

STATE OF NEW JERSEY - DEPARTMENT OF EDUCATION  
BUREAU OF CONTROVERSIES AND DISPUTES

RECEIVED BY  
CONTROVERSIES & DISPL  
2013 MAY 21 P 3:2

In the Matter of Tenure Hearing of Michelle Gibbs:

---

SCHOOL DISTRICT OF THE  
CITY OF JERSEY CITY, HUDSON COUNTY

Case No. 45-3/13

and

OPINION  
and AWARD

**MICHELLE GIBBS**

---

Before:

Edmund Gerber, Arbitrator

Appearances:

For the City of Jersey City Board of Education:

Jennifer Shaw, Esq.

Florio, Perrucci, Steinhardt & Fader

For the Respondent:

Nancy Oxfeld, Esq.

Oxfeld Cohen, P.C.

Pursuant to N.J.S.A. 18a:6-16, as amended by *P.L. 2012, c26* (TEACHNJ) tenure charges brought by the Board of Education of Jersey City, Hudson County against Michelle Gibbs were referred to me for hearing and decision. I conducted a hearing at the offices of the Jersey City Board of Education, Claremont Avenue, Jersey City New Jersey on April 19, 20 and 26, 2013.

Michelle Gibbs, a tenured teacher employed by the Jersey City Board of Education was charged with conduct unbecoming a Board of Education employee, neglect of duty, negative conduct towards students, negative conduct towards staff, incapacity and insubordination such that Ms. Gibbs employment with the Board must be terminated. Accordingly, the issue before me is:

Did Michelle Gibbs engage in the charged conduct?

If, so did such conduct warrant dismissal from the Board?

If not, what shall be the penalty?

### **BACKGROUND**

Michelle Gibbs was a full-time Special Education teacher for the Jersey City Public School District. She was first employed for the 2003-2004 school year and was assigned to Ferris High School. The following year Gibbs was assigned to Snyder High School and worked there for the next four years. She apparently suffered a mild heart attack and sought a transfer from Snyder High School for the 2010-2011 school year in order to have a quieter working environment. The Board granted her request and assigned to, P.S. # 37, an elementary school for the 2011-2012 school year. She was placed in a special education inclusion class as per her certification and experience teaching special education students.

### **TESTIMONY**

The Principal of P.S. # 37 (Cordero School) Marvin A. Stryder, met with Gibbs the first day of the new school year, in September, 2011. Students were not yet in school. Gibbs told Stryder that she was working on her Master's degree and needed to work at a secondary level to continue her studies. Stryder testified that he told her that P.S. # is a grammar school and he couldn't accommodate her. According to Stryder, Gibbs said she was not interested in doing anything in the school outside of

the classroom. That is, she did not want to advise, or perform coaching or extracurricular oversight. Stryder found her very difficult to talk to.

Gibbs testified that Stryder responded that "he did not care" that she wanted to teach at the secondary level and that he could see from her record that she is a poor teacher, a troublemaker and a problem and the best way for her to remain at the school was to do everything he told her to do. Gibbs replied that she had a school age daughter and could not do anything outside of regular school hours. Gibbs acknowledged that she would not do anything Stryder wanted regardless of his demand or request but she would do what was expected of her as a teacher.

Stryder assigned Gibbs to Lizbeth Rivera's second grade classroom as an inclusion teacher. Rivera has been a second grade teacher in the school for thirteen years. Rivera testified that when Gibbs met her fellow teachers that first day, she said that she was praying that she would not hurt them or the children. (Three teachers' signed statements confirming that Gibbs said she was praying that she would not hurt them or the children.) Gibbs also spoke about the end of the world and how she believed the District was evil. Gibbs also said that she may not be working with them that year.

However, Gibbs did return to PS #37 the next day. Upon introducing herself to the 7 to 8 year old children in her class, Gibbs informed them she's been having dizzy spells and had a heart attack; she therefore might collapse in class but not to worry and to just call the office.

Gibbs denied that she said or made any reference to possibly hurting teachers or children, but acknowledged that she said she was praying for them. Gibbs also acknowledged that she refused a request by Rivera to collect money from the students which was to be used to purchase supplies. Gibbs didn't want the responsibility of taking money and holding it since she never did it before.

According to Rivera, at dismissal time the following day, Gibbs yelled at her in front of the parents and students. Rivera went to Stryder's office to report the incident; Rivera was crying.

Stryder requested that school district transfer Gibbs from the School District because of her alarming and disruptive behavior in just three days. The District sent Gibbs for an evaluation based upon her statement that she was praying that she wouldn't hurt her students or fellow teachers. She was not permitted to work again until she was cleared by a doctor.

