

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DARLENE BARNES : ORDER OF REVOCATION
_____ : DOCKET NO: 1415-257

At its meeting of September 17, 2015, the State Board of Examiners (Board) reviewed a tenure decision regarding Darlene Barnes, a tenured teacher in the State-Operated School District of Paterson (Paterson). Pursuant to *N.J.S.A. 18A:6-16*, the tenure matter captioned *In the Matter of the Tenure Charges Against Darlene Barnes*, Dkt. No. 299-10/14 (Arbitrator's Decision, March 24, 2015), was referred to the Board by the Arbitrator the Department of Education had assigned to hear the case.

Paterson had certified tenure charges of unbecoming conduct and other just cause against Barnes, alleging a number of incidents which constituted "conduct unbecoming." Specifically, Paterson alleged that, Barnes had attacked a student, N.C., who had forgotten her book bag in Barnes' computer lab and returned to retrieve it. When N.C. attempted to exit the computer lab with her bag, Barnes blocked the doorway of the room and, without cause, physically assaulted N.C. by grabbing her, pushing her to the rear of the classroom and forcefully restraining her on a table. Barnes also filed false criminal charges against N.C., which resulted in a criminal trial where N.C. was acquitted. The judge in the case determined that Barnes was not a credible witness. The false charges and the trial caused N.C. and her family great emotional distress.

According to Paterson, Barnes also engaged in inappropriate conduct when she refused another teacher's class access to the computer lab. When the teacher, Albania Fermin, requested computer lab time for her class, Barnes responded: "I don't want to see those kids' faces more than two periods a day" and further stated that Fermin's students were "terrible kids and idiots." Fermin reported Barnes' comments to the building principal. Later that day, Fermin was alone in the ladies' restroom in the building. As she was attempting to exit, Barnes entered and used a cane to block the doorway, preventing Fermin's exit. Barnes then proceeded to verbally berate and ridicule Fermin for having reported their earlier interaction to the principal. During this bathroom interaction Fermin feared for her safety.

In his Decision, the Arbitrator concluded that Paterson had proven many of the tenure allegations it had brought against Barnes. The Arbitrator also concluded that Barnes gave “directly opposite and internally mutually exclusive, testimony” regarding the incident with N.C. He noted that Barnes’ claims that she “never touched N.C. at all” were completely inconsistent with her claim of self defense.

The Arbitrator also determined that Paterson had proven the tenure charge against Barnes regarding her interaction with Fermin: “Albania Fermin was a completely credible witness. She testified very credibly about her understandable apprehensions regarding the intimidating, bizarre conduct and statements of [Barnes].”

Having determined that Barnes engaged in unbecoming conduct as alleged by Paterson, the Arbitrator concluded that Barnes should be discharged from her tenured position. Barnes was dismissed from her tenured employment with Paterson as a result of the unbecoming conduct proven in the tenure proceeding. The Arbitrator transmitted the matter to the Board for its review.

Barnes currently holds a Teacher of Computer Science Technology Certificate of Eligibility, issued in June 2003 and a Teacher of Computer Science Technology certificate, issued in December 2009. After reviewing the above information, at its October 30, 2015 meeting, the Board voted to issue an Order to Show Cause to Barnes as to why her certificate should not be revoked.

The Board sent Barnes the Order to Show Cause by regular and certified mail on November 4, 2015. The Order provided that Barnes must file an Answer within 30 days. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Barnes did not file a response. On December 9, 2015, the Board sent Barnes another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as “Unclaimed” and the regular copy was not returned. Barnes did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on January 11, 2016, the Board sent Barnes a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Barnes was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the

Order to Show Cause constituted conduct unbecoming a certificate holder, as well as arguments with regard to the appropriate sanction in the event that the Board found just cause to take action against her certificates. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Barnes was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified mail copy nor the regular mail copy was returned. Once again, Barnes did not respond.

The threshold issue before the Board in this matter is whether Barnes' conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Barnes failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of April 14, 2016, the Board considered only the allegations in the Order to Show Cause. The Board concluded that no material facts related to Barnes' offense were in dispute since she never denied that she engaged in the alleged conduct. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Barnes had engaged in unbecoming conduct.

The Board must now determine whether Barnes' conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

The Board 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:9B-4.4*. "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. Moreover, 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this

case, Barnes' actions in attacking a student and threatening and verbally berating a fellow colleague constitute conduct that certainly satisfies and, in fact, exceeds that requirement. Barnes' conduct demonstrates that she is incapable of being a role model for students and the Board therefore concludes that the appropriate response to her breach is revocation.

Accordingly, on April 14, 2016, the Board voted to revoke Darlene Barnes' Teacher of Computer Science Technology Certificate of Eligibility and her Teacher of Computer Science Technology certificate. On this 20th day of May 2016 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Barnes' certificates be effective immediately. It is further ORDERED that Barnes return the revoked certificates 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:

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