

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.