

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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RHODE ISLAND DEPARTMENT  
OF EDUCATION    and  
  
LINCOLN SCHOOL COMMITTEE

vs.

JAMES F. GOODREAU  
      Petitioner  
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DECISION

July 26, 1989

The Department of Education and the Lincoln School Committee contend that the petitioner engaged in sexual intercourse with several students, that he touched a number of students in a sexual way, and that he made lewd and suggestive remarks to certain students. The Department and the School District correctly point out that if such charges are proven, they more than justify the revocation of the petitioner's teaching certificate and his dismissal from employment. The Department and the School District argue that the record in this case, which consists of the testimony of several students, and a number of documents including evidence of criminal convictions, establish clear and convincing evidence that the petitioner committed the acts which were alleged. We agree with the Department and the local School District. We, therefore, revoke the petitioner's teaching certificate and sustain his dismissal from employment with the Lincoln School Committee.

#### Findings of Fact

##### I. Student "A"

During the 1980-81 school year Student A was a student in the petitioner's United States History course. The petitioner developed a sexual relationship with this student. They had intercourse on 8 to 15 occasions.

##### II. Student "B"

Student B was (in the words of Brief of the Lincoln School Committee)

(A) student in James Goodreau's U.S. History class at Lincoln High School during the 1981-82 school year. (Tr. p. 168) During that time she was 16 years old, having turned 17 years of age on July 11, 1982.

(Tr.p.173,199) During the course of the school year Mr. Goodreau would make comments to her to the effect that she ". . .would be good in bed," and would comment about the size of her breasts. (Tr.p.180) He would ". . .grab [her], like slap my rear and or brush against me,. . . ." (Tr.p.182) On the last day of school, he invited her out for pizza (id) p.182), then took her to his home and had sexual intercourse with her (Tr.,p.185). The sexual relations continued on about ten occasions over the course of the summer. (Tr.pp.189-190) The sexual relationship was terminated at the beginning of the next school year, at her insistence. (Tr.pp.192-193)

With regard to this count petitioner makes much of the fact that the school bell signaling the start of summer vacation had rung several hours before he had sexual relations with Student B. We, however, do not believe that a student becomes "fair game in open season" simply because the school bell has rung. This is obviously true on all occasions and it is beyond even a cavil when the relationship was formed in the course of the school year and the student continued as a student in the public schools.

### III. Student "C"

The petitioner was convicted on three counts of second degree sexual assault against Student C for which he was sentenced to six (6) years at the ACI, with four (4) years suspended. We think we are bound to take notice of these convictions.

At the present hearing, Student C also testified that Mr. Goodreau, while at school,

. . .told me I was special. He told me that I was more special to him than other people that he knew and he would come out with comments how pretty I was, how I was dressed, sexual comments as if he would want to have sex with me.

\* \* \* \* \*

He told me he wanted to have sex with me. He would tell me that -- he would ask me to go over his house. He had a horse. He asked me if I wanted to go see it because he knows I like horses.

\* \* \* \* \*

He would not hesitate to come out and ask me to go to bed with him, and I don't really know what else you want.

While some of these remarks may have been made while other students were present we have no doubt that they were made with the intention of trying to promote a sexual relationship with this student who was then 15 years old. Student C also testified that there were occasions when petitioner Goodreau touched her on the breasts and buttocks. While we recognize that the petitioner denies any such touching, the demeanor of the student convinces us that the touching took place.

#### IV. Student "D"

At the time when Student D testified at the present hearing she was a 24-year old sales representative. She testified that she had been a student at Lincoln High School between 1978 and 1981. She testified that while she was a student there were occasions when petitioner Goodreau touched her breasts and buttocks. There were also occasions when "He would comment on my development, how I was developing, that sort of thing". That, on a daily basis he said,

"Want to fool around, want to go to bed, that sort of thing".

Nothing in cross-examination of Student D undermined her testimony in the least. We believe her testimony.

V. Student "E"

The petitioner was convicted of committing assault and battery against Student E. The record also established that the petitioner directed lewd and suggestive comments to Student E.

