

**STATE OF NEW JERSEY  
DEPARTMENT OF EDUCATION**

In the Matter of Tenure Charges

**BOARD OF EDUCATION OF THE CITY OF  
TRENTON, MERCER COUNTY**

Petitioner,

-and-

**MICKELLE P. JACKSON,**

Respondent.

AGENCY DOCKET  
NO.: 264-8/25

**OPINION AND AWARD**

**BEFORE: RUTH MOSCOVITCH, Arbitrator**

**Appearances:**

<b>For the Petitioner:</b>	<b>For the Respondent:</b>
Adam S. Herman Adams, Lattiboudere, Croot, & Herman 555 Route 1 South, Suite 240 Iselin, NJ 08830	Andrew L. Schwartz Schwartz Law Group, LLC 12 Centre Drive Monroe Twp., NJ 08831

This matter comes before me on tenure charges brought under N.J.S.A. 18A:28-5 and N.J.S.A. 18A:6-10, et seq., by Petitioner Board of Education of the City of Trenton, Mercer County (the “District”) against Respondent Mickelle P. Jackson. The tenure charges at issue here were certified to the Bureau of Controversies and Disputes by the District on or about August 6, 2025. I was appointed the arbitrator to adjudicate this matter on August 11, 2025.

I conducted a hearing via video conferencing over five days: November 24, 25, 2025 and December 2, 3 and 11, 2025. Both sides were represented by counsel and were afforded the opportunity to call witnesses, present evidence, and cross-examine witnesses offered by the opposing party. All witnesses were sworn. A court reporter transcribed the proceedings and made a copy of the transcript available to me.

The District presented the testimony of three employees: James Earle, Superintendent; Miriam Maldonado, School Counselor; and Lorcha Lewis, Principal of Parker Intermediate School. The District offered 14 documents as exhibits. Respondent presented the testimony of five witnesses: Crystal Barretto and April Seay, both Secretaries at Parker Intermediate School; Dana Wiliamson, Principal of Capital City High School and Grievance Chair for TASA (Trenton Administrators and Supervisors Association); LaToya Little, mother of student at Parker Intermediate School; and Respondent. Respondent offered 13 exhibits. The parties submitted written post-hearing briefs by January 30, 2026. No objection has been made to the fairness of this proceeding.

### **TENURE CHARGES**

I, James Earle, Superintendent of Schools, do herewith charge that Mickelle P. Jackson (hereinafter referred to as “Respondent”), employed by the Trenton Board of Education (hereinafter referred to as “Board” or “District”) as a tenured Vice Principal, is guilty of unbecoming conduct, neglect of duty and other just cause so as to require that her employment with the District be terminated, or in the alternative, that her tenure as a Vice Principal with the District be removed and demoted to the position of classroom teacher.

### **FACTUAL BACKGROUND RELEVANT TO ALL COUNTS**

1. During the 2024-25 school year. Respondent was employed by the District as a Vice Principal.
2. During the 2024-25 school year. Respondent was assigned to the Clara Parker Intermediate School.

3. The Clara Parker Intermediate School educates and services pupils in grades four (4) through six (6).
4. The State of New Jersey has enacted legislation to support the prevention, remediation and reporting of harassment, intimidation and bullying (“HIB”) in schools.
5. N.J.S.A. 18A:37-13.2, et seq. is the known as the New Jersey Anti-Bullying Bill of Rights.
6. The District has also adopted Policies, Regulations and Procedures regarding HIB complaints and investigations.
7. Pursuant to the New Jersey Anti-Bullying Bill of Rights, District Policy and District Regulation, the District prohibits acts of HIB against a pupil.
8. The District recognizes that a safe and civil environment in school is necessary for pupils to learn and achieve high academic standards.
9. As such. District schools provide an educational environment that promotes growth and development of all students to fulfill the goals and objectives of its education program.
10. The District has approved guidelines for the implementation of policies, regulations and procedures to strengthen standards on reporting, investigating, and responding to incidents of HIB with strategies for intervention, remediation and prevention.
11. At all relevant times, the District maintained a policy and regulation for “Harassment, Intimidation, and Bullying” codified at Board Policy 5512 and Regulation 5512.
12. Board Policy 5512 and Regulation 5512 requires a prompt investigation of reports and violations, and complaints of HIB, in accordance with the provisions of N.J.S.A. 18A:37- 15(b)(6).
13. The District’s website also contains information regarding HIB, including the anti-bullying specialist list, bullying prevention, HIB form, school self assessment and the HIB policy.
14. The District requires a thorough and complete investigation to be conducted for each report of violations and complaints which either identify HIB or describe behaviors that indicate HIB.
15. The New Jersey Anti-Bullying Bill of Rights, Board Policy 5512 and Regulation 5512 require that the HIB investigation must be initiated within (1) school day of the

verbal report of the incident.

16. The HIB investigation is conducted by the school's Anti-Bullying Specialist.
17. As a school administrator, Respondent was fully aware of her duties, responsibilities and obligations regarding HIB complaints.
18. On December 6, 2024, the parent of J.L. met in-person with Respondent regarding an alleged instance of HIB involving her son as a victim.
19. The parent of J.L. directly reported to Respondent that her son was being bullied by another pupil in violation of the New Jersey Anti-Bullying Bill of Rights, Policy 5512 and Regulation 5512.
20. On December 6, 2024, the parent of J.L. and Respondent completed a Harassment, Intimidation and Bullying Form 338, which was provided to Respondent.
21. The New Jersey Anti-Bullying Bill of Rights, Policy 5512 and Regulation 5512 required that upon Respondent's receipt of the subject December 6, 2024 Harassment, Intimidation and Bullying Form 338, she was mandated to provide same to the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal for the legally required HIB investigation.
22. The New Jersey Anti-Bullying Bill of Rights, Policy 5512 and Regulation 5512 requires that the Harassment, Intimidation and Bullying Form 338 be completed, and that the written findings be submitted to the Principal as soon as possible, but no later than ten (10) days from the date of the written report of the alleged incident of Harassment, Intimidation, and Bullying.
23. The New Jersey Anti-Bullying Bill of Rights, Policy 5512 and Regulation 5512 also provides parents with rights to appeal a HIB determination.
24. Respondent, however, did not take any action after she received the completed Harassment, Intimidation and Bullying Form 338 from the parent of J.L.
25. Respondent failed to forward the Harassment, Intimidation and Bullying Form 338 to the Clara Parker Intermediate School's Anti-Bullying Specialist and/or the Principal for the legally mandated HIB investigation.
26. On March 6, 2025, approximately three (3) months after Respondent met with the parent of J.L., the Clara Parker Intermediate School guidance counselor received a voicemail from parent of J.L. inquiring about the outcome of the HIB complaint she filed.
27. The Clara Parker Intermediate School guidance counselor called the parent of J.L. as the guidance counselor was not aware of any HIB complaint or investigation involving J.L.

28. The parent of J.L. advised the Clara Parker Intermediate School guidance counselor that she would send a copy of the December 6,2024 Harassment, Intimidation and Bullying Form 338 that was initially provided to Respondent.

29. On March 10, 2025, Respondent gave the December 6,2024 Harassment, Intimidation and Bullying Form 338 to the Clara Parker Intermediate School guidance counselor for the very first time.

30. On March 11, 2025, the parent of J.L. also provided the Clara Parker Intermediate School guidance counselor a copy of the December 6,2024 Harassment, Intimidation and Bullying Form 338.

31. As such, the completed original Harassment, Intimidation and Bullying Form 338 remained in Respondent's office for over three (3) months with no action or investigation being taken.

32. On March 12, 2025, Respondent advised the Clara Parker Intermediate School principal that she did not recollect meeting with parent of J.L. or how the December 6, 2024 Harassment, Intimidation and Bullying Form 338 was found in her office.

33. Respondent's response to the Clara Parker Intermediate School Principal was intentionally false and/or untruthful.

### **TENURE CHARGE COUNT ONE**

Respondent is guilty of Unbecoming Conduct by way of the following:

1. The District repeats and reiterates the allegations set forth above.
2. Upon Respondent's receipt of the subject December 6,2024 Harassment, Intimidation and Bullying Form 338, she was required to provide same to the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal for the legally mandated HIB investigation.
3. Respondent was required to report the HIB allegations made by the parent of J.L. to the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal on or about December 6, 2024.
4. Respondent, however, failed to timely provide the subject December 6, 2024 Harassment, Intimidation and Bullying Form 338 to the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal for the legally mandated HIB investigation.
5. The first time that Respondent advised the Clara Parker Intermediate School Principal about the subject December 6, 2024 Harassment, Intimidation and Bullying

Form 338 was on or about March 12, 2025, which was over three (3) months after Respondent met with the parent of J.L.

6. As a result of Respondent's failure to follow the law and District Policy, Regulation and Protocol, the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal were unable to initiate and complete a timely HIB investigation.
7. Respondent's actions and/or and inactions are sufficiently egregious.
8. Respondent's conduct violates District policy and law.
9. Respondent's actions demonstrate that she is not fit to serve as a vice principal.
10. Respondent's actions are of the type which the New Jersey Commissioner of Education or a TEACHNJ arbitrator would find to be inappropriate in determining that Respondent is not fit to discharge the duties and functions of a vice principal.

Respondent's willful misconduct as described above constitutes Conduct Unbecoming sufficient to warrant dismissal from employment. In the alternative, Respondent's willful misconduct as described above constitutes Conduct Unbecoming sufficient to warrant that her tenure as a Vice Principal with the Board be removed and that she be demoted to the position of classroom teacher.

#### **TENURE CHARGE COUNT TWO**

Respondent is guilty of Neglect of Duty by way of the following:

1. The District repeats and reiterates the allegations set forth above.
2. Respondent's [sic] failed to provide the subject December 6, 2024 Harassment, Intimidation and Bullying Form 338 to the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal for the legally mandated HIB investigation in a timely manner.
3. As a result, the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal were unable to initiate and complete a timely HIB investigation.
4. Respondent's actions and/or and inactions are sufficiently egregious.
5. Respondent's conduct violates District policy and law.
6. Respondent's actions demonstrate that she is not fit to serve as a vice principal.
7. Respondent's actions are of the type which the New Jersey Commissioner of Education or a TEACHNJ arbitrator would find to be inappropriate in determining that Respondent is not fit to discharge the duties and functions of a vice principal.

Respondent's willful misconduct as described above constitutes Neglect of Duty sufficient to warrant dismissal from employment. In the alternative. Respondent's willful misconduct as described above constitutes Neglect of Duty sufficient to warrant that her tenure as a Vice Principal with the Board be removed and that she be demoted to the position of classroom teacher.

### **TENURE CHARGE COUNT THREE**

Respondent is guilty of Unbecoming Conduct by way of the following:

1. The District repeats and reiterates the allegations set forth above.
2. Despite having met with the parent of J.L. on December 6, 2024, Respondent advised the Clara Parker Intermediate School principal on March 12, 2025 that she did not recollect meeting with parent of J.L. or how the December 6, 2024 Harassment, Intimidation and Bullying Form 338 was found in her office.
3. Respondent's employment with the District is guided by District Policy 3211, which is entitled "Code of Ethics."
4. Respondent's employment with the District is also guided by District Policy 3281, which is entitled "Inappropriate Staff Conduct."
5. Respondent's response to the Clara Parker Intermediate School Principal was intentionally false and/or untruthful.
6. Respondent's actions and/or inactions are sufficiently egregious.
7. Respondent's conduct violates District policy and law.
8. Respondent's actions demonstrate that she is not fit to serve as a Vice Principal.
9. Respondent's actions are of the type which the New Jersey Commissioner of Education or a TEACHNJ arbitrator would find to be inappropriate in determining that Respondent is not fit to discharge the duties and functions of a Vice Principal.

Respondent's willful misconduct as described above constitutes Conduct Unbecoming sufficient to warrant dismissal from employment. In the alternative. Respondent's willful misconduct as described above constitutes Conduct Unbecoming sufficient to warrant that her tenure as a Vice Principal with the Board be removed and that she be demoted to the position of classroom teacher.

### **TENURE CHARGE COUNT FOUR**

Respondent is guilty of unbecoming conduct and other just cause by way of the following:

1. The District repeats and reiterates the allegations set forth above.

2. All of the foregoing Charges, Counts and the facts alleged in the tenure charges are incorporated by reference as if fully set forth herein. The acts of misconduct described above, jointly and severally, demonstrate a series of infractions constituting a pattern of conduct unbecoming, neglect of duty and/or other just cause warranting her dismissal, or in the alternative, a removal of her tenure as a Vice Principal and a demotion to the position of classroom teacher.

(D. 1)

**APPLICABLE AUTHORITIES  
ANTI-BULLYING BILL OF RIGHTS ACT**

C.18A:17-46 Reporting of certain acts by school employee; report; public hearing. 1. Any school employee observing or having direct knowledge from a participant or victim of an act of violence shall, in accordance with standards established by the commissioner, file a report describing the incident to the school principal in a manner prescribed by the commissioner, and copy of same shall be forwarded to the district superintendent. The principal shall notify the district superintendent of schools of the action taken regarding the incident. \*\*\*

**DISTRICT POLICY 5512  
HIB INVESTIGATION PROCEDURE**

E. Reporting Harassment, Intimidation or Bullying.

The Board of Education requires the Principal at each school to be responsible for receiving all complaints alleging harassment, intimidation, or bullying committed by an adult or youth against a student. All Board members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report alleged acts of harassment, intimidation, or bullying to the Principal or designee on the same day when the individual witnessed or received reliable information regarding any such incident. All Board members, school employees, and contracted service providers who have contact with students, also shall submit a New Jersey Department of Education-approved HIB 338 Form to the Principal within two school days of the verbal report. Failure to make the required report(s) may result in disciplinary action. The HIB 338 Form shall be kept on file at the school, but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or Federal Law.

G. Investigating Allegations of Harassment Intimidation, or Bullying

Investigate All Reports

The Board of Education requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation, or bullying. All details of an alleged incident must be populated into the HIB 338 Form, However, completing the form shall not delay beginning the investigation in accordance with the law.

The HIB 338 Form shall be kept on file at the school and will only be added to a student record if the alleged incident is founded, disciplinary action is imposed or is otherwise required to be contained in a student's record under State or Federal law.

The investigation shall be initiated by the Principal or designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school anti-bullying specialist appointed by the Principal. The Principal may appoint additional personnel who are not school anti-bullying specialists to assist the school anti-bullying specialist in the investigation. \*\*\*

The investigation shall be completed, and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the alleged incident of harassment, intimidation, or bullying or from the date of the written notification from the Superintendent to the Principal to initiate an investigation. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the school anti-bullying specialist or the Principal shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The Principal shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The Principal shall submit the report to the Superintendent within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:1413-1 et seq.). As appropriate to the findings from the investigation, the Superintendent shall ensure the Code of Student Conduct has been implemented and provide intervention services; order counseling; establish training programs to reduce harassment, intimidation, or bullying and enhance school climate; or take or recommend other appropriate action, including seeking further information as necessary,

The Superintendent shall report the results of each investigation to the Board no later than the date of the regularly scheduled Board meeting following the completion of the investigation. The Superintendent's report also shall include information on any consequences imposed under the Code of Student Conduct; intervention services provided; counseling ordered; training established; or other action taken or recommended by the Superintendent,

Parents of students who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents includes the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board. \*\*\*

(D-2)

**District Regulation 5512  
Harassment, Intimidation, and Bullying Investigation  
Procedure.**

1. An investigation shall be initiated by the Principal or the Principal's designee within one school day of the report of the incident and shall be conducted by the school's Anti-Bullying Specialist. \*\*\*
2. The investigation shall be completed as soon as possible, but not later than ten school days from the date of the written report of the incident of harassment, intimidation, or bullying. \*\*\*
3. The results of the investigation shall be reported to the Superintendent of Schools within two school days of the completion of the investigation. \*\*\*
4. \*\*\*
5. The results of each investigation shall be reported to the Board of Education no later than the next Board of Education meeting following the completion of the investigation . . . \*\*\*

(D. 3)

**ISSUE PRESENTED**

Whether the Board has demonstrated by a preponderance of the credible evidence that the Respondent engaged in conduct unbecoming a tenured employee. If so, what shall be the penalty?

**FACTUAL BACKGROUND**

**The parties.** The **Board of Education of the City of Trenton (District)** is a public school district operating elementary, intermediate and high schools in the City of Trenton, Mercer County, New Jersey. The District is governed by nine elected members who meet on a regular basis to adopt policies and decide on such matters as the hiring and firing of personnel. **Superintendent James Earle** is the chief educational and operational officer of the District, managing its day-to-day operations through the principals and vice principals at each school. He started in his current position in 2021, having previously served as a classroom teacher, counselor, coach, vice principal and principal in New Jersey and South Carolina. (Tr. I at 53, 56-7)

**Respondent** has been employed as Vice Principal at Parker Intermediate School

since November 2022. (Tr. V at 8) Prior to that from 2020 to 2022, she was a music teacher in Trenton. (Tr. V at 9) Previously she was a Lead Educator, the equivalent of Vice Principal, for the Camden City public schools (Tr. V at 10), and before that she was a music teacher in Trenton, New Jersey, Philadelphia, Pennsylvania, and Durham, North Carolina. (Tr. V at 12-15). She has never been disciplined by the District nor in any other school district, nor in any employment. (Tr. V at 28-9)

**Current charges.** The current charges arise out of a parent's complaint that her child, a student at Parker Intermediate School, had been subject to conduct by another student that could be considered harassment, intimidation or bullying (HIB). There is no dispute that Mom came to the school to report this conduct on December 6, 2024, at a time of day when the school's principal, Lorcha Lewis, was not present. There is also no dispute that Mom met with Respondent in her office, told her about the conduct, and that Mom filled out a form 338 to report this conduct as a possible HIB matter. There is also no dispute that Miriam Maldonado, the school's Anti-Bullying Specialist, was present for a period of time while Mom was in Respondent's office. Finally, there is no dispute that the matter was not reported to Principal Lewis and that an HIB investigation was not begun as required by statute and by District policy.

There is a dispute about what occurred during Mom's visit with Respondent and about her interaction with Ms. Maldonado. Three witnesses testified as direct participants in the events of that day: Respondent; the parent, LaToya Little (Mom); and Miriam Maldonado, School Counselor and the Anti-Bullying Specialist at Parker Intermediate.

**Events of December 6, 2024.**

**Testimony of Parent (Mom).** Mom testified that she had a son who attended

Parker Intermediate school in the 2024-2025 school year. She had grown concerned about an incident between another boy and her son. On December 6, 2024, she came to the school with her mother to talk to school leadership. (Tr. IV at 62-3) Mom testified that shortly after December 6, 2024, she suffered a severe burn and was hospitalized. Because of that incident, she does not remember clearly all of the details of her visit to the school. (Tr. I at 68-9) Nevertheless, she testified to the following.

When she and her mother arrived at the school, they were buzzed in at the main entrance and were escorted by security to the staffing office, where they signed the visitor log. (Tr. IV at 62-3) She stated that she wanted to meet with someone about an incident with her son. She was told that Respondent was available to speak with her and Respondent came to get her and walked her and her mother back to Respondent's office. (Tr. IV at 63)

Mom told Respondent that her son had been hit in the face by a boy with a metal water bottle in the lunchroom, and that she believed staff had seen what happened but hadn't handled the situation properly. (Tr. IV at 63-4) She let Respondent know that she had been calling up the school, asking to speak to the principal about the incident. (Tr. IV at 63) At that point, Respondent said it sounded like a bullying situation, and brought in the counselor, Ms. Maldonado, the school's Anti-Bullying Specialist. (Tr. IV at 64) Mom believes, but is not certain, that her son was sent for and joined them in Respondent's office briefly, to tell his side of the story; that took about 10 or 15 minutes, and then he returned to class. (Tr. IV at 85-6)

When Ms. Maldonado came into the office, she didn't have any paperwork with her, but she left and returned with the HIB paperwork (form 338). (Tr. IV at 88-89, 90) Mom filled out the form in Respondent's office. It took her less than 10 minutes to fill

out the form. (Tr. IV at 92) She gave the form to Ms. Maldonado who said she would make a copy of it. (Tr. IV at 93) As best she could recall, Ms. Maldonado left her and her Mom in Respondent's office, left and returned with a copy of the form. Mom remained in Respondent's office the whole time. (Tr. IV at 94) Mom left that day with a copy of the form – she believes it was the original but she is not sure. (Tr. IV at 65-6, 95) Mom identified a copy of the form she had filled out that is in evidence. (D. 6, Tr. IV at 67)

**Testimony of Ms. Maldonado.** Ms. Maldonado has worked for the District for 26 years. She has held her current position of School Counselor for the past 9 years. (Tr. II at 13) She is assigned to Parker Intermediate school where she also serves in the role of Anti-Bullying Specialist (ABS). She has been the ABS since the 2023-2024 school year, so this is her third year in that position. (Tr. II at 16-7) She testified that as the ABS her role is to investigate complaints. Complaints are filled out either online or in person; the principal will then tell her to conduct an investigation. (Tr. II at 18)

She testified that on December 6, she went to Respondent's office. It was sometime after 11:00, probably around 11:38. (Tr. II at 21) She cannot recall why she went to Respondent's office – she did not receive a call from Respondent asking her to come by -- but she was on her way to her lunch duty, which begins at 11:39. (Tr. II at 22-23)

When she entered Respondent's office, a parent was there with her son. Respondent introduced her to the parent and the child, "and then I left." She now knows that the parent was Mom. (Tr. II at 24-5)

Ms. Maldonado testified that she did not make any copy of a completed HIB 338 form, nor was she asked to do so. (Tr. II at 26-28) She did not speak to Respondent

about Mom's HIB complaint at any time that day or during the month of December 2024. (Tr. II at 28)

**Testimony of Respondent.** Respondent testified that she recalls beginning her day on Friday, December 6, 2024 as she usually did. (Tr. V at 36) She arrived before 8:00 a.m. and checked in the main office to see who had called out and assign substitutes. She then prepared for and presided over a "restorative circle" – on Fridays that involved 3 classes with approximately 60 students plus support staff; this activity (listening to students) lasted 15 minutes, from 8:00 to 8:15 a.m. (Tr. V at 36, 39, 41) She then went to her office where she wiped down her desk to remove mouse droppings and reviewed her schedule for the day. (Tr. V at 42)

Before 10:00 a.m. she was called by one of the secretaries in the main office and asked if she could see a parent. She agreed. She recalls that the secretary escorted the parent, Mom, to her office. (Tr. V at 50) She does not recall any other person being present with Mom. (Tr. V at 51)

Mom shared that she had concerns about her son, and she related an incident in the cafeteria one or two days earlier where another student threw an empty soda can at her son. Respondent said, "do you feel like this is a bullying issue, because it sounds like that to me." Mom agreed. Respondent then asked if Mom would like to launch an HIB complaint and she said she would. (Tr. V at 52)

Respondent testified that she then "stopped the meeting" so that she could "reach out to the guidance counselor," Ms., Maldonado (Tr. V at 52-3) She used her cell phone to call Ms. Maldonado because she is the ABS, and asked her to come down to her office and bring the HIB 338 form with her. The phone call was brief, no more than 30 seconds. (Tr. V at 54, R.7) One or two minutes later, Ms. Maldonado entered her office.

(Id.) Both Respondent and Ms. Maldonado explained the process to Mom, assuring her that the school would be in touch with her within 10 business days to let her know their findings. (Tr. V at 62) Mom indicated to Ms. Maldonado that she did want to complete the form to begin an HIB investigation. (Tr. V at 59) Respondent could not recall if Mom filled out the form in her office. (Tr. V at 62)

Around this time, Respondent received a phone call, saying that her 10:00 a.m. appointment had arrived and was ready to see her. (Tr. V at 61) As Respondent recalled, the meeting ending with her saying goodbye to Mom and Mom and Ms. Maldonado leaving her office together. (Tr. V at 62)

Respondent testified that she had a conversation with Ms. Maldonado in her office after lunch. The conversation touched on issues unrelated to Mom's HIB complaint, but also included Ms. Maldonado mentioning "that she did not think this was a bullying case because kids horse play at lunch all the time, and this is typical." (Tr. V at 64-5)

**December 6, 2004 - March 2005.**

After Mom left the school on December 6, 2004 until sometime in March 2005, nothing happened with regard to her HIB 338 complaint.

**Respondent** testified that she did not communicate with Dr. Lewis or Ms. Maldonado about this matter for the rest of December or during January or February. (Tr. V at 101) She did not tell Principal Lewis about Mom's visit or that Mom had filled out an HIB 338 (Tr. V at 283), because:

- She had followed school protocol by enlisting Ms. Maldonado, the ABS, to handle the matter; (Tr. V at 167, 302)
- Her responsibility is to report complaints to the school ABS, Ms.

