

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DONNA G. COLEMAN : ORDER OF SUSPENSION
_____ : DOCKET NO: 2122-118

At its meeting of October 28, 2021, the State Board of Examiners (Board) reviewed a tenure decision regarding Donna G. Coleman, a tenured teacher in The Borough of Roselle Board of Education (Roselle). Roselle certified tenure charges against Coleman for unbecoming conduct, insubordination and other just cause for allegedly posting an inflammatory, insensitive, and racially charged statement on her Facebook account on May 29, 2020. The content of the post is detailed in the tenure charges, which are incorporated herein by reference.

In the tenure charges Roselle stated that Coleman’s alleged post, and her subsequent deceptive behavior attempting to explain it, violated standards of professional conduct as well as several board policies. The conduct also constituted unbecoming conduct and/or other just cause, including insubordination.

Additionally, Roselle stated that Coleman’s alleged post resulted in significant disruption in the district, with many of its staff, students, and parents uncomfortable with being around Coleman, allowing their children to be educated by her or allowing children to be entrusted to her care. Roselle argued that this loss of faith by the members of the school community negatively impacted Coleman’s effectiveness as a teacher and amounted to unbecoming conduct, and/or other just cause, including insubordination.

Pursuant to *N.J.S.A.* 18A:6-16, the Arbitrator assigned by the Department of Education to hear the case, referred to the State Board of Examiners (Board) the tenure matter captioned *In the Matter of the Tenure Charges Against Donna Coleman*, Dkt. No. 18-1/2 (Arbitrator’s Decision, August 30, 2021). In his Decision (which is incorporated herein by reference), the Arbitrator did not sustain the counts regarding Coleman’s insubordination. He did, however, find that “whether the Teacher had a constitutionally protected ‘right’ to have shared the post in question, her behavior and actions in doing so and her shifting

excuses thereafter for having done this thing [whether intentionally, accidentally or negligently] amounted to ‘Conduct Unbecoming’, for any public school ‘Teacher’.” Arbitration Decision at p. 12. He noted that Coleman expressed no remorse that the post offended staff, students and parents and created significant disruption in the school community. *Id.*

The Arbitrator found that the “totality of the evidence corroborated the District’s findings regarding the Teacher’s culpability.” *Id.* at p. 21. Further, he found that Coleman violated basic notions of faith and trust between an employer and employee. *Id.* Notably, the Arbitrator considered Coleman’s 17 years of discipline free service and found that it did not mitigate the penalty here because the fact that she failed to consider the implications of her post was an “overwhelming aggravating factor.” *Id.* at p. 22. Accordingly, Coleman was dismissed from her tenured employment with Roselle as a result of the charge(s) proven in the tenure proceeding.

Coleman currently holds a Teacher of English Certificate of Eligibility with Advanced Standing and Teacher of English standard certificate. After reviewing the above information, at its December 16, 2021 meeting, the Board voted to issue an Order to Show Cause to Coleman as to why her certificates should not be suspended. The Order was predicated on the charges that were proven in the tenure hearing.

The Board sent Coleman the Order to Show Cause by regular and certified mail on December 17, 2021. The Order provided that Coleman’s Answer was due within 30 days. Coleman filed her Answer on or about January 3, 2022.

In that Answer, Coleman indicated that the superintendent accused her of being a liar even when she was honest about what occurred. *See Answer* at p.1. She further stated that it was not her post that caused a disruption, but it was the student who commented on her post that caused the ripple effect in the community. *Id.* Coleman stated that she believed her Facebook post was shared with family and friends and admitted to typing “I hope this never happens again...” *Id.* at p. 2. She indicates that the student who saw it believed it as racist “simply because the man was black and the child white, even though [her] comment did not state anything close to referring to this fact or mention anything other than a sympathetic comment.” *Id.* Coleman further states that the student who saw the post was never questioned. *Id.*

Coleman further indicates that she is devastated over the incident and has been depressed and under stress. She has dedicated 17 years of life with exemplary records which should weigh more heavily than a 20-minute error “that would not have been read if it were not for a student who created a stir because he did not understand what he was reading...” *Id.* at p. 3.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on January 19, 2022, the Board sent Coleman a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Coleman was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause to take action against her certificates as well as arguments with regard to the appropriate sanction in the event that the Board determined 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 Coleman’s offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Coleman was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Coleman filed a written response on January 31, 2022. Coleman also asked to appear before the Board.

In her Hearing Response, Coleman reiterated much of her response from the Answer. She also submitted several exhibits that included part of a transcript from the Arbitration hearing, her response to the tenure charges, and related documents.

In testimony before the Board, Coleman was present and indicated that it has been several years since the conduct occurred and she is devastated. She stated that her comment on the social media post was not about people of color and she did not know that the public could see the feed; she deleted the post. She further stated that she never did anything on purpose and that the district built a case to indicate she was a liar. She stated that the process was not fair but there was nothing she could do. Finally, she indicated she is sorry and that she is proud of what she did for 17 years.

The threshold issue before the Board in this matter, therefore, is whether Coleman’s conduct constitutes conduct unbecoming of a certificate holder. At its meeting of May 19, 2022, the Board

considered the allegations in the Order to Show Cause as well as Coleman's Answer, Hearing Response and testimony. The Board determined that it was constrained by collateral estoppel to accept the facts as found in the tenure hearing and therefore no material facts related to Coleman'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 Coleman's conduct, as set forth in the Order to Show Cause and proven in the tenure hearing, represents just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.5*. 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, the record established that Coleman's behavior in posting racially charged content on her personal social media account created disruption to the educational community both internally and externally. Moreover, Coleman failed to be forthright regarding how the material was posted and demonstrates little remorse, instead assessing blame on the student who reported the matter. Such behavior is conduct unbecoming an educator. Accordingly, the appropriate response in this matter is suspension for a period of three (3) years.

Accordingly, on May 19, 2022, the Board voted to suspend Donna G. Coleman's Teacher of English Certificate of Eligibility with Advanced Standing and Teacher of English standard certificate for a period of three (3) years effective immediately. On this 30th day of June 2022 the Board voted to adopt its formal written decision and it is therefore ORDERED that Coleman's certificates are hereby suspended for

three (3) years, effective immediately. It is further ORDERED that Coleman 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.

Rani Singh, Secretary
State Board of Examiners

Date of Mailing:
Via certified and regular mail

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