VI. Student "F"

Student F testified that the petitioner "used to ask me when I was going to be eighteen (18) and he didn't want to train me". She also testified that ". . . (o)nce he just hugged me with his hands around his back - my back and said I developed well".

We further find that the following statements, taken from the "Joint Proposed Findings of Fact" submitted by the Department of Education and the Lincoln School Department are true, relevant, and supported by the record. We, therefore, incorporate them into our own findings of fact.

- James Goodreau taught in the Lincoln School System from 1969 until December 1987. The last ten (10) years at Lincoln High School (Tr. 26).
- James Goodreau had a sexual relationship with Student "A", a student in his class, when she was 16 and he was 37 (Tr.p. 37-38). They had sexual intercourse 8 to 15 times over the period September 1980 - September 1981 (Tr. 36-37).
- James Goodreau had a sexual relationship in 1982 with Student "B", a student in his class at the beginning of their relationship, when she was 16 and he was 38. Prior to engaging in sexual intercourse with Student "B" James Goodreau frequently commented on the size of her breasts and remarked that she would be good in bed. (Tr.

180). During the school year prior to their relationship he would also touch her buttocks and brush against her as she was entering and leaving class (Tr.181).

- They engaged in sexual intercourse approximately ten (10) times until she broke off the relationship at the beginning of her senior year of high school, September 1982.
- James Goodreau told Student "B" not to tell anyone at school about their sexual relationship (Tr.195).
- Student "D" a student in Mr. Goodreau's class for 3 years during the period of 1978-81, was sexually solicited by Mr. Goodreau starting when she was 15 and a freshman and continuing through her senior year (Tr.212-215). In the classroom and in the hallway he would ask her if she wanted to go to bed, etc., and would occasionally touch her breasts saying at the same time "It feels good" (Tr.215). He would also touch her buttocks (Tr.214). She found his behavior offensive and it made her uncomfortable, but she didn't tell anyone else about it for fear she would get herself in trouble.
- Student "C" was a student in Mr. Goodreau's home-room and history class in 1985 when she was fifteen (15).
- At this time, Mr. Goodreau sexually solicited her with comments that he wanted to have sex with her, wanted to go to bed with her, wanted to take her away with him (Tr.56-59) that she was special and he would divorce his wife and marry her (Tr.p.70). He invited her to his house, but she did not go. James Goodreau touched her

breasts twice while she was taking attendance in home room, and touched her buttocks while making comments of a sexual nature (Tr. 59-61). In December of 1985 he encountered her at her locker and touched her breasts until she asked him not to (Tr. 63). Also in December of 1985, they were alone in homeroom after school and he grabbed her buttocks while making sexual remarks to her (Tr. 67). Student "C" didn't tell anyone about this at the time because she didn't know if she would be believed because Mr. Goodreau was older and a teacher (Tr. p. 68).

- Student "F" was 16 in 1985 when she had Mr. Goodreau for History. During the school year he made sexual comments to her before and after class. One comment she remembers specifically was that he didn't want to have to train her (Tr. p. 128). Mr. Goodreau hugged her, simultaneously commenting that she had developed well (Tr. p. 129). During the school year he wrote on the back of a note she had given him "Hugs, kisses, sex and lots of it, Mr. Goodreau".

- Student "E" had Mr. Goodreau for World History in 1985-86 when she was 15. During the early part of the school year Mr. Goodreau made frequent sexual comments to her - - that he wanted to have sex with her, that he was the best, etc. (Exhibit 11, Tr. 365-366). She switched out of his class later that year. In December of 1985 he grabbed her, pulled her toward him and said he could feel she was a girl through his sports jacket (Exhibit 11, Tr. p. 367). In January of 1986 he pinned her up against her locker and said, "I love you...I want to have sex with you." When Student "F" made

a comment "wouldn't it be funny if I yelled rape" and laughed, Mr. Goodreau just stared at her (S.C.Ex. 11, Tr.p. 368). Again in January of 1986, Mr. Goodreau grabbed her, pulled her toward him and noted that she had been growing since the beginning of the year. This occurred in the hallway at school.

