

IN THE MATTER OF	:	NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF	:	STATE BOARD OF EXAMINERS
RANDALL HUNT	:	ORDER OF REVOCATION
_____	:	DOCKET NO: 1314-248

At its meeting of July 24, 2014, the State Board of Examiners (Board) reviewed information it had received from the Woodbridge Township School District (Woodbridge) regarding Randall Hunt. Hunt resigned from his tenured position after Woodbridge certified tenure charges against him alleging unbecoming conduct. The district had alleged that Hunt had made inappropriate comments to students and another staff member.

Specifically, the district alleged that Hunt made inappropriate and sexually laced comments to his students including, asking students “How far did you guys go? Who was a virgin in the 7th grade?”; stating, “I wonder how many people aren’t virgins anymore” after a class trip; discussing the Bill Clinton/Monica Lewinski scenario and stating “how it was on her dress and she kept the dress;” making sexually suggestive comments and hand motions after a student got her finger stuck in her flute; asking students whether they “were sexual” and then said, “so you’re looking for a girlfriend.”

Woodbridge also alleged that Hunt told an eighth grade student “come back when you’re 18 so we can have fun;” suggested to a seventh grader that she change her clothes in the closet with a male peer; exclaimed that a female student should place “DD” on her chest in place of the Superman symbol; referred to female students as having the “S” factor after telling students that “S” meant slut; shared a story regarding a male student who got a “boner” when a female student sat on his lap; requested to know which students planned on having sex after prom; asked his seventh grade students if they “knew anyone that got raped;” made a joke to the class about

“sagging balls,” and informed pregnant female teachers that they were “sexy” and that “there was nothing more pleasing to him than a pregnant woman.”

The district also alleged that Hunt had insinuated that a female student, J.V., had been in the bathroom with one of the male teachers. Hunt also stated on more than one occasion that J.V. “would get smacked a lot.” On another occasion, after observing a female student, C.M., walking up and down the gym bleachers on picture day, Hunt called her over and stated “I don’t want you to think I’m a creep/weird that I was looking at you but I just couldn’t help myself.” Hunt also told student N.V. she should stop play fighting with her female friend or he would “have to spank [her].” Hunt also told his seventh grade students that girls should wear tights for the winter concert because one time he saw a student with no tights on put her feet up and he saw everything under her skirt. While discussing the Avenel Middle School baseball team with a male student, T.M., Hunt stated “so you prefer the small, hard balls instead of the big squishy ones.” Hunt also told a male student, J.D., in front of the entire class “so you watch porn.” Hunt further stated, “so you watch it in your dad’s laptop so he won’t tell the difference (sic).” On another occasion, while the students in Band Class were eating fortune cookies, Hunt told them that putting the phrase “in bed” at the end of the text inside every fortune cookie made them sound funnier. Hunt also suggested that when students in his class were performing presentations, they should begin each presentation by saying “Hi, my name is ‘Blank’ and I’m an alcoholic.” On another occasion, two female teachers, observed Hunt sitting in the faculty room facing the doorway with the door open staring at the female cheerleaders who were practicing in the hallway. Hunt stared at the cheerleaders for roughly forty-five minutes.

Hunt also made racially offensive comments to two Asian students, C.P. and C.L. On one occasion when the two students were talking about their culture, Hunt stated “Asian people

smell.” On another occasion Hunt offended C.L. by stating that she “eats cats and dogs” because she is Asian.

Hunt currently holds a Teacher of Music certificate, issued in May 1988. After reviewing the above information, at its September 19, 2014 meeting, the Board voted to issue an Order to Show Cause to Hunt as to why his certificate should not be revoked.

The Board sent Hunt the Order to Show Cause by regular and certified mail on September 23, 2014. The Order provided that Hunt must file an Answer within 30 days. Hunt responded on October 17, 2014. In his Answer, Hunt stated that the tenure charges “speak for themselves.” (Answer, ¶ 4). He also denied all conduct attributed to him in the Order to Show Cause. (Answer, ¶¶ 4-8,10).

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) on November 19, 2014 for hearing as a contested case. Administrative Law Judge (ALJ) Ellen S. Bass heard the matter on October 19, 20, and 29, 2015 and November 12, 2015. The record closed on February 11, 2016, and the ALJ issued an Initial Decision on March 11, 2016. *In the Matter of the Certificates of Randall Hunt*, Dkt. No. EDE 15648-14 (Initial Decision, March 11, 2016).

After reviewing the testimony and the record, ALJ Bass concluded that “the student witnesses were credible” and “[c]onversely, Hunt’s testimony was not believable.” (Initial Decision, slip op. at 3, 5). The ALJ found that on one occasion, Hunt was teaching students to play the tone chimes, an instrument that requires the musician to hold the chimes to his/her chest to stop the sound, a method also known as “dampening.” *Id.* at 6. One student, K.D., found the tone chimes difficult to play and when Hunt became aware of her concerns he made a comment to the class that tone chimes should be easier for girls because they “have bigger dampers.” *Ibid.*

Several students recalled Hunt making a similar comment and the ALJ determined that Hunt had indeed commented about girls' breasts as dampers. *Id.* at 6-7.

