

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
CHERYL SLOAN : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1011-189

At its meeting of January 20, 2011, the State Board of Examiners (Board) reviewed information it had received from the Camden County Technical Schools (CCTS) regarding Cheryl Sloan. Pursuant to *N.J.A.C. 6A:9-17.4*, CCTS reported that Sloan was suspended without pay for five days after she allowed an adult male, P.B., into the school on two occasions without requiring him to register at the office and tracked down a 14-year-old female student, B.B., to have lunch with him in a classroom. According to the student's mother, the adult male was a former convict who had sent inappropriate messages to her daughter online. Sloan holds a Teacher of Mathematics certificate, issued in February 1986 and a Teacher of Elementary School certificate, issued in September 1992. Upon review of the above information, at its March 31, 2011 meeting, the Board voted to issue an Order to Show Cause to Sloan as to why her certificates should not be revoked.

The Board sent Sloan the Order to Show Cause by regular and certified mail on April 4, 2011. The Order provided that Sloan must file an Answer within 30 days. Sloan responded on April 25, 2011. In her Answer, Sloan admitted to her suspension but denied that she authorized P.B. to come onto school premises without registering or that she tracked down a 14-year-old student to have lunch with him. (Answer, ¶ 3). Sloan stated that she did not know that P.B. was a former convict, had sent inappropriate messages to the student online or that the student's mother was seeking a restraining order against him. (Answer, ¶ 4). Sloan denied that "her conduct in any way provides just cause for the consideration of the revocation or suspension of her certificates." (Answer, ¶ 5). In the remainder of her Answer, Sloan cited a number of Affirmative Defenses including: failure to state a claim upon which relief can be granted, lack of specificity, lack of notice/vagueness, lack of due process and procedural deficiencies under *N.J.A.C. 6A:9-17.7*. (Answer, Affirmative Defenses, ¶¶ 1-10).

Since there were material facts in dispute, on May 16, 2011, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. An administrative law judge (ALJ) heard the matter on March 22 and 29, 2011. The record closed on May 9, 2012 and the ALJ issued an Initial Decision on June 15, 2012. *In the Matter of the Teaching Certificates of Cheryl Sloan*, Dkt. No. EDE 5595-11 (Initial Decision, June 15, 2012).

After assessing the witnesses' credibility and their direct knowledge of the events, the ALJ found that the Board had not proven that Sloan had allowed P.B. entry into the school on two occasions without requiring him to register at the School's office, thereby violating school policy. (Initial Decision, slip op. at 13). The ALJ did find that Sloan, who was a social friend of P.B.'s, did have him join her for lunch at school on two occasions. *Id.* at 13-15. B.B. had asked Sloan if she could join them, and Sloan wrote B.B. a note excusing her from her regularly-scheduled class. *Ibid.* On both occasions, P.B. entered the school through the principal's office and the secretary called Sloan to request Sloan's permission to send P.B. to her classroom. *Ibid.* Although Sloan assumed that P.B. was properly registered with the office as a visitor, he did not have a visitor's pass on either occasion. *Id.* at 15. P.B. was not alone with B.B. at anytime during either meeting and nothing inappropriate was discussed. *Ibid.* Sloan did not have authority from B.B.'s mother, grandmother, or the principal or Assistant Principal to pull B.B. out of class or set up a lunch meeting between her and P.B. *Ibid.* The ALJ also found that P.B.'s mother, who knew P.B., became increasingly uncomfortable with his presence around her daughter and advised him repeatedly to stay away from B.B. *Id.* at 13. Sloan was never informed of any prior problems between P.B. and B.B. *Id.* at 14.

After assessing the evidence, the ALJ concluded that the School's policy did not impose any affirmative obligation on a teacher to enforce the policy or insure that visitors had gone through the check-in process. *Id.* at 18. Accordingly, the ALJ concluded that the Board did not prove "by a preponderance of the evidence that Sloan wrongfully failed to require P.B. to register at the front office once P.B. was allowed to proceed to her classroom." *Ibid.* The ALJ did conclude, however, that Sloan violated the school policy of securing the principal's permission before a visitor may consult with a pupil.

*Ibid.* According to the ALJ, “Sloan’s conduct was such that it adversely affected the morale or efficiency of the public entity, and when observed through the eyes of [B.B.’s mother], had a tendency to destroy public respect for ... [public] employees and confidence in the operation of [public] services.” *Id.* at 18-19. The ALJ therefore concluded that Sloan’s violation of school policy constituted conduct unbecoming a teacher. *Id.* at 19. In balancing the mitigating factors of Sloan’s long, exemplary and unblemished record against the nature of Sloan’s transgression and her “inappropriate, irresponsible and unprofessional” conduct, the ALJ concluded that “the mitigating evidence offered at the hearing and in Sloan’s closing summation is outweighed by the gravity of Sloan’s infraction.” *Id.* at 20. However, the ALJ determined that Sloan’s certificates should be suspended and not revoked and he imposed a 45 day suspension for each incident for a total suspension of three months. *Id.* at 21. The Deputy Attorney General (DAG) representing the Board submitted Exceptions in the case.

In his Exceptions, the DAG agreed with the ALJ’s finding that Sloan engaged in unbecoming conduct but argued that the ALJ was too lenient in imposing only a three month suspension. (DAG Exceptions, pp. 2-5). The DAG maintained that the ALJ mistakenly assumed that Sloan’s actions in allowing P.B. to have lunch with B.B. on two occasions were somehow less egregious than having directly allowed P.B. into the school (DAG Exceptions, pp. 3-5). Rather, the DAG argued that “it is a much more serious infraction to facilitate the contact, on school grounds, between an unauthorized visitor and a student, than to merely open the door for a visitor.” (DAG Exceptions, p. 4). Accordingly, the DAG argued that a more stringent penalty should be imposed. (DAG Exceptions, pp. 4-5).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of July 26, 2012, the Board reviewed the Initial Decision and 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, the ALJ concluded that Sloan had engaged in unbecoming conduct by facilitating two lunchtime meetings between a student and a non-family visitor in contravention of school policy. (Initial Decision, slip op. at 18-20). 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. Sloan overstepped the proper boundaries that a teacher must maintain with students. She exercised extremely poor judgment and placed B.B. at possible risk by not following school policy. The ALJ concluded that Sloan’s conduct warranted only a suspension of her 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 assessment that these behaviors warranted only a three month suspension of Sloan’s certificates. Rather, the Board believes that the serious nature of this offense merits a one year suspension of Sloan’s certificates. The Board therefore adopts the Initial Decision, with that modification.

Accordingly, on July 26, 2012, the Board voted to adopt, with modification, the Initial Decision and ordered to suspend Sloan’s certificates for a period of one year. On this 21st day of September 2012, the Board formally adopted its written decision to adopt, with modification, the Initial Decision in this matter, and it is therefore ORDERED that Cheryl Sloan’s Teacher of Mathematics and Teacher of Elementary School certificates be hereby suspended for one year effective immediately. It is further ORDERED that Sloan return her 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.

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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.