

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
BRUCE SKERBETZ : ORDER OF SUSPENSION
_____ : DOCKET NO: 0405-316

At its meeting of July 21, 2005, the State Board of Examiners reviewed information it had received from Dr. Patrick Martin, the South Amboy School District Superintendent of Schools. Dr. Martin had provided information about Bruce Skerbetz, a special education teacher in the district. The district had received allegations that Skerbetz had behaved inappropriately with several middle school students, including having conversations about fictional homosexual lovers, asking a student who had been kicked in the groin if he wanted “them rubbed,” referring to the student’s testicles and calling one student’s brother a “faggot.” The district suspended Skerbetz’ employment for unbecoming conduct for the remainder of the 2004-2005 school year. Skerbetz resigned at the end of the 2004-2005 school year. Accordingly, South Amboy referred the information to the Board of Examiners pursuant to N.J.A.C. 6A:9-17.4. On July 21, 2005, the Board of Examiners voted to issue an Order to Show Cause to Skerbetz. Skerbetz currently holds a Teacher of Elementary School Certificate of Eligibility, issued in September 2002, a Teacher of Health Certificate of Eligibility, issued in April 2003, a Teacher of Students With Disabilities certificate, issued in January 2005, and Teacher of Elementary School and Teacher of Students With Disabilities Provisional certificates, both issued in September 2005.¹

The Board sent Skerbetz the Order to Show Cause by regular and certified mail on August 19, 2005. The Order provided that Skerbetz must file an Answer within 30 days. Skerbetz filed his Answer on August 29, 2005. In his Answer, Skerbetz denied the allegations of inappropriate conduct in the Order to Show Cause. He claimed that he had decided to leave his

¹ After the Board of Examiners mailed the Order to Show Cause to Skerbetz on August 19, 2005, he was hired by another school district as a provisional teacher. Accordingly, Skerbetz acquired his two provisional certificates in September 2005 and they are not subject to the decision in this case. Those certificates are valid for only two years and will expire on July 31, 2007.

position in South Amboy before the allegations were made. (Answer, ¶ 3). He claimed that the students making the allegations were retaliating because they had previously been disciplined by him when he discovered they had stolen some money from his desk. (Answer, ¶ 3). Skerbetz stated that one of the students threatened to have him fired and that the allegations of his misconduct “surfaced within the days that followed.” (Answer, ¶ 3).

The Board of Examiners transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Ana Viscomi heard testimony on September 11, 2006. After the record closed, the ALJ issued an Initial Decision on December 11, 2006. *In the Matter of the Certificates of Bruce Skerbetz*, Dkt. No. EDE 13-06 (Initial Decision, December 11, 2006).

In that decision ALJ Viscomi recounted the testimony that had been presented by both sides. Dr. Martin, the superintendent, testified that while he was meeting with the South Amboy High School principal during the 2004-2005 school year, several students came to see the principal to complain about Skerbetz. (Initial Decision, slip op. at 3). Dr. Martin stayed for that meeting and testified that the students indicated they were uncomfortable with “certain things Skerbetz said in the classroom.” (Initial Decision, slip op. at 4). As a result of the complaints, Dr. Martin scheduled a meeting with Skerbetz and his representatives. (Initial Decision, slip op. at 4).

During the meeting, Dr. Martin described to Skerbetz the details of the students’ complaints. (Initial Decision, slip op. at 4). The complaints included an incident where a student who had been kicked in the groin and was lying on the floor was asked by Skerbetz if he wanted him to rub his testicles. (Initial Decision, slip op. at 4). The students said there was also continued discussion about a fictionalized character, Victor, who was Skerbetz’ alleged homosexual lover. (Initial Decision, slip op. at 4). The students also stated that when one student told Skerbetz his brother would come after him, Skerbetz replied “go ahead, he is a faggot.” (Initial Decision, slip op. at 4). Skerbetz responded that his “testicles” comment was

made sarcastically, that he told students he was not “Victor” and that when he used the word “fagot” he meant a bundle of twigs and used the word as a vocabulary exercise. (Initial Decision, slip op. at 4).

M.F., one of Skerbetz’ former middle school students, testified. He stated that he had no problem with Skerbetz when he was in 7th grade. (Initial Decision, slip op. at 5). M.F. testified that at the end of 8th grade, when another student kicked him in the groin and he fell to the ground in pain, Skerbetz approached him and asked “can I rub them for you.” (Initial Decision, slip op. at 5-6). He said he got up and walked out of the classroom to the principal’s office. (Initial Decision, slip op. at 6). M.F. also stated that when Skerbetz ordered him to leave the classroom on another occasion and he replied that he would bring his brother, a police officer, to school, Skerbetz said, “your brother is a faggot.” (Initial Decision, slip op. at 6). M.F. admitted that Skerbetz had talked to him on various occasions regarding his use of profane language. (Initial Decision, slip op. at 6). Finally, M.F. testified that Skerbetz spoke about his gay boyfriend, Victor, on a daily basis and that both students and Skerbetz would bring up the topic. (Initial Decision, slip op. at 6).

