

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
KATHERINE I MALONE : ORDER OF SUSPENSION
_____ : DOCKET NO: 2021-126

At its meeting of January 22, 2021, the State Board of Examiners (Board) reviewed information received from the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the California Commission on Teacher Credentialing (California) regarding Katherine I. Malone. On March 8, 2020, California suspended Malone’s educator certificate for 180 days after she allegedly engaged in sexual acts on campus with a coworker on multiple occasions. On April 15, 2019, Malone submitted her resignation to the Odyssey Charter School, where she was an inclusion specialist/504 coordinator.

Beginning in October 2018, Malone allegedly had inappropriate physical contact at school with a coworker, NH. The conduct occurred after school hours. On at least one occasion, Malone and NH were alone in a locked office or classroom with music playing and lights off. According to the documents received from California, Malone admitted that she met NH alone on 6-10 occasions and that she engaged in physical and intimate contact which included “making out and stuff.”

Malone currently holds a Teacher of Elementary Grades K-8 Certificate of Eligibility. Upon review of the above information, the Board voted at its meeting of February 26, 2021 to issue Malone an Order to Show Cause as to why her certificate should not be suspended.

The Board sent Malone the Order to Show Cause by regular and certified mail on March 3, 2021. The Order provided that Malone must file an Answer within 30 days. Malone filed an Answer on April 2, 2021.

In her Answer, Malone indicates that since the incident that formed the basis for the Order to Show Cause, she has taken responsibility for her actions and taken steps to address the stressors that led to the conduct. *See Answer at p. 1.* She stated that the conduct was not indicative of her professional career to that point. She stated that she has addressed the basis for the conduct via medication and therapy. She also

acknowledges that she worked to make amends with the administrators at the school where the conduct occurred. Those administrators wrote letters of support for her.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 29, 2021, the Board sent Malone a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Malone was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder, as well as arguments with regard to the appropriate sanction in the event that the Board found just cause to take action against her certificate. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Malone was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The letter was sent via certified return mail and regular mail. The regular mail was not returned, and the certified mail was received. The Board received no response.

The threshold issue before the Board in this matter is whether Malone's conduct constitutes conduct unbecoming a certificate holder. At its meeting of June 25, 2021, the Board considered the allegations in the Order to Show Cause as well as Malone's Answer and supporting documents. The Board determined that no material facts related to Malone's offense were in dispute since she admitted that she engaged in the alleged conduct. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Malone's conduct, as set forth in the Order to Show Cause, represent just cause to act against her certificate pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9B-4.4*. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely

requisite to other types of employment.” *Tenure of Sammons*, 1972 *S.L.D.* 302, 321. Moreover, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (1943), *aff’d*, 131 *N.J.L.* 326 (E & A 1944). In this matter, Malone’s action in engaging in inappropriate physical contact with a coworker at school indicates a serious lapse in judgment. Nonetheless, it is clear that Malone had an otherwise successful career prior to this incident and has continued to pursue therapy and has support from prior and current employers. In light of this mitigating evidence, the Board therefore concludes that the appropriate response to Malone’s breach is a six (6) month suspension of her certificate.

Accordingly, on June 25th, 2021, the Board voted to suspend Katherine I. Malone’s Teacher of Elementary School in Grades K-8 certificate of eligibility, for a period of six (6) months. On this 30th day of July 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Malone’s certificate be effective immediately. It is further ORDERED that Malone return her certificate to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Rani Singh, Secretary
State Board of Examiners

**Date of Mailing:
via certified and regular mail**

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