Among the many proven tenure allegations, the ALJ also found that Hunt did make the comments regarding Alcoholics Anonymous; told C.M. he "couldn't stop staring" at her; told his class he saw everything under a girl's skirt when she wasn't wearing tights; made the comments about baseballs to a student as a way of joking about male testicles; made the comments about students being virgins on the class trip; talked about the Monica Lewinski matter; made an obscene gesture with a flute; made the comment about double D's when referring to a girl's costume; talked about a girl sitting on a boy's lap and referencing the boy's "boner;" and intimated that a student in his class and the student's father viewed pornography on their home computer. *Id.* at 7-10.

ALJ Bass also found that Hunt did make disparaging comments about Asians and a sexual joke relating to the fortune cookies one student brought in. *Id.* at 11. The ALJ also determined that Hunt made allusions to a student being in the bathroom with a student teacher; and told another student that he would spank her. *Id.* at 11-12. The ALJ also credited the account of Hunt telling two female pregnant colleagues that they were beautiful and sexy. *Id.* at 12.

However, ALJ Bass did not find that Hunt had done anything inappropriate with regard to watching female cheerleaders who were rehearsing in public and could be "readily observed by anyone in the building." *Id.* at 12-13. The ALJ also agreed with Hunt that any of the allegations in the Order to Show Cause for which no testimony was presented meant that the allegations were unproven and could not be considered. *Id.* at 13.

In her decision, ALJ Bass found that the Board had proven that Hunt had engaged in conduct unbecoming a teaching staff member. *Ibid.* The ALJ further found that Hunt's conduct "must be examined through an adult lens, and not through the lens of a middle schooler." *Id.* at 14. ALJ Bass determined that Hunt's comments had no place in a middle school classroom and that "the record revealed a tone in Hunt's classroom that was inappropriate and unacceptable; particularly so in a middle school." *Ibid.* The ALJ also noted that "Hunt relied on off-color humor and double-entendre to attempt to achieve rapport with his students." *Id.* at 15.

In assessing the appropriate penalty ALJ Bass stated, "if any of the events recounted at the hearing were taken in isolation, I might concur [with Hunt] that while each incident reflects unacceptable conduct, a lesser penalty would be appropriate." *Ibid.* The ALJ noted, however, that "the record before me reveals a persistent pattern of inappropriate conduct rendering it impossible to consider each incident in isolation." *Ibid.* Accordingly, she concluded that she had no option but to agree that Hunt's certificate should be revoked. *Id.* at 16. Hunt filed Exceptions in the case.

In his Exceptions, Hunt argued that ALJ Bass' assessment of his credibility was "arbitrary, capricious and unreasonable" because she relied on irrelevant and inappropriate factors such as the fact that he did not express more indignation or remembered ordinary conversations. (Exceptions, pp. 3-6). He further argued that the ALJ incorrectly held that certain of his actions were conduct unbecoming a teacher, such as telling female students to wear tights for a band performance, not because of any prurient interest but because he wanted them to avoid potential embarrassment. (Exceptions, p. 7). He also noted that there was "flimsy" evidence to prove he made a sexual comment involving fortune cookies and that it was the student's and not his innuendo that conflated the discussion of baseballs and softballs with a

reference to testicles. (Exceptions, pp. 9-10). Hunt argued that his mistakes should not result in the revocation of his certificate, since there was no proof that the inappropriate comments attributed to him were to satisfy some prurient interest, but rather, as ALJ Bass found, an attempt to establish a rapport with his students. (Exceptions, p. 10).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of June 23, 2016, the Board reviewed the Initial Decision and Exceptions. After full and fair consideration of the Decision and Exceptions, the Board voted to adopt the Initial Decision with modification as to the finding regarding the “baseball comment.”

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. As noted above, after assessing the evidence and the credibility of the witnesses, ALJ Bass concluded that the Board had amply demonstrated that Hunt had engaged in conduct unbecoming a teacher by making numerous inappropriate and sexually suggestive comments to his middle school students and at least one to his colleagues. According to the ALJ, such conduct warranted the revocation of his certificates. (Initial Decision, slip op. at 15-16). After reviewing the entire record, including the transcripts of the proceedings, the Board agrees with the ALJ except as to the finding regarding Hunt’s “baseball comment.” The Board agrees with Hunt’s assessment that the evidence demonstrates it was the student who loaded the comment with innuendo. The Board therefore modified this finding of the ALJ and did not consider it in its deliberations.

“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. 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). In this case, Hunt's actions, taken as a whole, clearly demonstrate conduct that warrants revocation. The Board therefore adopts the Initial Decision, as modified.

Accordingly, on June 23, 2016, the Board voted to adopt the Initial Decision with modification and ordered to revoke Hunt's certificate. On this 16th day of September 2016, the Board formally adopted its written decision to adopt the Initial Decision with modification in this matter, and it is therefore ORDERED that Randall Hunt's Teacher of Music certificate is hereby revoked, effective immediately. It is further ORDERED that Hunt 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*.