

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
SHANNON M. KENNEDY : ORDER OF SUSPENSION
_____ : DOCKET NO: 2223-178

At its meeting of June 29, 2023, the State Board of Examiners (Board) reviewed information received from the Sussex-Wantage Regional School District (Sussex-Wantage) regarding Shannon M. Kennedy. Sussex-Wantage reported that Kennedy resigned her employment as a teaching staff member following allegations of unbecoming conduct. Specifically, Sussex-Wantage alleged that, on March 22, 2023, Kennedy was intoxicated at school during working hours and that she was found sitting in a chair at school and expressed being upset. According to the school nurse, Kennedy responded slowly to questions, had sluggish pupils, and her gait was slow and deliberate. Sussex-Wantage stated that Kennedy was taken to a hospital for evaluation, where it was determined that she had a blood alcohol level of 292 mg/dL and there was the presence of cannabinoids in her urine.

Kennedy currently holds a Teacher of Handicapped certificate. Upon review of the above information, the Board voted at its meeting of August 4, 2023 to issue Kennedy an Order to Show Cause as to why her certificate should not be revoked.

The Board sent Kennedy the Order to Show Cause by regular and certified mail on August 7, 2023. The Order provided that Kennedy must file an Answer within 30 days pursuant to *N.J.A.C. 6A:9B-4.6(b)*. Kennedy filed an Answer on August 21, 2023.

In her Answer, Kennedy admits she resigned from Sussex-Wantage after being intoxicated at school during working hours (Answer, ¶ 1). She also admits the indications found by the school nurse. *Ibid.* Kennedy denies that one single instance of misconduct warrants any action on her

certificate after 15 years exemplary service. (Answer, ¶ 3). In her separate defenses, Kennedy states that she is a single parent of three children and is thoroughly embarrassed and humiliated by the event of March 22, 2023. (Separate Defense, ¶ 1). She states she has been seeing a therapist to deal with any addiction problem she may have and has been cleared as being fit to return to work. (Separate Defense, ¶ 2). Further, she installed a breathalyzer in her vehicle. (Separate Defense, ¶ 3). Lastly, she does not deny that the conduct occurred, acknowledged it was extremely inappropriate, and ensures that it will never happen again. (Separate Defense, ¶ 5).

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on October 13, 2023, the Board sent Kennedy a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Kennedy 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. Kennedy was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Kennedy requested, and the Board granted an extension of time to file a response. On December 20, 2023, Kennedy filed a written hearing submission and requested to appear before the Board.

In her hearing submission, Kennedy submits a certification wherein she documented her years of service to Sussex-Wantage in various schools throughout the district. (Certification of Sharon Kennedy, ¶¶ 2-7). Kennedy states she has been successfully employed by Dover High School as a Special Education teacher since September 2023. (Certification of Sharon Kennedy,

¶ 8). She reiterates her terribly inappropriate decision to come to work intoxicated from the night before and states it was a turning point in her personal life. (Certification of Sharon Kennedy, ¶¶ 10-11). Kennedy states she has been sober for approximately 9 months, voluntarily installed a breathalyzer in her car as a safety net, attends regular sessions with a therapist and takes medicine to manage her anxiety. (Certification of Sharon Kennedy, ¶¶ 10-13). Attached to her certification is an email from her therapist and a Fitness for Duty evaluation performed by a licensed psychologist, whom noted that there was a domestic violence incident the evening prior to her conduct as issue in this matter. (Certification of Sharon Kennedy, ¶ 16).

On January 19, 2024, Kennedy and her attorney, Randi April, Esq., appeared before the Board on this matter. Kennedy provided testimony on the sanction issue. In her testimony, Kennedy stated that she is committed and taken significant steps to ensure her conduct never happens again. She is employed and thriving in her current position.

The threshold issue before the Board in this matter is whether Kennedy's conduct constitutes conduct unbecoming a certificate holder. At its meeting of March 1, 2024, the Board voted to table this matter. At its meeting of April 11, 2024, the Board considered the allegations in the Order to Show Cause, as well as Kennedy's Answer, Hearing Response, and testimony. The Board determined that no material facts related to Kennedy's offense were in dispute since she admitted that she had 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)*. After reviewing the allegations, the Board finds that Kennedy engaged in conduct unbecoming an educator. Being at work at a school with children while under the influence of drugs and/or alcohol tends to destroy confidence in the operation of public services.

The Board must now determine whether Kennedy's conduct, as set forth in the Order to Show Cause, represents just cause to act against her certificate pursuant to *N.J.A.C.* 6A:9B-4.4. A "violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct" may provide the basis for a finding of unbecoming conduct. *Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 14 (2017) (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)) (internal quotation marks omitted). The "elastic" concept of "conduct unbecoming" includes "conduct which adversely affects the morale or efficiency" of the public entity or "which has a tendency to destroy public respect for . . . [public] employees and confidence in the operation of [public] services." *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960) (internal quotations and citations omitted); see also *Bound Brook Bd. of Educ.*, 228 N.J. at 13. 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 instance, the Board finds that Kennedy's conduct provides just cause to take action against her certificate. The record established that Kennedy was under the influence while at work in a school. Her conduct falls far short of that expected of a role model. 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. The Board's long-standing belief is that teachers must serve as role models for their students. "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.

In this matter, Kennedy's action in arriving to work at a school in an intoxicated state is conduct that indicates a serious lapse in judgment. Nonetheless, it is clear that Kennedy had a long and unblemished career prior to this incident and has been proactive in taking significant measures to avoid this conduct from reoccurring, such as voluntarily installing a breathalyzer in her car as a safety net, attending regular sessions with a therapist, taking medicine to manage her anxiety, and voluntarily undergoing a Fitness for Duty evaluation. Further, she continues to thrive in her new employing district.. In light of this mitigating evidence, the Board therefore concludes that the appropriate response to Kennedy's breach is a three-month suspension of her certificate.

Accordingly, on April 11, 2024, the Board voted to suspend Shannon M. Kennedy's Teacher of Handicapped certificate for a period of three months. On this 23rd day of May 2024, the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Kennedy's certificate be effective immediately. It is further ORDERED that Kennedy 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, Acting 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.

