

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
KIAYA RICKARD-URBAN : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-166

At its meeting of January 19, 2018, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) had forwarded regarding Kiaya Rickard-Urban. NASDTEC provided notice that, on October 6, 2017, the Iowa Board of Educational Examiners (IBEE) suspended Rickard-Urban's certificate for a period of two years. The suspension followed a finding that Rickard-Urban was intoxicated at school in the presence of students. Her preliminary breath test registered .192 and a chemical test conducted later registered .161, well over the legal limit of .08.

Rickard-Urban currently holds a Teacher of Elementary School in Grades K-6 certificate. Upon review of the above information, at its March 1, 2018 meeting, the Board voted to issue Rickard-Urban an Order to Show Cause as to why her certificate should not be revoked.

The Board sent Rickard-Urban the Order to Show Cause by regular and certified mail on March 6, 2018. The Order provided that Rickard-Urban had 30 days to respond. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Rickard-Urban did not respond. On April 13, 2018, the Board sent Rickard-Urban another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Rickard-Urban did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on May 14, 2018, the Board sent Rickard-Urban 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 her failure to file an Answer. Thus, Rickard-Urban 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 found just cause to take

action against her certificate. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Rickard-Urban's offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Rickard-Urban was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Once again, Rickard-Urban did not file a response.

The threshold issue before the Board in this matter is whether Rickard-Urban's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Rickard-Urban 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 November 1, 2018, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC. The Board concluded that no material facts related to Rickard-Urban's offense were in dispute since she never denied that she engaged in the conduct alleged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Rickard-Urban had engaged in unbecoming conduct.

The Board must now determine whether Rickard-Urban's conduct, as set forth in the Order to Show Cause, provides just cause to act against her 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). Rickard-Urban's actions in being intoxicated at school in the presence of students is clearly conduct that is

unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is the revocation of her certificate.

Accordingly, on November 1, 2018, the Board voted to revoke Kiaya Rickard-Urban's Teacher of Elementary School in Grades K-6 certificate. On this 17th day of December 2018 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Rickard-Urban's certificate be effective immediately. It is further ORDERED that Rickard-Urban return her 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

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*.