Maldonado, who is the principal's designee (Tr. V at 211)

- She was not in possession of the HIB 338 form (Tr. V at 211)

Asked by her principal in March 2025 about Mom's visit, Respondent did not recall anything about it and did not even know when it was supposed to have taken place. (Tr. V at 122)

**Mom** testified that she didn't hear back from the school after her December visit. Neither Respondent nor Ms. Maldonado called her to let her know the progress of the investigation, as they had said they would. (Tr. IV at 73-4, 97-8)

Because she was distracted by her medical situation, she did not follow up right away; she was not sure when she next spoke to Parker school officials about the matter. (Tr. IV at 69)

At some point, she did speak with Principal Lewis, who told her that the school could not locate her HIB 338 form. (Tr. IV at 69-70) Mom informed Principal Lewis that she had a copy, and she personally brought the copy to school and gave it to Dr. Lewis. (Tr. IV at 72-3)

**Ms. Maldonado** testified that at no point in December 2024 was she aware that Mom had filed an HIB 338 form; she never discussed the matter with Principal Lewis or Respondent.

#### **Events during March 2025.**

**Ms. Maldonado** testified that she first became aware that Mom had filed an HIB 338 complaint sometime in early March 2025. Mom called her and left a voicemail. Because the phones were down, Ms. Maldonado was unable to retrieve the message until the next day. (Tr. II at 74) When she returned Mom's call, Mom asked her about the status of her HIB complaint; Ms. Maldonado replied that she didn't know anything

about it. Mom reminded her that she met with Respondent that day and also met her. Ms. Maldonado testified, “I wasn’t in the meeting [between Mom and Respondent on December 6, 2024] so I don’t know what happened in the meeting, but [Mom] said that she filled out the paperwork with [Respondent], so I said, let me ask her about the status.” (Tr. II at 77)

Ms. Maldonado went to see Respondent in her office and asked her about Mom’s HIB allegation; what was the status? (Tr. II at 80). Respondent replied that she didn’t know where the form was. (Tr. II at 80) Ms. Maldonado called Mom back and told her that Respondent could not locate the form; Ms. Maldonado did not know what the status was. Mom informed her that she had a copy, so Ms. Maldonado invited her to bring it in or send it in with her son. (Tr. II at 87)

The son did bring the form in two days later, but in the meantime, Respondent found the form. (Tr. II at 88) Ms. Maldonado had gone to Respondent’s office, “at which point she handed me over the form and said, here you go, and I looked at it, and I saw what it was. And I said, oh, good, like where was it, where did you find it, and she told me that she found it on her desk under a pile of papers when she was cleaning her office. (Tr. II at 92)

**Respondent** testified that when Ms. Maldonado came to her office on March 10, 2025 and asked about Mom’s HIB complaint, Respondent did not know anything about it. Respondent was off work the next day. On the following day, March 12, Ms. Maldonado had stopped by her office, as she often did. Respondent wiped down her desk, and then started to go through a pile of attendance papers, where she found the top page of an HIB form. She showed the form to Ms. Maldonado and asked, “is this what you are looking for?” Ms. Maldonado said, yes, took the form and left her office.

(Tr. V at 109-11)

**Principal Lewis** testified that she learned about Mom's HIB complaint on March 11, 2025 when she returned from a vacation. (TR. III at 21, 23) Ms. Maldonado told her that she had received a phone message inquiring about an HIB complaint and learned: that an HIB 338 form had been filled out back in December 2024 (TR. III at 24); that she had been trying to obtain a copy of the form; and that either a copy or the original form was found in Respondent's office. (Tr. III at 28-9) Dr. Lewis produced the notes from two meetings she had on March 11 with Ms. Maldonado. (D. 8, 7)

The next day, March 12, 2025, Dr. Lewis met with Respondent. Respondent did not explain why there had been no follow-up or investigation done with regard to Mom's complaint. (Tr. III at 41) Dr. Lewis "had concerns that there was no investigation and no follow-up." (Id.) Respondent could not recall anything about Mom's visit. (Tr. V at 122)

Then on March 13, Dr. Lewis spoke to Mom to let her know that she had the HIB complaint and that, although it had not been investigated properly when the complaint was made, Dr. Lewis was now going to complete the investigation. (Tr. III at 42) During that call, Mom told Dr. Lewis that "they" had been there when she made her complaint; that the "guidance counselor" (meaning Ms. Maldonado) had made a copy of the HIB. (Tr. III at 43)

Dr. Lewis proceeded to do two investigations: one of the HIB complaint, and the other of why the complaint had not been handled properly in December. (Tr. III at 44-5) As to the HIB complaint, Dr. Lewis interviewed 3 students, in addition to Mom's child. She reached a conclusion that although the incident had happened, it wasn't an HIB incident: it was "not really a violation of the student code of conduct because the act

that happened wasn't intentional, but it happened." (Tr. III at 47)

With regard to the second investigation, whether Respondent had failed to act on the HIB, Dr. Lewis prepared a summary of her findings. (D. 9) She performed that investigation because she had spoken to Superintendent Earle to let him know what was happening with the HIB complaint and he directed her to "find out more about what happened." (Tr. III at 52) Dr. Lewis spoke to Respondent on two occasions about this matter: on March 12 and on March 18.

In her report to Superintendent Earle, Dr. Lewis noted that on March 12, 2025, Respondent said she "did not recollect a meeting with the parent or how the HIB complaint was found in her office. It was also stated there was no investigation that was started." (D. 9, at TCBOE 147)

Dr. Lewis's next step was to meet with Respondent and Dana Williamson, a union representative, on March 18. Before she did so, she issued a reprimand to Respondent. The letter was dated March 13, 2025 and bore the heading: "Subject: Failure to Act." The letter concludes: "This letter of reprimand will be placed in your personnel file and the recommendation is that your increment be withheld for the 2025-2026 school year." (D. 10)

Respondent testified that the March 13 letter was the first time she learned the date of Mom's visit. She looked through her records to reconstruct what had happened that day. Accordingly, when she and Mr. Williamson met with Dr. Lewis, Respondent was able to offer additional context about what had happened. She brought notes from her notebook made on December 6 and also a phone log. Those documents showed that Mom arrived without an appointment that morning, right before Respondent had another appointment scheduled; Respondent called Ms. Maldonado, who "launched"

the HIB investigation; that day there “were other high need issues that arose involving DCP and the TPD that she was handling as well as a full load of attendance and CARE Team meetings.” (D. 6, TCBOE 147, Tr. III at 62) Respondent did not deny that the HIB form was found in her office, but did not say how it came to be there. (Tr. III at 64)

After the meeting with Respondent and Mr. Williamson, Dr. Lewis wrote up her notes. (D. 15) She also drafted a report to Mr. Earle, wherein she concluded:

“it is evident the Vice Principal and Guidance Counselor on December 6, 2024 did not do their due diligence to follow through on the HIB complaint in accordance with TBOE Board Policy 5512...”

(D. 9, TCBOE 147) Dr. Lewis testified about what Respondent should have done with regard to the HIB matter:

“[Respondent] should have notified the building principal that there was an investigation in the building. She should have also made sure that the investigation was conducted timely. She should have closed out the investigation and made sure that all parties were notified.”

(Tr. III at 65)

**Respondent** testified in this proceeding about searching her records after learning that Mom had visited on December 6, 2024. She produced the notes she had available during her meetings with Dr. Lewis and Mr. Earle. (R. 8) The notes give the name of the student and what class he is in and then say: “Playing at the lunch table [student] was hit with a metal bottle in his head. –Launching HIB” (R. 8, Tr. V at 68-9) She also produced her cell phone records from that date. (R. 7) Those records show a call out at 9:59 a.m. to a number that was identified as Ms. Maldonado’s cell phone. (Tr. V at 87) The records also show, and Respondent confirmed, she made multiple calls that day to a number belonging to a friend of hers about whom she was worried. (Tr. V at 88, 273)

## **Decision to Seek Tenure Charges**

Superintendent Earle was the District official who decided to pursue tenure charges. He testified that he became aware of Mom's complaint in March 2025, when Mom called his office. He returned the call and learned from Mom that she had made an HIB complaint, but there had been no follow through. Mom was "upset and irate." (Tr. I at 116) She told him she met with Respondent in December. He asked Mom if her son had had additional problems and assured her that "we would get right on it." He then called Dr. Lewis, who had also just learned about the incident. (Tr. I at 117, 124)

Mr. Earle testified that he was focused on the child who had gone unsupported for three months on an issue his mother felt necessary to come to the school and report; he worried the child could somehow have harmed himself or be in a place worse than he was in December. Mr. Earle also was focused on the fact that the school had a three-month gap in an investigation, "which in education language...is unheard of." (Tr. I at 127) Because Mom had said she was going to come to a board meeting to raise the issue, Mr. Earle called board members to let them know. (Tr. I at 128)

Mr. Earle had a lot of questions when he learned from Dr. Lewis that she had been absent the day Mom came to the school:

- "When I found out the principal wasn't available and was not aware, then immediately my attention turned to the vice principal, who has now basically accepted the role of principal, and I needed to find out was it reported."
- Did the VP report verbally to the principal as the board policy outlines?
- Was there a 338 form, as Mom had told him;
- Had the VP sent the form to the principal in two days so the principal could initiate an investigation or had the VP actually initiated the investigation

herself?

- “Was it just a mistake or was it an absence. Was it truly neglect...?”

(Tr. I at 130-1)

Mr. Earle testified, “I would have expected [Respondent] to act as the principal because she had not notified the principal. (Tr. I at 131) During this time, Mr. Earle spoke multiple times to Dr. Lewis. (Tr. I at 144) He testified that Dr. Lewis indicated she didn’t think Respondent could serve any longer as vice principal. (Tr. I at 145) Mr. Earle said he would get a legal opinion because he did not think Dr. Lewis, as principal, could make that recommendation (to remove Respondent from her position). At some point, Dr. Lewis shared her reprimand letter with Mr. Earle who said he would take a look at her recommendation regarding increment withholding, which would have to go to the Board for approval. (Tr. I at 210) Mr. Earle testified, “we both were uncomfortable” with Respondent staying in the role of assistant principal. (Tr. I at 211)

Dr. Lewis, asked if she had ever told Mr. Earle that she had lost faith in Respondent’s ability to be a vice principal, testified:

“Not in that—not in that kind of—not in a matter of lost faith. But I certainly had expressed my concerns about the ramifications of this, this HIB situation...”

She did not recall word-for-word what she said to Mr. Earle, but remembered that she said, “I needed to be able to trust that it was – that things were going to be handled if I wasn’t, you know, aware or involved.” Asked directly if she had ever told Mr. Earle that she believed Respondent should be removed from her role as vice principal, she replied, “I never had that conversation with him.” (Tr. III at 1995)

Dr. Lewis also testified that she did not believe that Respondent lied to her about this matter or had been dishonest. (Tr. III at 788) Dr. Lewis acknowledged that

Respondent successfully completed the school year as Vice Principal, without further incident. (Tr. III at 234)

On May 19, 2025 Mr. Earle met with Respondent. Although he let the Union know that she could bring a union representative with her (Tr. I at 217), she decided to come alone (Tr. V at 293). Mr. Earle memorialized the meeting, and on May 27, 2025 sent Respondent a copy of his minutes. (D. 11) During the meeting he referred to the March 13, 2025 letter written to Respondent by Dr. Lewis. He asked Respondent to provide a response for why the HIB investigation was not implemented after Mom reported the incident to her on December 5, 2024. He recorded her responses as:

- You immediately provided several calendar entries which showed the events of that day and the week. You explained that it was a very “busy day” with multiple crisis situations happening in the building simultaneously.
- You stated that you recall sharing the information with the counselor and you felt that she had launched the HIB.
- You admitted that you found a copy of the report in a file with other documents. You explained that it must have been copied by the secretary because you “don’t know the copy code.”
- You shared that you typically don’t know when HIB’s are launched because the principal has that information. You often learn about HIB’s in your meetings with the principal.
- You stated that “HIB’s are not in my workstream” and that “it has to be in my wheelhouse.”
- You also agreed that you were “trained by the district” on how to initiate and implement the HIB process.

(D. 11, Tr. I at 163-174)

Mr. Earle was very troubled by Respondent’s remarks. He told her that processing HIB complaints “is one of our top priorities as administrators” – “It’s all about safety and keeping students safe.” (D. 11, Tr. I at 177) He testified that he:

felt that [Respondent] was not accepting any part of responsibility in this process. I didn’t hear that at all in my meeting, and that was disturbing because here we have a young child who has not been supported for three months, and it could have been catastrophic.

(Tr. I at 177) Further he felt there was

a lack of understanding about how deeply important this work is, and you can't get by this work by having any other idea about how it should operate except the one that is in writing.

(Tr. I at 178) He explained that the HIB policy is "prescriptive" – it must be followed exactly. He testified that if the principal is not aware of the complaint or 338 form, but another building administrator is, it is expected that the other building administrator initiates the investigation. (Tr. I at 100) In this case, in the absence of the principal when the parent made the complaint, the vice principal "now acts as the principal" and follows "all steps outlined in the policy, the regulations and the tenets of the law would have been executed within ten days, the parents notified, student actually supported along the way because strategies could have been in place. All of that should have been done, in my opinion, by the vice principal, who is now the principal because the principal is not aware of it." (Tr. I at 179) And if the ABS failed to act as happened in this case, "then I would ask did the vice principal take any action with that;" put something in writing, at least to the principal, to say the person failed, and I didn't see that either." (Id)

Mr. Earle then informed Respondent that he was rescinding the recommendation for an increment withholding and was recommending tenure charges: "it was after speaking with [Respondent] and learning what I learned through my part of the investigation with Dr. Lewis, I was not comfortable with her proceeding in her position as vice principal. (Tr. I at 182) Accordingly, he recommended the tenure charges at issue here, which the Board adopted.

**Respondent** testified that during his meeting with her, Mr. Earle stressed the seriousness of the issue by pointing out that Mom had threatened to sue the District and

the Board’s attorney had advised him that Mom “could very well win this lawsuit.” (Tr. I at 169-70) This could “pull the rug underneath [Respondent’s] job and his. (Id.) Further, Mom had spoken about wanting to share her concern at a public board meeting. (Tr. V at 170)

### **POSITIONS OF THE PARTIES**

The Board argues that it has met its burden to prove, by a preponderance of the credible evidence that Respondent committed the offenses alleged in the charges. In particular:

1. The Board has overwhelmingly demonstrated that Respondent failed to act in accordance with state law, District policy and District Regulation after she personally received a verbal and written HIB complaint on December 6, 2024:
  2. She took absolutely no action on the HIB complaint after the parent walked out of her office that day:
    - a. She failed to notify her principal, Dr. Lewis;
    - b. She did not transmit the HIB 338 form to Dr. Lewis;
    - c. She did not initiate an investigation and in fact had no discussion with the ABS, Ms. Maldonado about an investigation;
    - d. She did not follow up with the parent or check on the welfare of the child;
  3. As a result of Respondent’s desertion of her duties, an unacceptable amount of time passed following the parent’s in-person meeting with her and before Dr. Lewis was ever notified; the HIB complaint was found buried under papers on Respondent’s own desk 3 months after the parent had completed it;
  4. Although Respondent did not contact Dr. Lewis on December 6, 2024 about the HIB complaint, it is striking that she was able to spend time throughout the

day after the parent left the school, trying to contact a friend;

5. By failing to take any actions after receiving the HIB allegation, Respondent violated both Section E and Section G of Board Policy 5512, the state anti-bullying law, and Board Regulation 5512 on the reporting and investigation of HIB matters:

- a. The policies and law are prescriptive, with strict timelines for the reporting of HIB allegations to the principal; the prompt investigation of those allegations; and getting back to the parent of the child involved;
- b. The policy imposes upon all school employees the obligation to promptly report such allegations to the principal;
- c. As vice principal, in the event that the principal was unavailable or did not know about the allegations, Respondent bore the full responsibility to initiate an investigation and ensure its timely completion; Respondent “owned” the HIB complaint and was legally required to oversee the matter until it was closed out; instead Respondent blew off the parent’s complaint as soon as the parent left her office;

6. By failing to follow through and ensure that the HIB allegations were investigated and by failing to check on the welfare of the student involved, Respondent violated District Policy 3211 which requires every educator to adhere to the highest ethical standards and make reasonable efforts to protect a student from conditions harmful to learning or to health and safety:

- a. Respondent never once followed up with the alleged student victim of the bullying to see how he was doing; that was shocking and an egregious abdication of her responsibilities;

b. Respondent testified that the student was “nowhere on [her] radar;”

7. Respondent additionally showed a lack of ethical standards by being disingenuous when she claimed not to recall anything about meeting with the parent who made the HIB complaint; when the matter was brought to her attention in March, 2025, she was clearly dishonest when she pretended she knew nothing about the parent or the child;

8. Respondent was guilty of violating District Policy 3281 which requires every school staff member to protect a student’s health, safety and welfare; by not following through or checking on the student, Respondent failed to protect his health, safety and welfare; this was a breach of her professional responsibilities and of the public trust;

9. Respondent did not commit simple *de minimis* errors; her actions and inactions demonstrate a lack of integrity and general unfitness to serve in a position of trust as a public-school administrator.

For these reasons, the District submits each of the tenure charges against Respondent should be sustained; indeed, respondent is guilty of conduct unbecoming, neglect of duty and other just cause. Termination is the appropriate penalty. In the alternative, the only other appropriate penalty is a demotion from the position of Vice Principal to a classroom teacher position.

**Respondent, on the other hand, argues** that the District has not met its burden to prove the charges; moreover, termination is too harsh a penalty for this first time, minor offense. In particular:

1. The Tenure Act of 1909 protects teachers from dismissal for “unfounded, flimsy or political reasons;” the Tenure Hearing law sets up a presumption against

dismissal, except for inefficiency, incapacity, or unbecoming conduct; only the charge of “unbecoming conduct” is at issue here;

2. “Conduct unbecoming” has historically been interpreted as conduct so egregious that it requires immediate dismissal, conduct sufficiently flagrant that it cannot be corrected with warnings or progressive discipline; the employee must be shown to lack fitness to discharge the duties and functions of her office; it should only be imposed as a last resort when the allegations are so serious that the only appropriate remedy is dismissal;

3. The conduct in question in this case does not rise to the type of conduct held to require dismissal in prior cases;

- a. While the District has alleged that Respondent acted “willfully” and “intentionally” and provided “dishonest” answers, it has failed to prove any such malfeasance; the Superintendent relied upon Dr. Lewis’s investigation, and Dr. Lewis acknowledged that she did not believe Respondent engaged in willful conduct or was intentionally dishonest;
- b. The Charges allege policy violations; even if any policy violation can be established, at most the evidence is that any such violation was inadvertent; an unintentional oversight that could be remediated by progressive discipline and training;
- c. The record establishes that this was the first instance of any discipline in Respondent’s educational career; further Respondent testified and Dr. Lewis concurred that this was the first time an HIB complaint was raised directly with Respondent or with Respondent and the ABS at the same time;

4. The current tenure charges are political, something that should not be part of the calculus in deciding to file tenure charges:

- a. As Superintendent Earle testified, he feared that Mom would appear at a Board meeting and that he would be unable to answer questions about what had happened to Mom's December HIB complaint;
- b. During his meeting with Respondent, Mr. Earle told her that he was worried Mom would sue the District, that they might lose, and that this could pull the rug out from under his job and what he was trying to accomplish in the District;

5. The District has failed to establish the charges by a fair preponderance of the evidence; there are significant differences between the record evidence and the specific charges, including:

- a. The Common Facts, on which the chargers are based, paragraphs 18 and 19, state that Mom met with Respondent on December 6 and reported only to her; however the preponderance of the evidence including testimony by Mom and Respondent, establishes that Mom also met with the ABS that day; that the ABS provided Mom with a 338 form and copied it; the version of events given by the ABS and relied upon by the District, is not supported by the evidence and makes no sense;
- b. Paragraph 20 of the Charges alleges that Mom gave the completed HIB 338 form to Respondent; however, the preponderance of the evidence, particularly the credible testimony of Mom, establishes that it was the ABS who was in receipt of the 338 form on December 6, 2024, not Respondent; thus all of the charges that rely on the erroneous version of events are

undermined;

6. The District presented no evidence that Respondent's conduct in this matter violated the District's Ethics Policy or its Policy on Inappropriate Staff Conduct;

7. There is no precedent supporting dismissal for a first-time alleged HIB policy violation involving, at best, shared responsibility with the school's ABS.

Given the Respondent's blemish free disciplinary record, and the District's failure to prove the charges by a preponderance of the credible evidence, these tenure charges should be entirely dismissed. Respondent should be reinstated to her tenured position of Vice Principal with all back pay and emoluments owed.

### **DISCUSSION**

After a careful review of the documentary and testimonial evidence, I find that while the District has not proven every specification within its tenure charges, it has proven, by the preponderance of the credible evidence, that Respondent was derelict in her duty to follow Board policy and state law on the reporting and investigation of an HIB complaint. Accordingly, I find that discipline is warranted.

As a preliminary matter, I note that most of the key facts in this matter are not in dispute. It is undisputed that a mother of a Parker Intermediate student (Mom), came to the school on December 6, 2024 and met with Respondent. The mother shared her concerns about an incident between her son and another student. At Respondent's suggestion, she completed an HIB 338 form, which is the official document required to begin an HIB investigation. It is undisputed that Ms. Maldonado was present in Respondent's office along with Mom for a period of time – exactly how long is disputed.

It is further undisputed that after December 6, 2024,

- Respondent did not report Mom's visit and her HIB complaint to Principal Lewis,

who did not learn about it until March 2025, some 3 months later;

- No action was taken by Respondent to follow up on Mom's visit:
  - She did not contact Ms. Maldonado, the school's ABS, to learn whether an investigation had begun or to otherwise check on the status of the matter;
  - She did not check on Mom's son, to learn if he needed any support;
  - She did not contact Mom.

It is also undisputed that in March 2025, Ms. Maldonado asked Respondent if she knew anything about an HIB complaint filed by Mom; Respondent responded she did not; the following day, while Ms. Maldonado was in Respondent's office, Respondent found the original or a copy or part thereof of an HIB complaint and gave it to Ms. Maldonado.

A few issues that I deem to be immaterial are in some dispute. These include:

- Whether Ms. Maldonado was in Respondent's office on December 6, 2024 very briefly and only interacted with Mom to say "hi" or was there longer;
- whether Ms. Maldonado provided the HIB 338 form to Mom;
- whether Mom filled the form out in Ms. Maldonado's presence;
- whether Ms. Maldonado made a copy of the form and provided either the copy or the original to Mom;
- whether the form located in Respondent's office in March 2025 was a copy or the original;
- whether Mom brought the 338 form (copy or original) to the school and personally handed it to Principal Lewis, or whether Mom's son brought the form (copy or original) to school and handed it to Ms. Maldonado.

As to the dispute about Ms. Maldonado's role in this matter, I credit Mom's testimony that Ms. Maldonado was summoned to Respondent's office on December 6, 2024 for the purpose of discussing with her the option of filing an HIB 338 complaint and I so find. The preponderance of the credible evidence supports that finding, since Mom was a credible and unbiased witness and was clear in that part of her recollection. Her testimony was supported by the testimony of Respondent and by Respondent's phone records.

Yet I must also find that if any of the disputed matters have relevance, it is to a question not before me: whether Ms. Maldonado was negligent in the execution of her duties as ABS. My remit is the tenure charges regarding Respondent's behavior and actions, and whether they constitute cause for discipline as charged by the District. I find they do, wholly without reference to any of the disputed issues.

Respondent has presented three principal defenses as to why her uncontested conduct does not constitute dereliction of duty or conduct unbecoming.

First, Respondent argues that she complied with her school's "protocol" for handling HIB complaints by bringing in the ABS to discuss the matter with the parent; thus, she did not violate District policies. No other witness, and no document supported her assertion that this was the school's "protocol." But even if it were, she is charged with violating District policies and state law, which differ in significant degree from her version of school protocol. District Policy 5512 and District Procedure 5512 mirror state law. They include this mandatory language: "All school employees"... "are required to verbally report alleged acts of harassment, intimidation, or bullying to the Principal or designee *on the same day* when the individual witnessed *or received reliable information regarding any such incident.*" (Emphasis added.) There are also

mandatory timelines for commencing an investigation, completing the investigation, reporting findings to the parent and informing the Superintendent. Nowhere is there a “protocol” that puts the entire responsibility on the ABS or excuses the Assistant Principal from complying with these deadlines.

Respondent could have complied with District policies and state law by the simple expedient of informing Principal Lewis of her visit with Mom. She could also have complied by following through with Ms. Maldonado to make sure that she had opened an investigation. And she could have checked on the student. She did none of those things. Once she brought Ms. Maldonado to her office to meet Mom, she put the entire matter out of her mind. That had serious consequences. For whatever reason, neither Respondent nor Ms. Maldonado nor anyone else took any steps after December 6, 2024 to ensure that Mom’s HIB complaint was investigated. Indeed, no one knew about the matter, which was every bit as much Respondent’s fault as Ms. Maldonado’s. The matter lay fallow for 3 months, an unpardonably long time in a child’s school year and a clear violation of District policies and state law.

Second, Respondent argues that at most her failure to comply with District policies was an unintentional oversight; the District has failed to prove that she acted “willfully “ or “intentionally” or otherwise committed malfeasance. I find that the issue of “mens rea” or whether she acted intentionally goes to the issue of the appropriate discipline to be imposed, not whether Respondent violated District policies. I agree that the District has failed to prove that Respondent acted intentionally or that she was untruthful. I found her to be a credible witness who seems to have been sincere in her believe that she did what she was supposed to do, even though the policies quite clearly required her to do more. And Dr. Lewis, who worked with her most closely, did not find

her to be dishonest. I find that Respondent was irresponsible but not untruthful.

Third, Respondent argues that the current tenure charges are political in nature, and thus should be discounted: political considerations should not be part of the determination whether to charge her. Respondent bases this argument on Superintendent Earle's comments that he was afraid Mom would appear at a Board meeting and he would be unable to answer questions about what had happened, and that Mom might sue the District and it might lose, thereby undermining what he was trying to accomplish in the District.

While the Superintendent did make those comments, I find no evidence that those considerations motivated his decision to recommend charges. Those comments did not reflect a political calculus as we generally think of the concept of politics, as partisan or self-serving. Rather, I find the Superintendent pursued the charges out of his deep and sincere conviction that Respondent had not only failed to follow District policies and state law, but seemed to take no responsibility for fulfilling her clear duties as Vice Principal and an educational leader in this district, instead placing a student at risk and undermining Mom's confidence in the District's ability to look out for her child's well-being.

Further, I credit Mr. Earle's testimony that he was very concerned about Respondent's comments that HIB was "not in her wheelhouse" and was not part of her "workstream." I found him to be genuinely concerned that someone in such a high position as Vice Principal could express that kind of hands-off attitude toward a state-mandated responsibility that, moreover, concerns the well-being of students.

I found Mr. Earle to be an impressive witness who was genuinely concerned about the welfare of students in the District. He talked at some length about the

importance of following through with HIB complaints, particularly watching to make sure that students who might be victims of bullying were supported academically and emotionally. He genuinely could not understand how Respondent could have failed to remember the incident after Mom described her concerns about her son. He expressed his view that it was “outrageous and egregious” for the student to have been left without support for 3 months. The fact that the HIB 338 was found in Respondent’s office on her desk and that she could not explain how that happened was also clearly of deep concern to Mr. Earle. As the educational leader of the District, he was entitled to act on his concerns.

### **FINDINGS AS TO THE CHARGES**

Here I review each of the charges and present my findings as to each charge.

#### **FACTUAL BACKGROUND RELEVANT TO ALL COUNTS**

Paragraphs 1 through 17 restate the law, Respondent’s position and tenure in the District and contain a basic restatement of Board policies and New Jersey law and Respondent’s responsibilities as a school administrator all as they relate to HIB.

- They are all proven.

Paragraphs 18 and 19 allege that Mom met with Respondent in-person on December 6, 2024 and reported that her son was being bullied.

- These paragraphs are proven.

Paragraph 20 alleges: On December 6, 2024, the parent of J.L. and Respondent completed a Harassment, Intimidation and Bullying Form 338, which was provided to Respondent.

- The District has proven that Mom completed an HIB 338 form on December 6, 2024. The evidence is equivocal about what happened to that form and whether

it was “provided” to Respondent on December 6, 2024. Nonetheless, I find that Respondent was aware of the existence of such a completed form on that date and hence had responsibility for ensuring that appropriate steps were taken to handle the matter.

Paragraphs 21 through 23 restate the provisions of New Jersey law with regard to HIB complaints, including that Respondent “was mandated to provide same to the school ABS and/or Principal for the legally required HIB investigation.”

- These paragraphs accurately restate the law.

Paragraph 24. Respondent, however, did not take any action after she received the completed Harassment, Intimidation and Bullying Form 338 from the parent of J.L.

- This paragraph is proven.

Paragraph 25. Respondent failed to forward the Harassment, Intimidation and Bullying Form 338 to the Clara Parker Intermediate School’s Anti-Bullying Specialist and/or the Principal for the legally mandated HIB investigation.

- The District has proven that Respondent did not forward the HIB complaint to the Principal, nor did she inform the Principal of its existence. The District has failed to prove that Respondent did not “forward” the HIB complaint to the ABS; the weight of the evidence establishes that Respondent called in the ABS who assisted Mom in completing the form and then made a copy of the form, which she gave to Mom.

Paragraph 26. On March 6, 2025, approximately three (3) months after Respondent met with the parent of J.L., the Clara Parker Intermediate School guidance counselor received a voicemail from parent of J.L. inquiring about the outcome of the HIB complaint she filed.

- This paragraph is proven.

Paragraph 27. The Clara Parker Intermediate School guidance counselor called the parent of J.L. as the guidance counselor was not aware of any HIB complaint or investigation involving J.L.

- This paragraph is proven in part with the omission of the word “as”: the guidance counselor did return the parent’s phone call and was not aware of any HIB complaint.

Paragraph 28. The parent of J.L. advised the Clara Parker Intermediate School

guidance counselor that she would send a copy of the December 6, 2024 Harassment, Intimidation and Bullying Form 338 that was initially provided to Respondent.

- This paragraph is proven.

Paragraph 29. On March 10, 2025, Respondent gave the December 6, 2024 Harassment, Intimidation and Bullying Form 338 to the Clara Parker Intermediate School guidance counselor for the very first time.

- This paragraph is proven in part: Respondent did give the 338 form to the ABS, after finding it on her desk; it is not proven that this was the “very first time” that the ABS handled the form; the evidence established that the ABS handled the form on December 6, 2024.

Paragraph 30. On March 11, 2025, the parent of J.L. also provided the Clara Parker Intermediate School guidance counselor a copy of the December 6, 2024 Harassment, Intimidation and Bullying Form 338

- This paragraph is proven in part: the evidence established either that Mom gave Principal Lewis a copy of the form or her son gave the ABS a copy of the form.

Paragraph 31. As such, the completed original Harassment, Intimidation and Bullying Form 338 remained in Respondent’s office for over three (3) months with no action or investigation being taken.

- This paragraph is proven in part: The words “As such” are not proven; it has not been proven that the 338 remained in Respondent’s office for over 3 months; it is proven that no action or investigation was taken.

Paragraph 32. On March 12, 2025, Respondent advised the Clara Parker Intermediate School principal that she did not recollect meeting with parent of J.L. or how the December 6, 2024 Harassment, Intimidation and Bullying Form 338 was found in her office.

- This paragraph is proven.

Paragraph 33. Respondent’s response to the Clara Parker Intermediate School Principal was intentionally false and/or untruthful.

- This paragraph is not proven.

### **TENURE CHARGE COUNT ONE**

Respondent is guilty of Unbecoming Conduct by way of the following:

1. The District repeats and reiterates the allegations set forth above.

2. Upon Respondent's receipt of the subject December 6, 2024 Harassment, Intimidation and Bullying Form 338, she was required to provide same to the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal for the legally mandated HIB investigation.

- This charge is proven in part. Respondent's failure to advise the Principal or to ensure the ABS was following up on the HIB 338 led to the school's failure to complete a timely HIB investigation. As noted above, the ABS did know about the HIB 338 on or about December 6, 2024, having assisted Mom with its completion.

3. Respondent was required to report the HIB allegations made by the parent of J.L. to the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal on or about December 6, 2024.

- This charge is proven in part. Respondent's failure to advise the Principal or to ensure the ABS was following up on the HIB 338 led to the school's failure to complete a timely HIB investigation. As noted above, the ABS did know about the HIB 338 on or about December 6, 2024, having assisted Mom with its completion.

4. Respondent, however, failed to timely provide the subject December 6, 2024 Harassment, Intimidation and Bullying Form 338 to the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal for the legally mandated HIB investigation.

- This charge is proven with respect to failing to timely provide the form to the Principal.

5. The first time that Respondent advised the Clara Parker Intermediate School Principal about the subject December 6, 2024 Harassment, Intimidation and Bullying Form 338 was on or about March 12, 2025, which was over three (3) months after Respondent met with the parent of J.L.

- This charge is proven.

6. As a result of Respondent's failure to follow the law and District Policy, Regulation and Protocol, the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal were unable to initiate and complete a timely HIB investigation.

- This charge is proven in part. Respondent's failure to advise the Principal or to ensure the ABS was following up on the HIB 338 led to the school's failure to complete a timely HIB investigation. As noted above, the ABS did know about the HIB 338 on or about December 6, 2024, having assisted Mom with its completion. Respondent's responsibility for ensuring the HIB process was followed was independent of the ABS's responsibilities, which are not a subject of these charges.

7. Respondent's actions and/or inactions are sufficiently egregious.

- This charge is proven.

8. Respondent's conduct violates District policy and law.

- This charge is proven.
9. Respondent's actions demonstrate that she is not fit to serve as a vice principal.
  10. Respondent's actions are of the type which the New Jersey Commissioner of Education or a TEACHNJ arbitrator would find to be inappropriate in determining that Respondent is not fit to discharge the duties and functions of a vice principal.

Respondent's willful misconduct as described above constitutes Conduct Unbecoming sufficient to warrant dismissal from employment. In the alternative, Respondent's willful misconduct as described above constitutes Conduct Unbecoming sufficient to warrant that her tenure as a Vice Principal with the Board be removed and that she be demoted to the position of classroom teacher.

- As to Paragraphs 9 and 10: Respondent's fitness to serve a vice principal and discharge the duties and responsibilities of that position is addressed in the Penalty section below.

### **TENURE CHARGE COUNT TWO**

Respondent is guilty of Neglect of Duty by way of the following:

1. The District repeats and reiterates the allegations set forth above.
2. Respondent's [sic] failed to provide the subject December 6, 2024 Harassment, Intimidation and Bullying Form 338 to the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal for the legally mandated HIB investigation in a timely manner.
  - This charge is proven in part. Respondent's failure to advise the Principal or to ensure the ABS was following up on the HIB 338 led to the school's failure to complete a timely HIB investigation. As noted above, the ABS did know about the HIB 338 on or about December 6, 2024, having assisted Mom with its completion.
3. As a result, the Clara Parker Intermediate School Anti-Bullying Specialist and/or the Principal were unable to initiate and complete a timely HIB investigation.
  - This charge is proven in part. Respondent's failure to advise the Principal or to ensure the ABS was following up on the HIB 338 led to the school's failure to complete a timely HIB investigation. As noted above, the ABS did know about the HIB 338 on or about December 6, 2024, having assisted Mom with its completion. Respondent's responsibility for ensuring the HIB process was followed was independent of the ABS's responsibilities, which are not a subject of these charges.
4. Respondent's actions and/or and inactions are sufficiently egregious.
  - This charge is proven.
5. Respondent's conduct violates District policy and law.

- This charge is proven.
6. Respondent's actions demonstrate that she is not fit to serve as a vice principal.
  7. Respondent's actions are of the type which the New Jersey Commissioner of Education or a TEACHNJ arbitrator would find to be inappropriate in determining that Respondent is not fit to discharge the duties and functions of a vice principal.

Respondent's willful misconduct as described above constitutes Neglect of Duty sufficient to warrant dismissal from employment. In the alternative, Respondent's willful misconduct as described above constitutes Neglect of Duty sufficient to warrant that her tenure as a Vice Principal with the Board be removed and that she be demoted to the position of classroom teacher.

- As to Paragraphs 6 and 7: Respondent's fitness to serve a vice principal and discharge the duties and responsibilities of that position is addressed in the Penalty section below.

### **TENURE CHARGE COUNT THREE**

Respondent is guilty of Unbecoming Conduct by way of the following:

1. The District repeats and reiterates the allegations set forth above.
2. Despite having met with the parent of J.L. on December 6, 2024, Respondent advised the Clara Parker Intermediate School principal on March 12, 2025 that she did not recollect meeting with parent of J.L. or how the December 6, 2024 Harassment, Intimidation and Bullying Form 338 was found in her office.
  - This charge is proven.
3. Respondent's employment with the District is guided by District Policy 3211, which is entitled "Code of Ethics."
  - This charge is proven.
4. Respondent's employment with the District is also guided by District Policy 3281, which is entitled "Inappropriate Staff Conduct."
  - This charge is proven.
5. Respondent's response to the Clara Parker Intermediate School Principal was intentionally false and/or untruthful.
  - This charge is not proven.
6. Respondent's actions and/or inactions are sufficiently egregious.
  - This charge as it relates to District Policies 3211 and 3281 is not proven.

7. Respondent ' s conduct violates District policy and law.
  - This charge as it relates to District Policies 3211 and 3281 is not proven.
8. Respondent's actions demonstrate that she is not fit to serve as a Vice Principal.
9. Respondent's actions are of the type which the New Jersey Commissioner of Education or a TEACHNJ arbitrator would find to be inappropriate in determining that Respondent is not fit to discharge the duties and functions of a Vice Principal.

Respondent's willful misconduct as described above constitutes Conduct Unbecoming sufficient to warrant dismissal from employment. In the alternative, Respondent's willful misconduct as described above constitutes Conduct Unbecoming sufficient to warrant that her tenure as a Vice Principal with the Board be removed and that she be demoted to the position of classroom teacher.

- As to Paragraphs 8 and 9: Respondent's fitness to serve a vice principal and discharge the duties and responsibilities of that position is addressed in the Penalty section below.

#### **TENURE CHARGE COUNT FOUR**

Respondent is guilty of unbecoming conduct and other just cause by way of the following:

1. The District repeats and reiterates the allegations set forth above.
2. All of the foregoing Charges, Counts and the facts alleged in the tenure charges are incorporated by reference as if fully set forth herein. The acts of misconduct described above, jointly and severally, demonstrate a series of infractions constituting a pattern of conduct unbecoming, neglect of duty and/or other just cause warranting her dismissal, or in the alternative, a removal of her tenure as a Vice Principal and a demotion to the position of classroom teacher.
  - As to Paragraph 2 of Count 4: Respondent's fitness to serve a vice principal and discharge the duties and responsibilities of that position is addressed in the Penalty section below.

#### **PENALTY**

As noted above, I find Respondent guilty of failing to follow state law and District policies with respect to Mom's HIB complaint, made known to her on December 6, 2024. She failed to take responsibility for ensuring that Principal Lewis knew about the allegations. In lieu of informing Principal Lewis, she could have taken direct

responsibility for ensuring that Board policies and state law were followed, but she failed to do that as well: she did not follow through with the ABS, the student or Mom. Her responses to questions posed by Superintendent Earle that she had followed school protocol; that she had done everything required of her by calling in the ABS to talk to Mom; that HIB complaints were not part of her work stream, nor in her wheelhouse; and that she could not explain how the HIB 338 form came to be in her office on her desk all showed a dereliction of duty and constituted conduct unbecoming a vice principal.

Throughout this proceeding, Respondent has demonstrated a lack of remorse for her failure to follow District policies, and a lack of understanding regarding the scope of her responsibilities as vice principal and the seriousness of her failure to fulfill those duties. I find Respondent's conduct was egregious and irresponsible and merits substantial discipline.

Weighed against the misconduct outlined above are the following facts:

- this was a single event, not a pattern of neglect of duties;
- Respondent did call in the ABS to meet with Mom on December 6, 2024;
- Respondent was not untruthful in her interviews with Principal Lewis or Superintendent Earle; she truthfully stated that she could not remember the interaction;
- Respondent has never been disciplined for any other infraction;
- Respondent successfully completed the 2024-5 school year in her capacity as vice principal without any further criticism from either Principal Lewis or Superintendent Earle.

I find that discharge, the discipline recommended by the District, is too harsh a penalty given all of the circumstances. I find the appropriate penalty to be a demotion to the rank of classroom teacher. Respondent is barred for one year from reapplying for a position as vice principal in the District. Thereafter, she may apply, but it will be up to the District to decide whether she is qualified for such a position going forward.

**AWARD**

The District has proven significant portions of Counts I through IV. The proven allegations are serious and constitute grounds for discipline but not termination. I hereby order that Respondent be reinstated to a position within the District of classroom teacher. She is barred for one year from reapplying for a position as vice principal, but may apply for such a position after one year.

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Ruth Moscovitch, Arbitrator

Date: February 6, 2026

**ACKNOWLEDGMENT**

STATE OF )  
 ) ss.:  
COUNTY OF )

On February , 2026 RUTH MOSCOVITCH, whom I know, came before me and acknowledged that she executed the foregoing as and for her Opinion and Award in the above-captioned matter.

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Notary Public  
My Commission expires