the actual or potential harm to persons or property;
- (2) The person's criminal history including the seriousness and amount of activity;
- (3) The age and maturity level of participant(s) at the time of the activity;
- (4) The proximity or remoteness of time in which the acts occurred;
- (5) Any activity that demonstrates a disregard for health, safety or welfare;
- (6) Any activity that demonstrates a behavioral problem;
- (7) Any activity that demonstrates a lack of fitness;
- (8) Any information submitted regarding discipline imposed by any governmental or private entity as a result of acts or omissions;
- (9) Any information submitted that demonstrates aggravating or mitigating circumstances;
- (10) Any information submitted to support character and fitness; and
- (11) Any other relevant information submitted.

7. Based on the foregoing facts, and considering them in light of the eleven factors enumerated in WAC 181-86-080, and in light of WAC 181-86-075, RCW 28A.410.090(4), WAC 181-87-080, WAC 181-87-060, and WAC 181-86, the Educator's education certificate should be permanently revoked for demonstrating a lack of good moral character and personal fitness pursuant to WAC 181-86-013(2)(4), committing acts of unprofessional conduct pursuant to WAC 181-87-080 and WAC 181-87-060, and being convicted of a felony crime under RCW 28A.410.090(4) which bars the Educator from any future practice as an educator.

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III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 512818E of JACOB SHERMAN is **PERMANENTLY REVOKED**.

DATED this 18th day of November, 2022.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Matthew A. Schultz
Chief Legal and Civil Rights Officer