

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
WILLIAM CASTEL : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-163

At its meeting of February 21, 2008, the State Board of Examiners reviewed information the Division of Criminal Justice had forwarded indicating that William Castel had been accepted into a Pre-Trial Intervention Program (PTI). The Bergen County Prosecutor had charged Castel with Endangering the Welfare of a Child and Harassment for making numerous phone calls and leaving messages for a former eighth grade student. As a condition of entry into PTI, Castel was required to forfeit his tenured position in the East Rutherford School District. Castel currently holds a Teacher of Industrial Arts certificate, issued in October 1983, a Teacher of Elementary School certificate, issued in September 1994, a Supervisor certificate, issued in August 2006 and a Principal Certificate of Eligibility, issued in August 2006. On March 27, 2008, the State Board of Examiners issued Castel an Order to Show Cause as to why his certificates should not be revoked. The Order was predicated on the conduct underlying the criminal charges.

The Board sent Castel the Order to Show Cause by regular and certified mail on April 4, 2008. The Order provided that Castel's Answer was due within 30 days. Castel filed an Answer on April 25, 2008. In his Answer, Castel admitted that he had been charged with Endangering the Welfare of a Child and Harassment, but denied the charges. (Answer, ¶ 3.) He admitted making the phone calls to the student, but denied that they were harassing. (Answer, ¶ 3.) Castel stated that he did not enter a plea of guilty to any charge and denied that his conduct provided just cause for consideration of the revocation of his certificates. (Answer, ¶ 4.)

Thereafter, on May 5, 2008, the Board transmitted the matter to the Office of Administrative Law (OAL) as a contested case. A hearing was conducted before Administrative

Law Judge (ALJ) JoAnn LaSala Candido on June 23 and October 27, 2009. After the record closed, ALJ Candido issued her Initial Decision on February 16, 2010. *In the Matter of the Certificates of William Castel*, Dkt. No. EDE 05768-08 (Initial Decision, February 16, 2010). In that decision, ALJ Candido determined that Castel developed a friendship with two middle school students, S.R. and V.V., which began in school when he was their shop teacher. *Id.* at 19. Castel would discuss personal matters with S.R. and would contact her by cell phone on many occasions. *Id.* at 19. At one point when she was not returning his calls, Castel became frustrated and called her approximately ten times. *Id.* at 12. Castel also invited S.R. and V.V. to his house to swim on one occasion. *Ibid.* Castel also apparently pulled S.R. and V.V. out of their science class to talk to them. *Id.* at 8-9. The ALJ found that S.R. and V.V. gave credible testimony and did not believe that they “harbored a motive or bias to fabricate their testimony.” *Id.* at 13. In fact, ALJ Candido found that S.R.’s credibility “was enhanced by her candid admission that she had lied to her mother when she went to respondent’s home in New York.” *Ibid.* The ALJ also held that Castel’s testimony lacked credibility. *Ibid.*

ALJ Candido concluded that Castel had engaged in conduct unbecoming a teacher and that his conduct constituted just cause for revocation of his teaching certificates. *Id.* at 22. She held that Castel’s voice messages to S.R. were “reprehensible and totally inappropriate” particularly for a teacher. *Ibid.* Moreover, she noted that even if Castel was motivated, as he claimed, by a desire to help S.R. through a difficult time, he had other more appropriate avenues available to him such as referring her to a counselor or talking to her parents. *Id.* at 23. The ALJ concluded that Castel exhibited “extremely poor judgment” by developing a personal relationship with a student and the lack of evidence of a sexual or romantic involvement did not mitigate the seriousness of his actions. *Ibid.* Finally, the fact that Castel’s behavior “was not

confined to a single incident but evolved into a pattern which continued through S.R. and V.V.'s eighth grade school year" led ALJ Candido to conclude that all of his certificates should be revoked. *Ibid.*

Both Castel and the Deputy Attorney General (DAG) representing the Board of Examiners submitted Exceptions and the DAG also submitted Reply Exceptions. The DAG's Exceptions included a list of corrections of minor factual errors in the Initial Decision. (Exceptions, p. 3.) In his Exceptions, Castel argued that the ALJ's credibility determinations were based upon a faulty review of the testimony and documentary evidence. (Exceptions, pp. 4-13.) Castel noted that although the ALJ stated that his evaluations were satisfactory, she neglected to mention that his supervisor said they were good and that a satisfactory rating was the highest anybody could get. (Exceptions, p. 5.) Castel also contended that the ALJ erred when she did not note that the students testified they thought Castel was joking when he offered them a beer while they visited his house. (Exceptions, pp. 6-7.) He maintained that since S.R. never had a cell phone in eighth grade, the ALJ's recitation of the facts was misleading in implying that Castel called S.R. constantly on her cell phone during the school year. (Exceptions, pp. 8-9.) Castel also stated that S.R. changed her testimony regarding her father's reason for taking her cell phone away. (Exceptions, pp.10-11.) In addition, Castel claimed that the ALJ did not mention or consider certain exhibits. (Exceptions, p. 11.) Finally, Castel argued that revocation was too severe a penalty, especially in view of his long career of dedicated teaching and coaching. (Exceptions, pp. 13-14.)