Skerbetz also testified. He stated that he had previously received complaints about foul language used by M.F., the student who had been kicked in the groin. (Initial Decision, slip op. at 6). When M.F. was kicked in the groin, Skerbetz asked him sarcastically if he needed an ambulance because it appeared as though M.F. was exaggerating his pain. (Initial Decision, slip op. at 6-7). It was at that point that Skerbetz asked “what do you want me to do M.F.? Do you want them rubbed?” (Initial Decision, slip op. at 7). Skerbetz stated that he never said, “do you want me to rub them.” (Initial Decision, slip op. at 7).

Skerbetz also claimed that M.F. would always talk about his older brother, the police officer, saying “I am going to get my brother to kick your ass.” (Initial Decision, slip op. at 7). Skerbetz said that female students had complained about M.F.’s prior use of foul language.

(Initial Decision, slip op. at 7). When M.F. referred to his brother again, Skerbetz decided to use the opportunity to teach him a lesson about how language affects people. (Initial Decision, slip op. at 7). Skerbetz claimed that he used the word “fagot” in that context. (Initial Decision, slip op. at 7). Finally, Skerbetz said that students in his class the previous year had come up with the “Victor” character when he was teaching them a lesson on homographs and homophones. (Initial Decision, slip op. at 7). He stated that he ignored the comments 90% of the time and the rest of the time he agreed with the students’ comments and tried to continue his lesson. (Initial Decision, slip op. at 7). He claimed that he never raised the issue of “Victor.” (Initial Decision, slip op. at 7). Skerbetz admitted that his comments were not appropriate. (Initial Decision, slip op. at 7).

ALJ Viscomi concluded that Skerbetz’ actions had constituted conduct unbecoming a teacher. (Initial Decision, slip op. at 9). ALJ Viscomi found that Skerbetz did not deny having conversations with his class regarding “Victor,” a fictional homosexual lover, although he denied initiating the topic. (Initial Decision, slip op. at 9). He also admitted using the word “fagot” but stated that it was to teach a student about the proper use of vocabulary. (Initial Decision, slip op. at 9). The ALJ found that Skerbetz did not deny asking a student if he wanted his testicles rubbed and held that “his explanation that he never asked him specifically if he wanted respondent to rub his testicles, is ludicrous.” (Initial Decision, slip op. at 9). The ALJ determined “all of these events to have occurred and that they individually, and collectively, constitute unbecoming conduct.” (Initial Decision, slip op. at 9). The ALJ noted, however, that “as reprehensible as all of these events are, they do not warrant a revocation of respondent’s teaching certifications.” (Initial Decision, slip op. at 9). Accordingly, the ALJ ordered Skerbetz’ teaching certificates suspended for one year. (Initial Decision, slip op. at 10).

Both the Deputy Attorney General (DAG) representing the Examiners and Skerbetz submitted exceptions to the Initial Decision. In his exceptions, Skerbetz admitted that several of

his comments evidenced poor judgment but claimed that they were made spontaneously and did not harm his students. (Skerbetz Exceptions, pp.1-2). Skerbetz denied creating or encouraging any “Victor” themed conversations. (Skerbetz Exceptions, p. 2). He acknowledged having made two errors in judgment from which he had learned to control his spontaneous behavior. (Skerbetz Exceptions, p. 2). Skerbetz argued that he had not repeated this behavior and that a one-year suspension of his certificates was too harsh a penalty. (Skerbetz Exceptions, p. 2). The DAG agreed with the ALJ’s conclusion that Skerbetz had engaged in unbecoming conduct, but argued that his conduct warranted a more severe penalty. (DAG Exceptions, pp.1-2).

The Board must now determine whether to adopt, modify or dismiss the Initial Decision in this matter. At its meeting of January 18, 2007, the State Board of Examiners reviewed the Initial Decision and exceptions. After full and fair consideration of all the submissions, the Board voted to adopt the Initial Decision. 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 and the ALJ’s determination that both Dr. Martin and M.F. were credible witnesses. (Initial Decision, slip op. at 9). Skerbetz evinced poor judgment in his repeated use of inappropriate comments to his students. His behavior leaves no doubt that he clearly has engaged in conduct unbecoming a teacher, one of the grounds for revocation or suspension of a teaching certificate. *N.J.A.C. 6A:9-17.5*. Accordingly, the remaining decision for this Board is one of penalty.

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*. Furthermore, 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 (Sup. Ct. 1943), *aff’d*, 131 *N.J.L.* 326 (E & A 1944). “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. The Board of Examiners agrees with the ALJ that Skerbetz’ behavior warrants condemnation. Moreover, the Examiners also agree with the ALJ that a one-year suspension of Skerbetz’ certificates appropriately conveys the Board’s disapproval of Skerbetz’ behavior.

Accordingly, on January 18, 2007, the Board voted to suspend Skerbetz’ certificates. On this 22nd day of February 2007, the Board formally adopted its decision to suspend and it is therefore ORDERED that Bruce Skerbetz’ Teacher of Elementary School Certificate of Eligibility, Teacher of Health Certificate of Eligibility, and Teacher of Students With Disabilities certificate be suspended for one year effective this day. It is further ORDERED that Skerbetz return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: MARCH 2nd, 2007

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