

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
MICHELLE GIBBS : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-145

At its meeting of November 1, 2013, the State Board of Examiners (Board) reviewed a tenure decision regarding Michelle Gibbs a tenured teacher in Jersey City. Pursuant to *N.J.S.A. 18A:6-16*, the tenure matter captioned *In the Matter of the Tenure Hearing of Michelle Gibbs*, Dkt. No. 45-3/13 (Arbitrator's Decision, May 20, 2013), was referred to the Board by the Arbitrator the Department of Education had assigned to hear the case.

Jersey City had certified tenure charges against Gibbs alleging unbecoming conduct, neglect of duty, negative conduct towards students, negative conduct towards staff, incapacity and insubordination. Jersey City alleged, among other things, that starting with the beginning of the school year on September 7, 2011, Gibbs was confrontational, uncooperative and sarcastic in her interactions with other teachers in her school, told several instructors that she was praying that she did not hurt them and the children, made references to the end of the world and said that the district was evil. After another disruptive incident in October 2011 where Gibbs spoke in a rambling and loud manner, she was referred for a psychiatric evaluation. The district psychiatrist found that Gibbs was unfit to return to her teaching duties and ordered her to be re-examined in three to six months. Five months later, in March 2012, Gibbs was deemed fit to return to the classroom. Soon after returning to a different school, Gibbs started to belittle the staff there, referenced her religious beliefs and mentioned she had a friend who belonged to the KKK, filed a complaint against a fellow teacher the first day of working with her and threatened to sue her. At other times, Gibbs created havoc in the classroom by unplugging the computers and hiding the keyboards.

In the 2012-2013 school year, Gibbs made inappropriate comments to and about staff members, telling one fellow teacher "Your eyes are tantalizing and it sometimes distracts me...but I'm not gay." At the school's Open House, Gibbs was disrespectful to fellow instructors and made sarcastic comments. Gibbs also failed to report to a meeting with the school's principal, resulting in a reprimand, and became

belligerent with the principal in front of a parent. Gibbs also made inappropriate comments to students talking about her medical issues, including having had a heart attack and a hysterectomy. Jersey City also alleged that the district received several parental complaints about Gibbs, indicating that she spoke rudely to students, made the students confused, did not allow students to take books home and spoke about God in the classroom. Gibbs also allegedly called the students “little brats,” used the word “crap” often, and cursed in class.

In his Decision (which is incorporated herein by reference), the Arbitrator fully credited the testimony of Jersey City’s witnesses and stated that the evidence showed a pervasive pattern. The Arbitrator rejected Gibbs’ assertion that the district’s teachers, administrators and aides all conspired against her and stated that her denials of misconduct were unconvincing and could not be credited. The Arbitrator found that Gibbs was a disruptive force in every school, acted inappropriately, was insensitive and largely unaware of the needs of her students, could not take criticism, could not work with other staff members and was incapable of teaching students in an effective manner. Gibbs was therefore found guilty of unbecoming conduct, neglect of duty, negative conduct towards staff and incapacity and the Arbitrator determined that Gibbs’ conduct warranted her dismissal from her tenured employment.

Gibbs was dismissed from her tenured employment with Jersey City as a result of the unbecoming conduct proven in the tenure proceeding and the Arbitrator transmitted the matter to the Board for its review.

Gibbs currently holds a Teacher of the Handicapped certificate, issued in October 2005. After reviewing the above information, at its December 6, 2013 meeting, the Board voted to issue an Order to Show Cause to Gibbs as to why her certificate should not be revoked.

The Board sent Gibbs the Order to Show Cause by regular and certified mail on December 12, 2013. The Order provided that Gibbs must file an Answer within 30 days. Gibbs submitted an Answer on December 16, 2013. In that Answer, she denied the allegations against her and challenged the Arbitrator’s fact-finding. (Answer, ¶¶ 3-5). She also denied that just cause for the revocation of her certificate had been provided because of the “poor quality of the tenure hearing case” since “too many

facts were overlooked.” (Answer, ¶ 8). The matter was then transmitted to the Office of Administrative Law for hearing.

In his Initial Decision, Administrative Law Judge (ALJ) Jeff S. Masin determined that the Board was entitled to summary judgment on the facts as found in the arbitrator’s decision based on the doctrine of collateral estoppel. *In the Matter of the Certificate of Michelle Gibbs*, Dkt. No. EDE 2690-14 (Initial Decision, June 16, 2015). In addition, ALJ Masin determined that the Arbitrator’s findings “establishe[d] an extremely negative picture of Ms. Gibb’s [*sic*] ability to function as an educator in the schools of this State.” *Id.* at 5. The ALJ further found that the Arbitrator’s decision that Gibbs was unfit to be a teacher underscored that she could not serve the vital function of being “crucial to the development of children and therefore the progress of society.” *Ibid.* He therefore concluded that “given the seriousness of the misconduct and its pervasiveness it is unfortunately clear that the best interests of the students of New Jersey require that the respondent’s teaching license be revoked.” *Ibid.* Accordingly, ALJ Masin ordered the revocation of Gibbs’ certificate. *Ibid.* Neither party filed Exceptions to the Initial Decision.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of July 30, 2015, the Board reviewed the Initial Decision. After full and fair consideration of the Decision and based upon the particular facts of this matter, the Board voted to adopt the Initial Decision.

“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, Gibbs’ ongoing pattern of confrontational and rude behavior toward both students and staff certainly satisfies and, in fact, exceeds that requirement. Gibbs’ conduct demonstrates that she is incapable of being a role model for students and that conduct warrants revocation. The Board therefore adopts the Initial Decision in its entirety.

Accordingly, on July 30, 2015, the Board voted to adopt the Initial Decision and ordered to revoke Gibbs' certificate. On this 17th day of September 2015, the Board formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Michelle Gibbs' Teacher of the Handicapped certificate is hereby revoked, effective immediately. It is further ORDERED that Gibbs return the revoked certificate 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

RRH/MZ/th

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.