In his reply, the DAG argued that "The Findings of Fact and witness credibility assessments are well supported by the record." (Reply Exceptions, pp. 4-12.) He noted that there was consistent, credible evidence that Castel pulled both V.V. and S.R. out of their science

class repeatedly so he could spend time with them. (Reply Exceptions, pp. 4-6.) The DAG also stated that the record supported the ALJ's finding that Castel repeatedly made unsolicited comments about V.V.'s and S.R.'s physical appearance. (Reply Exceptions, pp. 6-7.) The DAG further claimed that ALJ Candido's finding that Castel offered the two minor girls a beer while in his home was amply supported by the record and argued that Castel's intentions, whether joking or not, were immaterial to the issue of the inappropriateness of the offer. (Reply Exceptions, pp. 7-8.) He also noted that S.R. credibly testified as to having a cell phone at the end of eighth grade and cited Castel's own testimony that he spoke to S.R.'s mother on S.R.'s cell phone. (Reply Exceptions, pp. 9-11.) The DAG argued that the ALJ was correct in determining that a penalty of revocation was warranted here due to Castel's repeated phone calls to S.R. asking her to "hang out" and "get together," his pattern of pulling S.R. and V.V. out of class and his decision to become personally involved with a student. (Reply Exceptions, pp. 13-18.) Finally, the DAG argued that Castel was in error in arguing that mitigation of his penalty was warranted because he had good teacher evaluations and his relationship with S.R. was not sexual in nature. (Exceptions, pp. 18-20.) The DAG noted that Castel's own Superintendent described the evaluations as "cookie-cutter" and "not meaningful." (Reply Exceptions, pp. 18-19.) Moreover, the DAG recalled ALJ Candido's statement that even if Castel's actions were motivated purely out of concern for S.R., "there were other measures he should have taken, such as contacting S.R.'s parents or referring her to counseling services offered by the school,...." (Reply Exceptions, p. 20.) Accordingly, the DAG noted that "the record demonstrates that Castel's unbecoming conduct warrants revocation of his certificates." (Reply Exceptions, p. 23.)

The Board must now determine whether to adopt, modify or dismiss the Initial Decision in this matter. At its meeting of March 25, 2010, the Board reviewed the Initial Decision,

Exceptions and Reply Exceptions. After full and fair consideration of the Decision, Exceptions and Reply Exceptions and the issues raised therein, the Board voted to adopt the Initial Decision.

As a preliminary matter, the Board must note that members of its Legal Committee listened to the voicemails Castel left for S.R. that were admitted into evidence at his hearing before the OAL. The frequency and tone of the voicemails belies any claim Castel can make that his interest in S.R. was merely “concern.” Rather, his persistence in contacting her and his increasing petulance and anger at not hearing from her was disturbing and gave the adults listening to the tape pause. It is frightening to think of the effect those calls would have on a middle school student.

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, ALJ Candido found that Castel engaged in inappropriate and, at times, reprehensible conduct with regard to his relationship with two students. (Initial Decision, slip op. at 22, 23.) The record is replete with examples of Castel’s behavior that fall so wide of the mark of a role model that there is no justification for any penalty other than revocation. In fact, his behavior was harmful to these students both for the inappropriate nature of the contact he maintained with them and because they lost valuable instructional time when he was pulling them out of their science class. The Examiners therefore agree with the ALJ’s conclusion that the only appropriate response to Castel’s breach is the revocation of his teaching certificates. (Initial Decision, slip op. at 23.) Furthermore, the Board is convinced that Castel’s administrative as well as instructional certificates should be revoked as there is a sufficient nexus between his unbecoming conduct and his ability to supervise effectively. In short, his behavior was inappropriate for a holder of any type of certificate.

Accordingly, on March 25, 2010, the Board of Examiners voted to adopt the Initial Decision and revoke Castel's teaching certificates. On this 29th day of April 2010, the Board of Examiners formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that William Castel's Principal Certificate of Eligibility and his Teacher of Industrial Arts, Teacher of Elementary School and Supervisor certificates be hereby revoked effective immediately. It is further ORDERED that Castel return his certificates 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 *N.J.S.A. 18A:6-38.4*.