- James Goodreau made sexually suggestive remarks to female students all the time (Ex. 4, pp.113-245-251). In addition, he wrote sexually suggestive notes to Student "F" and other students (Ex. 4, p.246). A comment frequently made to students, which he characterized as a frequently used "put-down", was that "if a student was standing naked on a sidewalk with a sign that said "take me" the passerby would take the sign and leave the student standing there" (Ex. 4, p. 164).
- On July 29, 1987, judgments of conviction were entered against James F. Goodreau for the offenses of assault and battery on Student E and second degree sexual assault (3 counts) on Student C. The latter offense is a felony.

#### Conclusions of Law

When a teacher has been found to have engaged in sexual intercourse with a student or students or when the teacher has been found to have touched a student or a number of students in a sexual way good cause has certainly been shown for revocation of the teacher's certificate and for dismissal of the teacher from employment. See (e.g.) Annotation, Sexual Conduct as Ground for Dismissal of Teacher or Denial or Revocation of Teaching Certificate, 78 A.L.R. 3d 19 (1977).

Furthermore, as the Lincoln School Committee points out in its brief:

Consent on the part of a minor student to a sexual relationship with a teacher is not a defense to his termination. Denton v. South Kitsap School Dist. No. 402, supra. See also Clark v. Ann Arbor School District, 130 Mich. App. 681, 344 N.W. 2d 48 (1983). 'It would seem that, as a minimum, responsible conduct on the part of a teacher, even at the college level, excludes meretricious relationships with his students. . . .' Board of Trustees of the Compton Junior College District of Los Angeles County v. Stubblefield, 16 Cal. App. 3d 820, 824-825, 94 Cal. Rptr. 318 (1971). Nor is the lapse of time between the events of the sexual relationship and the dismissal a defense, where the School Committee did not unduly delay in bringing the charge and there is no prejudice to Mr. Goodreau. Fisher v. Independent School District, No. 622, North St. Paul/Maplewood, 357 N.W. 2d 152, 156 (Minn.App. 1984).

We further find that suggestive and vulgar remarks, of the type made in this case, do constitute good cause for the revocation of a teaching certificate, Weissman v. Board of Education of Jefferson County School Dist., 547 P.2d 1267 (Colo. 1976).

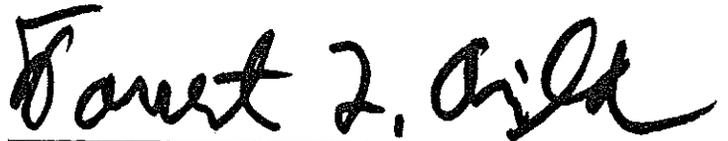
We note in this case that we are not dealing with a teacher who is quoting a bawdy passage from Shakespeare, but rather a teacher who has directed lewd, vulgar and suggestive personal comments to a number of particular students. We think that the word "suggestive" is particularly apropos here in that we believe that the comments were made in order to "suggest something improper or indecent" and that they were made by the petitioner with the hope that he could eventually involve young students in just such activity.

We think that under Rhode Island law, a case of this nature is properly evaluated under the evidentiary standard of a "preponderance of evidence". We have evaluated this case, however, under the standard of "clear and convincing evidence" since neither the Department nor the Lincoln School District has strongly objected to the petitioner's contention that the "clear and convincing" test should be used in this case. We find that the case has been proven against the petitioner by clear and convincing evidence.

Petitioner's actions with regard to Students A, B, C, D, E and F severally and collectively demonstrate good cause for dismissal and for annulling his teaching certificate. In addition, each of the criminal convictions which have been entered against the petitioner constitute further good cause for dismissal and annulment of petitioner's teaching certificate.

Conclusion

The teaching certificate of the petitioner is revoked and annulled. His dismissal from employment with the Lincoln School Committee is sustained and his appeal is denied and dismissed.



Forrest L. Avila, Esq.  
Hearing Officer

Approved:



J. Troy Earhart  
Commissioner of Education

July 26, 1989