

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RICHARD L. HOWELL : ORDER OF REVOCATION
_____ : DOCKET NO: 1516-225

At its meeting of September 16, 2016, the State Board of Examiners (Board) reviewed information the Superior Court of Kent County, Delaware had forwarded regarding Richard L. Howell. On February 26, 2016, Howell pled guilty to three counts of Sex Child Abuse and three counts of Rape < 18 in the state of Delaware. On June 9, 2016, Howell was sentenced to 25 years in prison. Howell currently holds a Teacher of Health and Physical Education certificate, issued in August 1988. Upon review of the above information, at its November 1, 2016 meeting, the Board voted to issue Howell an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Howell the Order to Show Cause by regular and certified mail on or about November 2, 2016. The Order provided that Howell had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Howell did not file a response.

Thereafter, on February 2, 2017, the Board sent Howell another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular copy was not returned. Howell did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 28, 2017, the Board sent Howell a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Howell was offered an opportunity to submit written arguments on the issue of whether the conduct as set forth in the Order to Show Cause provided just cause to take action against his certificate, as well as arguments with regard to the appropriate sanction in the event that the Board found just cause to take action against his certificate. Howell was also offered the opportunity to appear before the Board to provide testimony on

the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Howell did not respond.

The threshold issue before the Board in this matter is whether Howell's conduct and conviction constitute conduct unbecoming a certificate holder or other just cause. Since Howell failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of July 27, 2017, the Board considered only the allegations in the Order to Show Cause and the information received from the Kent County Superior Court. The Board concluded that no material facts related to Howell's offense were in dispute since he never denied that he engaged in the conduct alleged or was convicted and therefore determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(h)*. After reviewing the allegations, the Board found that Howell had engaged in unbecoming conduct.

The Board must now determine whether Howell's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

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:9B-4.4*. "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, 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this matter, Howell has a conviction for offenses against children, which resulted in a lengthy prison sentence. That conviction leaves no doubt that he is unfit to be a teacher. His conduct demonstrates behavior that falls so far short of a role model that the Board believes that the only appropriate sanction in this case is the revocation of Howell's teaching certificate.

Accordingly, on July 27, 2017, the Board voted to revoke Richard L. Howell's Teacher of Health and Physical Education certificate. On this 15th day of September 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Howell's certificate be effective immediately. It is further ORDERED that Howell 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.

Robert R. Higgins, Secretary
State Board of Examiners

RRH/MZ/th

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.