

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
RICHARD SLAYTON : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0607-203

At its meeting of June 7, 2007, the State Board of Examiners reviewed information received from the Jefferson School District indicating that Richard Slayton had resigned from his tenured teaching position in the district in light of allegations of unbecoming conduct. The district alleged that Slayton had had frequent and inappropriate communications with a female student. Slayton had called the student at least 37 times in one day and sent her inappropriate text messages. He had also written an inappropriate message to her in the cover of a book of poetry he had given to her. Additionally, the district alleged that Slayton had provided his English students with a study guide to an exam that was an exact replica of the exam. He had also allowed a student to take a final exam on a different day from her regularly scheduled exam, which was against district policy since no extenuating circumstances warranting the rescheduling existed. Slayton currently holds a Teacher of Elementary School Certificate of Eligibility, issued in July 1999, a Teacher of English Certificate of Eligibility, issued in April 2000, and Teacher of Elementary School and Teacher of English certificates, both issued in August 2000. Upon review of the above information, at its June 7, 2007 meeting, the State Board of Examiners voted to issue Slayton an Order to Show Cause.

The Board sent Slayton the Order to Show Cause by regular and certified mail on June 13, 2007. The Order provided that Slayton's Answer was due within 30 days. Slayton filed his response on July 16, 2007. In that Answer, he stated that he was called into the principal's office and accused of having an inappropriate relationship with a student. (Answer, p. 1.) Slayton contended that there was no evidence provided to substantiate the allegation. (Answer, p. 1.)

Slayton also added that several students and staff members informed him that they had been questioned by the principal regarding his conduct. (Answer, p. 1.) Slayton claimed that he decided to resign because he was going to promote a poetry book of his that had just been published, he discovered that the Board had hired a private investigator for his case and he was humiliated. (Answer, p. 2.) He claimed that he did not have the financial resources to pursue a legal course of action. (Answer, p. 2.)

In response to the specific allegations in the Order to Show Cause, Slayton claimed that the phone logs would show that most of the communications he had with the student in question were initiated by the student and that his responses to her “were made in an effort to convince her to stop calling me and to seek professional help.” (Answer, p. 2.) He added that he did not remember writing any inappropriate comments in his poetry volume and that the book was published after he had resigned from teaching. (Answer, p. 2.)

Slayton also stated that his study guide which contained material that was on the final exam, was for a low level English class that contained several special needs students and that after meeting with the Superintendent to discuss the issue he thought that the matter was resolved. (Answer, p. 2.) Slayton did not remember allowing the administration of a final exam to a student other than on her scheduled exam day and added that he was not in attendance at school during the week finals were administered. (Answer, p. 2.)

Since there were material facts in dispute, the Board of Examiners transmitted the matter to the Office of Administrative Law (OAL) for a hearing. The hearing was scheduled for April 29, 2008. Slayton did not appear at the hearing or request an adjournment. Accordingly, the OAL returned the case to the Board of Examiners. In the transmittal notice from OAL, dated April 29, 2008, Slayton was advised that any excuse for his failure to appear at the hearing was

required to be mailed to the Board within 13 days of the notice, May 12, 2008. Slayton did not submit a reason for his failure to appear.

At its meeting on July 17, 2008, the Board of Examiners tabled the matter to provide Slayton the opportunity to file a written submission and appear before the Board to offer his testimony on the issue of an appropriate sanction in the event the Board voted to take action against his certificates. Slayton was sent a hearing notice to that effect on August 6, 2008. He did not file a response to the notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Slayton's conduct, as alleged in the Order to Show Cause, constitutes conduct unbecoming a certificate holder. At its meeting of January 13, 2009, the State Board of Examiners reviewed the charges and papers Slayton filed in response to the Order to Show Cause. Since Slayton did not appear at his hearing or respond to numerous hearing notices, 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 Slayton's conduct 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. Slayton's acts of inappropriate, ongoing

communication with a female student are inexcusable. *See, In the Matter of the Certificates of Thomas Cantillon*, Dkt. No. 0506-241 (Bd. of Examiners, July 17, 2008) (revocation of certificates appropriate where teacher maintained out of school relationship with student even where no sexual contact occurred); *In the Matter of the Certificates of Ernest Piano*, Dkt. No. 0405-301 (Bd. of Examiners, December 7, 2006) (revocation appropriate when teacher makes sexual advances toward high school student); *In the Matter of the Tenure Hearing of Adam Mujica*, OAL Dkt. No. EDU 10120-00 (Commissioner's Decision, September 7, 2001) (inappropriate comments of a sexual nature are conduct unbecoming.) These actions, combined with the questionable academic practice of providing students with the exact material on a final exam and the failure to appear at a hearing or respond to numerous notices, are not acceptable for individuals who should be role models for their students.

Accordingly, on January 13, 2009 the Board of Examiners voted to revoke Richard Slayton's Teacher of Elementary School and Teacher of English Certificates of eligibility and his Teacher of Elementary School and Teacher of English certificates. On this 23rd day of February 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Slayton's certificates be effective immediately. It is further ORDERED that Slayton return his certificates 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.

---

Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A. 18A:6-28*.

RRH:MZ: