

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
SHERYL GLEIM : ORDER OF SUSPENSION
_____ : DOCKET NO: 0607-271

At its meeting of July 19, 2007, the State Board of Examiners (Board) reviewed information it had received from the Green Brook Township School District (Green Brook) regarding Sheryl Gleim. Green Brook reported that Gleim had resigned from her teaching position after the district filed tenure charges alleging unbecoming conduct, insubordination and other just cause for dismissal. The district alleged that Gleim humiliated students by sending them out of the classroom to the office to phone their parents when they were missing assignments and refused to discontinue the practice even after being reprimanded by her principal; failed to properly supervise students; using her cell phone and accessing personal dating websites in class; ignored administrative directives to keep 9/11 remembrances low key and instead allowed her students to view a CD that was upsetting; assigned extra-credit projects involving the viewing of R rated movies by sixth grade students; engaged in several incidents where she publicly humiliated students; discussed matters of a personal nature regarding students with other individuals and had angry outbursts in the hallway or in the principal's office in front of other individuals, including students. Gleim holds a Teacher of Elementary School certificate, issued in June 1993. Upon review of the above information, at its October 17, 2007 meeting, the Board voted to issue an Order to Show Cause to Gleim as to why her certificates should not be revoked.

The Board sent Gleim the Order to Show Cause by regular and certified mail on November 15, 2007. The Order provided that Gleim must file an Answer within 30 days. Gleim responded on December 13, 2007. In her Answer, Gleim noted that the Board had listed the incorrect certificate for her in its Order. (Answer, ¶ 1). Gleim admitted that she resigned from the district and stated that the allegations were either false "or do not constitute actionable wrongdoing." (Answer, ¶ 3). She admitted to certain allegations in the Order to Show Cause, including allowing a student to retrieve a camera from Gleim's car, arriving late to her classroom after lunch on one occasion, and having to use a cell phone in

class for emergency reasons approximately five times. Gleim either denied or cited as “vague” all of the other allegations in the Order to Show Cause. (Answer, ¶¶ 4, 5). She also vehemently denied any wrongdoing. (Answer, ¶ 6). Gleim stated that she never admitted any guilt or wrongdoing, but resigned “in the hope that she could have a new beginning in a different school district.” (Answer, ¶ 6). She urged the Board to consider her “lengthy and honorable commitment to the teaching profession.” (Answer, ¶ 6). In the remainder of her Answer, Gleim recounted her many successes throughout her teaching career. (Answer, pp. 5-8).

The Board amended the Order to Show Cause on February 23, 2009 to reflect Gleim’s correct certificate. In all other respects the Order was identical to the previous one. By letter dated March 19, 2009, Gleim notified the Board that she would rely on the Answer she submitted to the Board’s original Order to Show Cause.

Since there were material facts in dispute, on April 23, 2009, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. After protracted litigation over procedural issues, Administrative Law Judge (ALJ) Ellen Bass heard the matter on several days in December 2011. The record closed on March 16, 2012 and the ALJ issued an Initial Decision on April 13, 2012. *In the Matter of the Teaching Certificate of Sheryl Gleim*, Dkt. No. EDE 05065-09 (Initial Decision, April 13, 2012).

In that decision, ALJ Bass found that Gleim was employed by Green Brook for almost ten years. (Initial Decision, slip op. at 2). ALJ Bass noted that after the Board presented its case, only certain charges remained at issue.¹ *Id.* at 4. ALJ Bass found that Gleim would occasionally direct students who failed to complete their homework three times in a row to go to the school office and phone home. *Ibid.* The ALJ also found that Gleim continued this practice even though her principal, Linda Pollard, had previously directed her to stop. *Id.* at 4-6. ALJ Bass also found that Gleim had, on one occasion, sent a child out to the parking lot to retrieve something from her car. *Id.* at 6-8. The ALJ noted that Gleim

¹ For purposes of clarity, only those instances where ALJ Bass sustained the charge in whole or in part against Gleim will be discussed here.

expressed remorse at her mishandling of the situation and no evidence was presented that she did it again. *Id.* at 8. The ALJ also found that on one occasion during in-class recess, a student momentarily jumped onto a window ledge to catch a ball. *Id.* at 8-9. However, ALJ Bass also found that the incident “was not indicative of a lack of control by Gleim.” *Id.* at 9. ALJ Bass also determined that, in an aberration, Gleim returned seven minutes late from lunch one time. *Ibid.* The ALJ found, and Gleim admitted, that she visited dating websites on the school computer. *Id.* at 10. However, the ALJ also found that Gleim did not do so when children were present. *Id.* at 11-13. ALJ Bass also found that Gleim violated school policy by showing her students a PG-13 rated film without securing prior parental approval. *Id.* at 16. She did, however, secure permission to show the remainder of the movie after Pollard stopped the initial showing midway through. *Ibid.* The ALJ also found that Gleim angrily approached Pollard in the hallway after the movie incident and confronted her within the earshot of children. *Id.* at 19. Gleim later continued the altercation in the Superintendent’s office, where it took her some time to compose herself. *Ibid.*

After assessing the evidence, ALJ Bass concluded that the Board had not proven four of the charges against Gleim. *Id.* at 21. The ALJ further determined that the Board “technically have met their burden” with regard to the allegations that Gleim showed a PG rated movie without parental permission and continued to direct children to phone home when they were missing homework despite an administrative directive to cease the practice. *Ibid.* However, ALJ Bass ruled that even as to those two charges, Gleim’s insubordination was not willful and that the Board had failed to prove that she was guilty of conduct unbecoming a teacher. *Id.* at 21-22. As to Gleim’s “cell-phone use, lateness and intemperate altercation with Pollard” the ALJ was “compelled to **CONCLUDE** that the Examiners have met their burden of proving unbecoming conduct” since Gleim “technically violated the standard of good behavior expected of school employees.” *Id.* at 22. ALJ Bass also determined that the Board proved unbecoming conduct with regard to Gleim’s personal use of the school’s computer and allowing a student to leave the building unescorted. *Ibid.*

In assessing the appropriate penalty, ALJ Bass “vehemently disagreed” that Gleim’s certificate should be revoked, noting that “none of the proven charges, standing alone, are of sufficient gravity to warrant [revocation].” *Id.* at 23. Moreover, the ALJ observed that Gleim should not “have lost her tenure, much less her certificate.” *Id.* at 24. ALJ Bass found that, at most, Gleim should have suffered a loss of her increment, not the loss of her tenure and that there was “little likelihood that the complained-of conduct will recur.” *Ibid.* Accordingly, ALJ Bass held that under the totality of the circumstances, the Order to Show Cause should be dismissed with prejudice. *Id.* at 25. The parties submitted Exceptions and Reply Exceptions in the case.

In her Exceptions, the Deputy Attorney General (DAG) representing the Board agreed with the ALJ’s finding that Gleim engaged in unbecoming conduct but disagreed with the ALJ’s assessment that no penalty was warranted. (DAG Exceptions, pp. 1-2). The DAG argued that although the nature of Gleim’s violations differed, “the common trend is that Respondent repeatedly demonstrated a failure or recalcitrance to bring her conduct within the norms and expectations of her place of employment, and a systemic lack of judgment as to what is appropriate for a certificated teacher conducting herself in a school setting.” (DAG Exceptions, p. 2). The DAG cited Gleim’s use of her school computer to access dating websites, her altercation with her superior after being admonished for showing an unapproved movie and her sending a child alone to the school parking lot as instances which demonstrated a lack of judgment of appropriate behavior in a school setting. (DAG Exceptions, pp. 2-4). The DAG also took issue with the ALJ’s assumption that Green Brook’s delay in bringing tenure charges militated against a penalty in the certification case, arguing that “the reactions of a school district are not controlling in the instant matter.” (DAG Exceptions, pp. 4-5). The DAG further argued that ALJ Bass erred when she determined that the Board took no action against Gleim’s certificate for close to five years after it served the Order to Show Cause, thereby proving that the charges were not serious. (DAG Exceptions, pp. 5-6). The DAG noted that since the Board has no mechanism to take action against a certificate holder absent a hearing, the ALJ’s analysis on that issue should be disregarded. (DAG Exceptions, p. 6). In her Exceptions, the DAG also challenged ALJ Bass’ findings that certain instances of conduct, *i.e.*, showing a

PG rated movie without permission, while insubordinate, were not conduct unbecoming. (DAG Exceptions, pp. 6-8). Finally, the DAG challenged ALJ Bass' determination that Gleim's personal use of her school computer, while conduct unbecoming and insubordinate, did not warrant any action against her certificate. (DAG Exceptions, pp. 8-11). The DAG therefore argued that since the Initial Decision contained some "erroneous analysis and conclusions of law" it should not be adopted as the Final Decision in the case. (DAG Exceptions, p. 11).

In her Reply Exceptions, Gleim reiterated the ALJ's finding that none of the tenure charges, standing alone, would warrant revocation of tenure "much less suspension or revocation of a teaching certificate." (ReplyExceptions, p. 2). Gleim claimed that the Board did not challenge any of ALJ Bass' fact findings but merely took exception to her legal conclusion that no action should be taken against Gleim's certificate. (Reply Exceptions, p. 2). Moreover, Gleim noted that all credibility determinations were rendered in her favor. (Reply Exceptions, p. 3). She also urged that the ALJ was correct in dismissing the Order to Show Cause because all of her supposed infractions were minor and Green Brook itself waited years to proffer tenure charges regarding some of the incidents, underscoring their lack of seriousness. (Reply Exceptions, pp. 5-7). Gleim argued that the ALJ was correct in noting her overall teaching record in Green Brook as well as her current record at Plainfield, since "the teacher's prior record and present attitude" were relevant factors in determining a penalty in a tenure context and were equally relevant here. (Reply Exceptions, pp. 6-8). Finally, Gleim argued that the Board should reverse the ALJ's findings that she had engaged in unbecoming conduct or acted insubordinately in any instance, since the ALJ had found the insubordination as "technical" and the unbecoming conduct as "minor." (Reply Exceptions, p. 9). Those determinations, coupled with the district's delay in bringing the tenure charges, "undercuts the rationale for labeling them as insubordinate or unbecoming." (Reply Exceptions, p. 10). Gleim therefore asked that the Initial Decision be affirmed as to its conclusion to dismiss the Order to Show Cause with prejudice and reversed as to the findings of insubordination and unbecoming conduct. (Reply Exceptions, p. 11).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of May 17, 2012, the Board reviewed the Initial Decision, Exceptions and Reply Exceptions. After full and fair consideration of the Decision and submissions, the Board voted to adopt the Initial Decision, with modification as to penalty.

As noted above, ALJ Bass concluded that Gleim's behavior, at times, was insubordinate and constituted conduct unbecoming a teaching staff member. (Initial Decision, slip op. at 21-22). The Board agrees. The Board disagrees with the ALJ, however, as to the consequences that Gleim's behavior merits. "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. ALJ Bass specifically found that "Gleim's superiors did have to tell her more than once not to direct children to phone home to report missing homework." (Initial Decision, slip op. at 21). Nevertheless, the ALJ would have the Board ignore Gleim's conduct simply because, according to the ALJ, no students were adversely affected. Yet Gleim's insistence on violating administrative directives or policies on more than one occasion, whether by showing unauthorized movies, having students phone home because of missing assignments or using school computers to visit personal dating sites, merits a response regardless of its impact on students. The Board finds that the ALJ has erred by focusing on the seeming lack of an impact on students of Gleim's conduct. It further finds that this seeming "lack of impact" does not negate Gleim's responsibility in engaging in the aforementioned behaviors and therefore Gleim's conduct should be penalized.

The Board is also well aware of Gleim's otherwise untarnished career. And while the Board agrees that no one incident, standing alone, or even all of them, taken as a whole, merits revocation, Gleim's actions, both insubordinate and conduct unbecoming, cannot and should not be lightly dismissed. Thus, when weighing these counterbalancing considerations, the Board believes that a one year suspension of Gleim's certificate is the appropriate penalty.

Finally, the Board would be remiss if it did not address an error in the ALJ's analysis of the appropriate penalty. To assume that the Board took "no action in the close to five years since it served its Order to Show Cause to prevent Gleim from continuing to teach the children of our state" misstates the facts of this case. (Initial Decision, slip op. at 24). From the moment the Board issued the original Order to Show Cause in October 2007 and received Gleim's Answer in December 2007, it has followed all procedures authorized by statute and regulation.² Moreover, once the matter was transmitted to OAL in early 2009, the protracted length of the litigation stemmed, in part, from the legal wrangling over various procedural issues, a legal right to which Gleim is entitled and availed herself. It is mistaken for the ALJ to suggest otherwise, as she herself had provenance of the litigation for most of the time the case was at OAL.

Accordingly, on May 17, 2012, the Board voted to adopt, with modification, the Initial Decision and ordered to suspend Gleim's teaching certificate for a period of one year. On this 21st day of June 2012, the Board formally adopted its written decision to adopt, with modification, the Initial Decision in this matter, and it is therefore ORDERED that Sheryl Gleim's Teacher of Elementary School certificate be hereby suspended for one year effective July 31, 2012. It is further ORDERED that Gleim return her certificate to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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

² The Board's sole delay, in issuing the Amended Order to Show Cause, was due to an unanticipated staff shortage.