

252-24  
State Board of Examiners Dkt. No. 1920-179  
Agency Dkt. No. 5-2/24A

**New Jersey Commissioner of Education**

**Final Decision**

In the Matter of the Certificates of  
Sharonda Allen, State Board of Examiners,  
New Jersey Department of Education.

Order of Suspension by the State Board of Examiners, January 19, 2024

For the Respondent-Appellant, Sanford R. Oxfeld, Oxfeld Cohen, P.C.

For the Petitioner-Respondent State Board of Examiners, David L. Kalisky, Deputy  
Attorney General (Matthew J. Platkin, Attorney General of New Jersey)

The Commissioner has reviewed the record and papers filed in connection with appellant Sharonda Allen's appeal of the Order of the State Board of Examiners (Board), dated January 19, 2024, suspending her Teacher of Elementary School Certificate of Eligibility, Teacher of Elementary School Certificate, Teacher of Social Studies Certificate, and Supervisor Certificate, for one year. Appellant was a tenured special education teacher at the East Orange Board of Education. East Orange certified tenure charges against appellant and, following an arbitration, the Arbitrator sustained Count Eight, determined that appellant was guilty of insubordination and unbecoming conduct, and recommended that she be terminated from her teaching position.

In Count Eight, East Orange alleged that Allen jeopardized the safety of a student, S.B., by disclosing the student's full name to another student with the intent to have the student harassed, intimidated, or bullied, as retaliation for her suspension. The Arbitrator found that it was undisputed that appellant disclosed S.B.'s full name to another student. The Arbitrator also found that, following

the disclosure, S.B.'s mother feared for S.B.'s safety and requested that the student be transferred to another school. The Arbitrator further found that appellant intended to intimidate S.B. and defied directives not to discuss the matter involving S.B. with parents or students. The Arbitrator rejected appellant's claim that it was necessary for her to disclose S.B.'s full name so that students could report the fact that S.B. lied about a 2018 incident which resulted in appellant's suspension and transfer as incredible. Ultimately, the Arbitrator concluded that appellant should be terminated from her teaching position and found that she had not expressed any remorse for her actions.

Subsequently, the matter was referred to the Board to determine whether appellant's conduct warranted action against her certificates. The Board concluded that the doctrine of collateral estoppel required it to accept the facts found in the tenure hearing by the Arbitrator and that those facts provided just cause to suspend appellant's certificates. In weighing whether to revoke or suspend appellant's certificates, the Board determined that appellant's conduct indicated a serious lapse in judgment. However, the Board acknowledged that the incident was an isolated event. The Board also considered mitigating evidence presented by appellant, including successes during her fifteen-year teaching career, awards and honors she received, and her continued dedication to the community. Accordingly, the Board found that revocation was not appropriate and instead ordered that appellant's certificates be suspended for one year.

On appeal, appellant argues that the Board's decision was arbitrary, capricious, and not supported by sufficient credible evidence and that the imposition of a one-year suspension of her certificates was therefore excessive under the circumstances. Appellant claims primarily that the Board did not give appropriate weight to certifications she submitted to provide "additional context" regarding the unbecoming conduct. While she concedes that she made a mistake, she emphasizes that no harm resulted from the unbecoming conduct, and that it did not result in a harassment,

intimidation, or bullying (HIB) investigation by the district or a report to the Department of Children and Families' Institutional Abuse Investigation Unit (IAIU).

In reviewing appeals from decisions of the State Board of Examiners, the Commissioner may not substitute his judgment for that of the Board so long as the appellant received due process and the Board's decision is supported by sufficient credible evidence in the record. The Commissioner's role in reviewing appeals is constrained by *N.J.A.C. 6A:4-4.1(a)*, which specifies that "the Commissioner shall ascertain whether the decision is supported by sufficient credible evidence in the record and shall not disturb the decision unless the appellant has demonstrated that the State Board of Examiners . . . acted in a manner that was arbitrary, capricious, or contrary to law." See *Morison v. Willingboro Bd. of Educ.*, 478 N.J. Super. 229, 238 (App. Div. 2024) (citing *N.J.A.C. 6A:4-4.1(a)*).

After a comprehensive review of the record, the Commissioner finds that the record contains sufficient credible evidence to support the Board's determination that appellant engaged in unbecoming conduct and that a one-year suspension is the appropriate penalty. As the Board correctly concluded, the doctrine of collateral estoppel precludes appellant from relitigating the issue of unbecoming conduct, as appellant—who was represented by counsel—had a full and fair opportunity to contest this finding during the tenure proceeding. Moreover, appellant unsuccessfully challenged the Arbitrator's decision in the Appellate Division, and that court concluded that there was sufficient credible evidence in the record to support the Arbitrator's factual findings pertaining to Count Eight. *Allen v. E. Orange Bd. of Educ.*, 2022 N.J. Super. Unpub. LEXIS 174 at \*12-13 (App. Div. Feb. 4, 2022), *certif. denied*, 252 N.J. 371 (2022). The Commissioner finds no basis to dispute the Arbitrator's findings, particularly when the Appellate Division has affirmed such findings. Furthermore, the Board's Order reflects that it fully considered appellant's certifications and her claims that the unbecoming conduct did not result in HIB or IAIU investigations. Appellant has not

provided any legal authority to support her contention that the Board somehow erred by not giving the certifications more weight in its analysis.

Regarding her suspension, appellant contends that the penalty for her unbecoming conduct should be limited to the loss of her employment with the district and should not affect her ability to teach elsewhere. However, the Appellate Division has affirmed the Board's ability to revoke or suspend certificates pursuant to a separate regulatory action even after arbitrated tenure proceedings result in the imposition of sanctions or penalties. *Morison*, 478 N.J. Super. at 245-51. Appellant also argues that her conduct was much less serious than that of other teachers whose certificates were suspended and contends that there is no justification for a one-year suspension of her certificates. But her reliance on *In the Matter of the Certificates of Vincent Ajayi*, Agency Dkt. No. 1617-121, State Board of Examiners Order of Suspension (March 1, 2018) and *In the Matter of the Certificates of Darnell Coleman*, Agency Dkt. No. 1011-178, State Board of Examiners Order of Suspension (May 16, 2013) is misplaced.

In both *Ajayi* and *Coleman*, the respondents committed unbecoming conduct by engaging in physical altercations with students. The Board suspended Ajayi's certificates for 18 months and suspended Coleman's certificates for two years. Neither *Ajayi* nor *Coleman* support appellant's contention that a one-year suspension of her certificates—under entirely different factual circumstances—was arbitrary, capricious, or unreasonable. A physical altercation is not a prerequisite to a suspension of one's certificates, and the fact that appellant did not engage in a physical altercation with a student does not require the Commissioner to conclude that a one-year suspension of her certificates is unreasonable. Moreover, the Board has previously suspended certificates in matters involving teachers who exercised poor judgment by engaging in inappropriate discussions with students. See, e.g., *In re Certificates of Zantow*, Agency Dkt. No. 0607-126, State Bd.

of Exam'rs Order of Suspension at 5 (July 28, 2008) (imposing one-year suspension of certificates); *In re Certificates of Skerbetz*, Agency Dkt. No. 0405-315 State Bd. of Exam'rs Order of Suspension at 5-6 (February 22, 2007) (imposing one-year suspension of certificates).

Finally, appellant suggests that if a penalty is warranted, a more appropriate consequence would be a censure or reprimand. This contention is likewise unavailing, as the Board's regulations expressly permit revocation or suspension of certificates; they do not empower the Board to issue censures or reprimands. *See N.J.A.C. 6A:9B-4.4; Morison*, 478 N.J. Super. at 237. There is nothing in the record to suggest that the Board's decision to suspend appellant's certificates for one year was arbitrary, capricious, or unreasonable.

Accordingly, the decision of the State Board of Examiners suspending appellant's certificates for one year is affirmed.<sup>1</sup>



ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 1, 2024  
Date of Mailing: July 3, 2024

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

IN THE MATTER OF           :       NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF       :       STATE BOARD OF EXAMINERS  
SHARONDA ALLEN         :       ORDER OF SUSPENSION  
\_\_\_\_\_ :       DOCKET NO: 1920-179

At its meeting of May 14, 2020, the State Board of Examiners (Board) reviewed a decision forwarded by the Commissioner of Education (Commissioner) that had dismissed Sharonda Allen from her tenured position as a special education teacher with the East Orange Board of Education (East Orange). *In the Matter of the Tenure Hearing of Sharonda Allen*, Dkt. No. 140-6/19 (Arbitrator's Decision, December 27, 2019). Allen currently holds a Teacher of Elementary School Certificate of Eligibility, issued in April 2001; a Teacher Elementary School certificate, issued in October 2002; a Teacher of Social Studies certificate, issued in December 2003; and a Supervisor certificate, issued in April 2014.

East Orange certified tenure charges against Allen alleging unbecoming conduct and other just cause. *Ibid.* East Orange alleged, in counts one through seven, that Allen failed to perform required duties and responsibilities, displayed unprofessional and inappropriate behavior in her interactions with students, and insubordinate behavior in her interactions with supervisors. *Ibid.* In count eight, East Orange alleged that Allen jeopardized the safety of a student, S.B., by releasing the name of that student with the intent to have him harassed, intimidated, or bullied. *Ibid.* The Arbitrator concluded that East Orange had proven that Allen was guilty of unbecoming conduct. *Ibid.*

In his decision, dated December 27, 2019 (which is incorporated herein by reference), the Arbitrator found that East Orange had proven the allegations in count eight of the tenure charges and dismissed Allen from her tenured employment. *Id.* at p. 36. There was no dispute that Allen had clearly identified the full name of student S.B. to a separate student, P.S. *Id.* at p. 32. Allen's communication was purportedly sent via a social media private messaging platform and then student P.S. more widely disseminated S.B.'s full name, resulting in fear for S.B.'s safety and S.B.'s mother requesting a transfer for S.B. *Ibid.*

The Arbitrator determined that Allen's claim and testimony, that disclosure of S.B.'s name was necessary so that students could report the fact that S.B. lied about a separate December 5, 2018 incident which resulted in Allen's suspension and transfer, was incredible. *Id.* at p. 33. Allen was intimately involved in the December 5, 2018 incident and she should have grieved her two-week suspension and "not provide a post-hoc rationalization for disclosing S.B.'s name in th[e tenure] proceeding." *Ibid.* Although Allen argued that there was no evidence that she intended to harass, intimidate or bully S.B., there was testimony that students approached S.B. after his name was released and S.B. was subsequently transferred to a different school. *Id.* at p. 33-34. The Arbitrator found that Allen "intended to put undue pressure on S.B., a ninth grade student[,] and the have S.B. intimidated." *Id.* at p. 34.

The Arbitrator concluded, based on aspects of the record that were "extraordinarily troubling," that termination was necessary. *Id.* at p. 35. One of the aspects highlighted by the arbitrator was that Allen did not express any remorse for her actions. *Ibid.* Allen filed suit, with the New Jersey Superior Court, seeking to vacate the arbitration result. The trial court dismissed her complaint. *Sharonda Allen v. East rand Board of Education, Essex County*, Dkt. No. C-

000052-20. On appeal, the New Jersey Superior Court, Appellate Division, in a decision dated February 4, 2022, affirmed the award of termination. *Sharonda Allen v. East Orange Board of Education, Essex County*, Dkt. No. A-3995-19 (App. Div. February 4, 2022), *cert. denied* (December 6, 2022). In so doing, the court noted that the “record shows that [Allen] demonstrated conduct which would permit a factfinder to conclude that she was unfit to perform the duties of a schoolteacher.” *Id.* at p. 16.

Upon review of the above information, the Board voted at its meeting of May 14, 2020 to issue Allen an Order to Show Cause as to why her certificates should not be revoked. The Board sent Allen the Order to Show Cause by regular and certified mail on July 1, 2020. The Order to Show Cause provided that Allen must file an Answer within 30 days. On July 20, 2020, Allen requested the Order to Show Cause be held in abeyance pending the outcome of an appeal of the Arbitration Decision. The Board granted Allen’s request on July 29, 2020. Allen filed an Answer to the Order to Show Cause on February 15, 2023.

In her Answer, Allen admitted that tenure charges had been brought against her, that the Arbitrator concluded that Allen should be terminated, and that she was dismissed from her employment based on the one count of the tenure charges that the Arbitrator sustained. (Answer, ¶¶ 2, 6, 7). Allen stated that the Arbitrator’s Decision dismissed seven of the eight counts contained in the tenure charges. (Answer, ¶ 4). Allen denied that she engaged in unbecoming conduct and argued she was not given the opportunity to defend against certain allegations during the tenure hearing. (Answer, ¶¶ 6, 7). Allen also denied there was just cause to revoke her certificates. (Answer, ¶ 8).

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on March 27, 2023, the Board sent Allen a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Allen 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 his certificate. Allen was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Allen filed a response on June 16, 2023.

In that response, Allen claimed that the conduct for which she was found guilty of by the arbitrator, releasing S.B.'s name to student P.S. with the intent to have S.B. harassed, intimidated, or bullied, does not warrant revocation or suspension of her certificates. (Hearing Response, p. 2, 12). She acknowledges that she cannot challenge the arbitrator's factual findings in this forum. *Id.* at 12. She states she "deeply regrets releasing S.B.'s name to another student in the midst of her employment issues with [East Orange]." *Id.* at 2. She offers two certifications, one by herself and one by student P.S., to provide an explanation and to add context to the situation. *Ibid.* Student P.S. certifies that he had no malintent towards S.B. and was only trying to help Allen regain her position at the high school. *Ibid.* Allen certified that she had been unfairly transferred away from her students at the high school and was desperate to find a way back. *Id.* at 2-3. She claims that there is no evidence that releasing S.B.'s name resulted in any harm to anyone, including S.B. *Id.* at 3. She reiterates that she made a mistake and regrets her mistake in judgment. *Ibid.* She recognizes that the proper action would have been to decline student P.S.'s request and handle it through more appropriate channels. *Id.* at 23. She states she was never criminally charged, nor

was she ever the subject of a harassment, intimidation, and bullying (“HIB”) complaint or an Institutional Abuse Investigation Unit (“IAIU”) investigation. *Ibid.* She claims that, based on the totality of the circumstances, there is no just cause to take action against her certificates. *Id.* at 15.

As to mitigation, Allen claims she has already suffered the loss of her tenured employment and the effects that accompany that significant penalty. *Id.* at 2. She claims that her conduct here relates only to her employment with East Orange and does not reflect on her fitness to function as a teacher in general. *Id.* at 17. Further, Allen offers the successes in her teaching career; her continued commitment to, and involvement in, the community; and her receipt of various awards and honors. *Id.* at 3-5. For example, Allen notes that subsequent to her termination from East Orange, she established Operation Grow, Inc., an organization serving thousands of people each year that assists with fulfillment of community service graduation requirements of students, as well as college and career preparation and workforce development and readiness. *Id.* at 10-11. She also states she is the co-chair of the New Jersey Chapter of Climate Reality and involved in numerous local civic activities. *Id.* at 11. Allen asked that the Board find no just cause exists to take action against her certificates based on the totality of the circumstances. *Id.* at 24. She also asked to appear before the Board.

The threshold issue before the Board in this matter is whether Allen’s conduct constitutes conduct unbecoming a certificate holder. At its meeting of December 8, 2023, the Board considered the allegations in the Order to Show Cause as well as Allen’s Answer and Hearing Response. The Board determined that collateral estoppel applied as to the facts found in the tenure hearing and therefore no material facts related to Allen’s offense were in dispute. *See In the Matter of the Certificates of Richard Barnes-Bey*, Dkt. No. 1314-194 (Bd. Of Examiners September 17,

2015) (Collateral estoppel applies to facts established in a prior tenure hearing for Board revocation proceedings). Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.6(h).

The Board must now determine whether Allen's conduct, as set forth in the Order to Show Cause, represents just cause to act against his certificate 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). Allen's conduct in jeopardizing the safety of a student by releasing the student's name to another student with the intent to have the student harassed, intimidated, bullied or worse, as retaliation for an employment decision made by East Orange is behavior that indicates a serious lapse in judgment warranting action on her certificates. However, because it was an isolated event, and given the mitigating evidence presented by Allen, namely her successes in her fifteen-year teaching career, the awards and honors she received, and her continued dedication to the education community, the Board believes that only suspension is warranted here. The Board therefore concludes that the appropriate response to Allen's conduct is a one-year suspension of her certificates.

Accordingly, on December 8, 2023, the Board voted to suspend Sharonda Allen's Teacher of Elementary School Certificate of Eligibility, Teacher Elementary School certificate, Teacher of Social Studies certificate, and Supervisor certificate, for a period of one year, effective immediately. On this 19th day of January 2024, the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Sharonda Allen's certificates be effective immediately. It is further ORDERED that Allen return her 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.

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Rani Singh, Secretary  
State Board of Examiners

RS/LF

Date of Mailing:

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