

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
RICHARD SEGARS : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-243

At its meeting of September 21, 2006, the State Board of Examiners reviewed information received pursuant to *N.J.A.C. 6A:9-17.4* from the Union County Vocational-Technical Schools regarding Richard Segars. The Superintendent, Dr. Thomas Bistocchi, had provided information that Segars, a non-tenured teacher, had been terminated from his position for conduct unbecoming a teacher. According to Dr. Bistocchi, Segars had made a sexually explicit comment that was directed at students. Segars currently holds a Teacher of Building Maintenance Certificate of Eligibility (CE), issued in December 2003, and a Teacher of Building Maintenance certificate, issued in July 2005. Upon review of the above information, at its November 2, 2006 meeting, the State Board of Examiners voted to issue Segars an Order to Show Cause.

The Board sent Segars the Order to Show Cause by regular and certified mail on November 16, 2007. The Order provided that Segars' Answer was due within 30 days. Segars filed his response on November 24, 2006. In that Answer, Segars returned his Teacher of Building maintenance certificate and stated that he no longer wished to hold the certificate since he no longer intended to work for the "Department of Education or any of its affiliates." (Answer, ¶ 1). Segars added that "at no time were any of the statements *allegedly* made by me intended to be heard or mistakenly directed towards a student or students." (Answer, ¶ 2) (emphasis in original). Although Segars returned his teaching certificate he did not return his CE.

Thereafter, on February 9, 2007, the Board of Examiners sent Segars an affidavit for him to sign surrendering his certificate and CE with the force and effect of a revocation. Segars did not respond to the letter.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Segars' conduct in using sexually inappropriate comments toward students constitutes conduct unbecoming a certificate holder. At its meeting of May 3, 2007, the State Board of Examiners reviewed the charges and papers Segars filed

in response to the Order to Show Cause. After review of Segars' submissions, the Board of Examiners determined that no material facts related to his offense were in dispute since he acknowledged making the comments and surrendered his teaching certificate. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Segars' offense 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 State Board of Examiners 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. Segar's use of inappropriate language, either directed towards students or overheard by them, is not the action of a role model. Segars has evidenced his willingness to remove himself from the teaching profession by the return of his certificate. The Board cannot accept that surrender without it carrying the force and effect of a revocation. Moreover, as Segars is also the holder of a CE which enables him to seek employment as a teacher, the Board must revoke that certificate as well.

Accordingly, pursuant to the Board of Examiners' vote, it is therefore ORDERED that Richard Segars' Teacher of Building Maintenance Certificate of Eligibility and Teacher of Building Maintenance certificate be revoked effective this 7th day of June, 2007. It is further ORDERED that Segars return his Certificate of Eligibility to the Secretary of the State Board of Examiners, Office of Licensure, 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 State Board of Education pursuant to the provisions of *N.J.S.A. 18A:6-28*.