

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
RICHARD DECKERT : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0708-164

At its meeting of March 31, 2009, the State Board of Examiners reviewed information received from the Atlantic and Burlington County Prosecutors' Offices indicating that on November 19, 2008, Richard Deckert had pled guilty to charges of Assault By Auto and Driving While Impaired (2<sup>nd</sup> Offense.) Deckert was sentenced to four years in prison and fined. Deckert currently holds a Teacher of the Handicapped certificate, issued in January 2002. Upon review of the above information, at its May 11, 2009, meeting, the State Board of Examiners voted to issue Deckert an Order to Show Cause.

The Board sent Deckert the Order to Show Cause by regular and certified mail on May 14, 2009. The Order provided that Deckert's Answer was due within 30 days. Deckert filed an Answer on June 29, 2009. In that response, he indicated that becoming a teacher was "one of the happiest and proudest moments in my life." (Answer, p. 1.) Deckert also recalled that he was in a horrible automobile accident and learned after he emerged from a coma that his friend had been killed in the accident. (Answer, p. 2.) He claimed that "we were both ejected from the vehicle so determining who was driving is not 100 percent." (Answer, p. 2.) He stated that he pled guilty to a lesser third degree charge because "I was the owner of the vehicle and found to have a blood-alcohol level that was just over the legal limit." (Answer, p. 2.) Deckert added that knowing he may have contributed to a friend's death "will last a lifetime." (Answer, p. 2.) Deckert hoped to return to the classroom after completing his sentence so he could help teach students "to not make any of the mistakes I've made in life." (Answer, p. 2.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 10, 2009, the Board sent Deckert a hearing notice by regular and certified mail. The notice explained that it appeared that no

material facts were in dispute, and thus, Deckert 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. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his conviction warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Deckert was also provided the opportunity to appear before the Board to testify on the sanction issue.

On July 30, 2009, Deckert's mother responded and indicated that her son was "learning a lesson knowing [his friend] lost his life due to the horrible accident they were both in." (Hearing Response, p. 1.) She stated that teaching special needs children meant everything to her son and asked for leniency. (Hearing Response, p. 1.)

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Deckert's conviction constitutes conduct unbecoming a certificate holder. At its meeting of October 22, 2009, the State Board of Examiners considered the allegations in the Order to Show Cause and Deckert's responses. The Board of Examiners determined that no material facts related to Deckert's offense were in dispute since he never denied that he had pled guilty to the offense charged and had been sentenced accordingly. Thus, the Board of Examiners 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 State Board of Examiners must now determine whether Deckert's conviction, as set forth in the Order to Show Cause, represents just cause to act against his certificate 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Deckert’s actions are inexcusable and certainly prevent him from laying claim as a role model to students.

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 instance, Deckert’s conviction for Assault By Auto and Driving While Impaired demonstrates egregious behavior that warrants revocation.

Accordingly, on October 22, 2009, the Board of Examiners voted to revoke Richard Deckert’s Teacher of the Handicapped certificate. On this 2nd day of December 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Deckert’s certificate be effective immediately. It is further ORDERED that Deckert 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A. 18A:6-38.4*.

RRH:MZ: