

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DARNELL COLEMAN : ORDER OF SUSPENSION
_____ : DOCKET NO: 1011-178

At its meeting of May 12, 2011, the State Board of Examiners (Board) reviewed information it had received from the Freedom Academy Charter School (Freedom) regarding Darnell Coleman. Freedom reported that Coleman was dismissed from his employment following a physical confrontation with a student. According to the school, Coleman had asked a student in lunchtime detention to remove his hood from his head. When the student refused, Coleman removed the boy's hood and the student then put it back on. Coleman escorted the student to the main office, but proceeded to follow him as he was being taken to another classroom. When Coleman removed the student's hood again, the student turned around and pushed Coleman. Coleman then grabbed the boy by the collar and pushed him around the room. Coleman currently holds a Teacher of Biological Science Certificate of Eligibility, issued in December 2008 and a Teacher of Biological Science certificate, issued in August 2010. Upon review of the above information, at its June 16, 2011 meeting, the Board voted to issue an Order to Show Cause to Coleman as to why his certificates should not be revoked.

The Board sent Coleman the Order to Show Cause by regular and certified mail on June 20, 2011. The Order provided that Coleman must file an Answer within 30 days. Coleman responded on July 15, 2011. In his Answer, Coleman explained that the student involved in the incident, R.C.¹, had been suspended just two weeks before for shoulder checking Coleman, calling him a "fat piece of shit" and threatening to "knock [him] out." (Answer, p. 1). Coleman stated that the incident in question occurred when R.C. and another boy were using vulgar and profane language during lunch detention. (Answer, p. 2). When Coleman instructed the boys to remove their head attire, one of them told Coleman, "Nigger shut up!" (Answer, p. 2). Coleman then escorted the other student to the main office. (Answer, p. 2). When he returned to escort R.C. to the office, R.C. continued to make verbal threats against Coleman.

¹ Although Coleman refers to the student as "J" in his submission, the student's initials are R.C. and he will be referred to as such in this decision.

(Answer, p. 2). Coleman claimed that the School leader told him he did not want R.C. in the office so Coleman proceeded to escort R.C. to another classroom. (Answer, p. 2). As they entered the room, Coleman again pulled R.C.'s hood down. (Answer, p. 2). Coleman stated that R.C. turned around and collared Coleman by grabbing his clothes and pushing him against the wall. (Answer, p. 2). Coleman claimed he then grabbed R.C.'s sweatshirt collar and restrained him against a table in the room until others could intervene. (Answer, p. 2). Coleman stated that neither he nor R.C. sustained bodily harm. (Answer, p. 2). He added that he attempted to remedy the situation by trying to take R.C. to the office as he had with the other student. (Answer, pp. 2-3). Coleman claimed that he never had his hands around R.C.'s neck or responded in a combative way. (Answer, p. 3). Coleman noted that he was not suspended immediately as Freedom had reported, but rather received a letter a week later telling him he was suspended pending a Board of Trustees meeting. (Answer, p. 3). He also claimed that he met with the School leader who noted that R.C. was a product of his violent environment and that his parents were probably violent. (Answer, p. 3). She also told Coleman that he would not be allowed to speak at the Board of Trustees meeting. (Answer, p. 3). Coleman stated that he had been employed in education since 2006 and had never had an incident in the four years prior to his working at Freedom for three months. (Answer, p. 3). He stated that he believed "whole-heartedly that this was an isolated incident involving a student not amenable to a normal classroom environment and handled poorly by a school that offers no protection (i.e., mediators, union delegates or a grievance committee) against faculty and staff members that are mistreated, discriminated against or as in my case, threatened and unjustly separated from employment." (Answer, pp. 3-4). Coleman added that he loved working with children and was furthering his education by pursuing a Masters of Education in Teacher Leadership. (Answer, p. 4).

Since there were material facts in dispute, on July 29, 2011, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Edward J. Delanoy, Jr. heard the matter on several days in April, August and December 2012. The record closed on January 18, 2013, and the ALJ issued an Initial Decision on March 4, 2013. *In the Matter of the Certificates of Darnell Coleman*, Dkt. No. EDE 8899-11 (Initial Decision, March 4, 2013).

After assessing the witnesses' credibility and their direct knowledge of the events, the ALJ found that when Freedom had hired Coleman, he was never trained on School Policy. (Initial Decision, slip op. at 10). The ALJ also found that R.C. was a special education student who had prior behavioral and disciplinary issues and had been suspended several times in the past. *Id.* at 11. ALJ Delanoy noted that, when R.C. was suspended two weeks prior to the incident with Coleman, the school did not follow its own requirements before returning R.C. to the school after his suspension. *Ibid.* Nevertheless, ALJ Delanoy found that the Board had proven that Coleman had "engaged in an unjustified physical confrontation with a student, R.C.," and that that behavior was conduct unbecoming a teacher. *Id.* at 18. The ALJ determined that although Coleman was provoked by R.C., he was not justified in using force to respond: "Neither a student's wrongful defiance of the "no hoods" rule, nor the use of offensive language, constitutes an extreme situation." *Id.* at 17. The ALJ concluded that Coleman erred by continually attempting to pull down R.C.'s hood, engaging R.C. in an argument, not backing away as R.C. became aggressive and trying to pursue R.C. even after the two were separated. *Id.* at 17-18.

In assessing the appropriate penalty, the ALJ considered several mitigating factors in Coleman's favor including the fact that he had a good, albeit short, record, did not act punitively and was provoked and threatened by R.C. *Id.* at 18. However, ALJ Delanoy also emphasized that Coleman's behavior "contravenes Coleman's role as an educator and transcends the boundaries of conduct that can be tolerated from a teacher." *Ibid.* The ALJ noted that Coleman, as do all teachers, owed his students an unparalleled duty of trust and loyalty and an exceedingly high standard of professional conduct. *Id.* at 19. In conclusion, the ALJ determined that the mitigating evidence was outweighed by "the gravity of Coleman's infraction," and was sufficiently flagrant to warrant a one year suspension of his teaching certificates. *Ibid.* The Deputy Attorney General (DAG) representing the Board submitted Exceptions in the case.

In his Exceptions, the DAG agreed with the ALJ's conclusion that Coleman had engaged in conduct unbecoming a teacher by engaging in a physical altercation with a student, but argued that the ALJ was too lenient in imposing only a one year suspension. (Exceptions, pp. 1-2). The DAG claimed

that the act of engaging in a physical confrontation with a student “in and of itself warrants revocation of a teacher’s certificates, regardless of whether the student involved was injured.” (Exceptions, p. 5). Moreover, the DAG argued that ALJ Delanoy recognized that Coleman’s actions allowed R.C. to bait him into responding even though Coleman could have “forestall[ed] this serious incident at numerous junctures....” (Exceptions, pp. 6, 9). The DAG therefore urged the Board to modify the Initial Decision and impose a more stringent penalty. (Exceptions, p. 9).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of April 12, 2013, the Board reviewed the Initial Decision and the Exceptions. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision with modification as to penalty.

As noted above, the ALJ concluded that Coleman had engaged in unbecoming conduct by engaging in a physical altercation with a student. (Initial Decision, slip op. at 12-18). The Board agrees. “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. Coleman clearly overstepped the proper boundaries that a teacher must maintain with students. He exercised extremely poor judgment by not disengaging from his interaction with R.C. when other adults were present to manage the situation. The ALJ concluded that Coleman’s conduct warranted only a suspension of his certificates and not their revocation. While the Board agrees with the ALJ’s conclusion as to the appropriate type of penalty, it diverges from the ALJ’s assessment that these behaviors warranted only a one year suspension of Coleman’s certificates. Rather, the Board believes that the serious nature of this offense merits a two year suspension of Coleman’s certificates. The Board therefore adopts the Initial Decision, with that modification.

Accordingly, on April 12, 2013, the Board voted to adopt, with modification, the Initial Decision and ordered to suspend Coleman’s certificates for a period of two years. On this 16th day of May 2013, the Board formally adopted its written decision to adopt, with modification, the Initial Decision in this

matter, and it is therefore ORDERED that Darnell Coleman's Teacher of Biological Science Certificate of Eligibility and Teacher of Biological Science certificate be hereby suspended for a period of two years effective immediately. It is further ORDERED that Coleman return his certificates 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*.