

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RICHARD WYGANT : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-145

At its meeting of January 25, 2013, the State Board of Examiners (Board) reviewed information received from the staff of the Office of Certification and Induction regarding Richard Wygant. On May 8, 2012, Wygant had pled guilty to Attempted Online Solicitation of a Minor and Purchase Alcohol for a Minor. Wygant had sent inappropriate sexual text messages to a student and, on one occasion, had placed a bottle of alcohol in the student's vehicle. On May 21, 2012, Wygant surrendered his teaching certificate in Texas. Wygant agreed that the surrender was permanent and without opportunity for reapplication. In New Jersey, Wygant currently holds a Teacher of Music certificate, issued in September 1988. Based upon the above information, the Board voted to issue Wygant an Order to Show Cause at its meeting of February 28, 2013.

The Board sent Wygant the Order to Show Cause by regular and certified mail on March 4, 2013. The Order provided that Wygant must file an Answer within 30 days. Wygant responded on March 25, 2013. In his Answer, Wygant admitted his guilty plea and the surrender of his Texas certificate. (Answer, p. 1). He also admitted to his conduct, explaining that he engaged in "phone text conversations with one of my students that extended far beyond the boundaries of propriety." (Answer, p. 1). Wygant noted that he was "a smart man who made a very stupid choice." (Answer, p. 2). He added that he understood the gravity of his offense and hoped that he could teach again one day. (Answer, p. 2). Wygant also noted that he would welcome the opportunity to appear before the Board. (Answer, p. 2).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 5, 2013, the Board sent Wygant a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Wygant 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 as well as arguments with regard to the appropriate sanction in the event that the Board determined to take

action against his certificate. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Wygant's conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Wygant was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified mail copy nor the regular mail copy was returned. Wygant did not file a response. On July 20, 2013, after receiving notice of the hearing date before the Board, Wygant responded, declining the opportunity to appear before the Board. (Wygant Letter, July 20, 2013). He noted that "I believe in our justice system, and believe that I was treated fairly for my offense." (Wygant Letter, July 20, 2013). Wygant also stated that he believed "in the power and possibility of rehabilitation" and added that "[o]ne would get a much better measurement of who I am by looking at my personal and professional records for the 44 years prior to my offense, and the 2 years since." (Wygant Letter, July 20, 2013).

The threshold issue before the Board in this matter is whether the conduct underlying Wygant's guilty plea and the revocation of his Texas certificate constitute conduct unbecoming a certificate holder. At its meeting of July 25, 2013, the Board considered the allegations in the Order to Show Cause, Wygant's Answer and his correspondence of July 20, 2013. The Board determined that no material facts related to Wygant's offense were in dispute since he admitted that he had engaged in the behavior, had pled guilty to the offense charged and had his certificate revoked in Texas. Thus, the Board 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 Board must now determine whether Wygant's conduct underlying his guilty plea and the revocation of his Texas certificate, as set forth in the Order to Show Cause, provide just cause to act against his New Jersey certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

The Board 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. Wygant’s acts of sending numerous inappropriate sexual texts to a student as well as placing alcohol in a student’s vehicle are inexcusable for any individual, teacher or not.

Furthermore, the Commissioner has long held that teachers serve as role models for their students. Clearly, Wygant’s conduct and guilty plea indicate that his actions here are not those of a role model. The Texas State Board for Educator Certification thought so and the Board agrees. The Board therefore believes that the only appropriate sanction in this case is the revocation of Wygant’s certificate.

Accordingly, on July 25, 2013, the Board voted to revoke Wygant’s Teacher of Music certificate. On this 20th day of September 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Richard Wygant’s certificate be effective immediately. It is further ORDERED that Wygant 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.

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:6-38.4.

RRH:MZ:th