

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RICHARD CHAMBERS : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-102

At its meeting of September 15, 2017, the State Board of Examiners (Board) reviewed information it received regarding Richard Chambers. The Camden City School District (Camden) certified tenure charges against Chambers alleging that he engaged in conduct unbecoming by engaging in inappropriate physical contact with students.

On May 12, 2017, the Arbitrator assigned to the case pursuant to *N.J.S.A.* 18A:6-16 approved a settlement, in which Chambers agreed to resign from his tenured position, effective June 30, 2017. *In the Matter of the Tenure Hearing of Richard Chambers*, Dkt. No. 46-3/17 (Arbitrator's Decision, May 12, 2017). The matter was referred to the New Jersey State Board of Examiners (Board) for review.

In the tenure charges, which are incorporated herein by reference, Camden alleged that, on September 15, 2016, Chambers grabbed his sixth-grade student, J.S., by the shirt in the area of his neck and/or chest. While holding and grabbing J.S.' shirt, Chambers lifted J.S. and shoved, pushed and/or slammed J.S. into a classroom wall. While still holding J.S.' shirt, Chambers pushed and/or dragged J.S. into the hallway. This incident was witnessed by other students and staff members and Chambers admitted to his supervisor that he lifted J.S. up by his shirt.

Camden also alleged that during the 2014-2015 school year, Chambers grabbed the collar of a student, M.L., on at least two separate occasions. On one of those occasions, Chambers also threw M.L. to the floor and/or into an easel. As a result of an investigation into the incidents with M.L., Chambers was advised to cease and desist from inappropriately touching any students.

Chambers currently holds a Teacher of Music certificate. After reviewing the above information, at its November 1, 2017 meeting, the Board voted to issue an Order to Show Cause to Chambers as to why his certificate should not be revoked.

The Board sent Chambers the Order to Show Cause by regular and certified mail on November 3, 2017. The Order provided that Chambers must file an Answer within 30 days. Chambers responded on December 1, 2017. In his Answer, Chambers admitted that the tenure charges were filed, but denied the substance of the allegations. *See Answer at ¶ 2.* He further acknowledged that the tenure charges were settled. *Id.* at ¶ 3.

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Dean J. Buono heard the matter and the record closed on October 27, 2022. He issued an Initial Decision on November 30, 2022. *In the Matter of the Certificates of Richard Chambers*, Dkt. No. EDE 02477-18 and Agency Dkt. No. 1718-102 (Initial Decision, November 30, 2022).

After reviewing the testimony and the record, ALJ Buono found that the testimony of M.L. was “especially credible and persuasive” on the issue that he was grabbed by Chambers. *See Initial Decision*, slip op. at p. 6. ALJ Buono found that overall, “M.L.’s testimony was more convincing and explained the logical facts without piling on.” *Id.* at p. 6. He also found that Chambers was not credible. *Id.* He further stated that Chambers’ testimony was “self-aggrandizing” and “not convincing.” *Id.* ALJ Buono noted that Chambers’ testimony blamed the students, stating they were “angry” and “aggressive intercity kids.” *Id.* at p. 7.

Based upon these factual findings, ALJ Buono determined that Chambers’ reactions were explosive and “the antithesis of a proper educator.” *Id.* at p. 8. In conclusion, it was determined that Chambers actions reflected a lack of judgment which provides the basis to determine that he engaged in conduct becoming which warrants the revocation of his certificate. *Id.* at p. 10.

On December 10, 2022, Chambers submitted Exceptions to the Initial Decision. The Exceptions argued that there was no competent or credible evidence that Chambers threw student J.S. against a wall. *See Exceptions* at p. 7. He further took issue with the credibility determinations made by ALJ Buono and argued that as a result they should be set aside. *Id.* at p. 8-9.

The Deputy Attorney General (DAG) assigned to this matter submitted a reply to the Exceptions on December 23, 2022. The DAG indicated that even if J.S. did not testify in this matter, the Institutional Abuse Investigation Unit (IAIU) investigator, Tamika Solomon, testified to the same facts as Chambers' regarding the incident with J.S. Her investigation concluded that J.S. was acting up and Chambers made contact with J.S. *See Reply Exceptions at p. 9.* The only difference was Chambers' testimony that he "gingerly pinched J.S.'s shirt after being punched by him in the face and elbowed." *Id.*

Further, the DAG argued that Chambers' exceptions did not demonstrate that the ALJ's credibility findings regarding M.L. were arbitrary, capricious or unreasonable. *Id.* at p. 8. Therefore, ALJ Buono's determinations should be given due deference. *Id.*

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of January 26, 2023, the Board reviewed the Initial Decision. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision.

"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. There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings. As noted above, after assessing the evidence and credibility of the witnesses, ALJ Buono concluded that Chambers engaged in conduct unbecoming that warranted the revocation of his certificate. After reviewing the entire record, the Board agrees with the ALJ's assessment regarding Chambers' conduct and the appropriate resultant penalty. The Board is not persuaded by the Exceptions regarding the need to overturn ALJ Buono's credibility findings, nor does it find that there was no evidence to support the findings regarding Chambers interactions with J.S.

Accordingly, on January 26, 2023, the Board voted to adopt the Initial Decision and ordered the revocation of Chambers' certificate. On this 3rd day of March 2023, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that Richard Chambers' Teacher of Music certificate is hereby revoked, effective immediately. It is further ordered that Chambers

return his certificate 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, Secretary
State Board of Examiners

RS/KAG/cf

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.