Gibbs was cleared to return to work on September 11, 2011 and was assigned to Lincoln High School. Gibbs was assigned by High School Principal Ms. Richardson-Evans to shadow an inclusion teacher, Ms. Costigan. A third teacher was also assigned to the classroom. Later that day, Richardson-Evans was summoned to Ms. Costigan's classroom because of a disturbance. Gibbs had left the classroom without informing either teacher. In her absence, the class became agitated to the point Costigan had to be escorted to the nurse. Richardson-Evans testified that when she questioned Gibbs as to her whereabouts, she gave two different explanations.

Gibbs acknowledged that she left the classroom. She went to get a copy of the teacher's edition of the students' textbook but was delayed at the book room. She had to wait for the attendant to get off the telephone. When Gibbs returned to the classroom, neither teacher was there.

Richardson-Evans concluded that Gibbs conduct put fellow teachers' safety in jeopardy and requested that Gibbs be removed from Lincoln High School. Gibbs was then assigned to the Board of Education offices.

Assistant Superintendent Hermione McNeil testified that she had to quiet a disruption between Gibbs and another teacher in the School Board offices. Gibbs did not like the way the other teacher was sitting. The District directed Gibbs to undergo another examination. Gibbs was found

unfit for duty and was not cleared to return to work in mid-May. She was out of work for approximately eight months.

Upon her return to duty, Gibbs was assigned to P.S. #28 to a kindergarten and special education class. The class's teacher, Ms. Smagalla was going on maternity leave. Gibbs testified that she tried to meet with Smagalla to learn classroom routines but was unable to do so. Gibbs never received a plan book from Smagalla and Gibbs believed this placed a terrific burden on her. Gibbs had only a short time to determine what materials the students were working on in class and assess their status.

A teacher's aide, Marceline Cole, was assigned to the classroom. P.S. #28 Principal Janet Elder testified that Cole complained to her about Gibbs. Cole submitted a written statement to Elder complaining that Gibbs spoke to Cole about the KKK and a lawsuit Gibbs brought against the District.

Elder was summoned to Gibb's classroom to investigate a disturbance. Elder found Gibbs crying while the students were unruly. Cole complained that Gibbs had turned off the students computers and moved the keyboards creating a significant disruption to the class just weeks before the end of the school year. Gibbs acknowledged that did so but asserted she did so in order to be able to test the children in order to assess their status. Gibbs yelled at Cole in front of the students and the students became very upset. There was such a scene that Elder ordered Gibbs out of the room. Elder then called the Board offices to find another teacher to fill in the classroom. Elder also called mobile crisis. Gibbs was told to not to return to P.S. #28 and report to the Board of Education. Gibbs did so but when she reported to the Board she was directed to return to P.S. #28. However, Elder refused to let Gibbs return to her school, contending that she was a danger to students.

Gibbs was assigned to the Board offices for the remainder of the year.

In September of 2012, at the start of the new school year Gibbs was assigned to return to P.S. #28. Elder assigned Gibbs to a sixth grade inclusion classroom with another teacher, Nicole Colon. Upon meeting the new class, Gibbs advised the students that she had a heart attack and a hysterectomy, so she becomes lightheaded and may pass out. Elder issued Gibbs a warning that such comments are inappropriate. Gibbs testified that she believes the statements were appropriate for her 12 year old, special education pupils.

The school had an open house at the start of the school year. Grade level teachers met with parents as a group in one of the classrooms. When it was Gibb's' turn to address the students, she complained that the other teachers left her for last. Gibbs then left the classroom for nearly 20 minutes. Six teachers signed a letter to Elder complaining of Gibbs' conduct. According to Elder it was unacceptable for Gibbs to leave the meeting for any reason except an emergency.

Colon testified that Gibbs told her in front of the students that her eyes were tantalizing but she (Gibbs) was not a homosexual. Colon found the statements offensive and homophobic. Gibbs testified she meant it as a complement but she denied that she said that she was not gay and it was never explained to her why her comment was offensive and inappropriate.

Colon testified that Gibbs was always argumentative and attempted to dictate to Colon how classes were to be conducted. Colon believed that Gibbs created an ineffective learning environment; her constant challenges created a confusing atmosphere for the students. After the second week of school, Colon complained in writing to Dr. Elder about Gibbs. Colon described Gibbs conduct as erratic and caused her to fear for her own safety and the safety of her students.

Elder offered Gibbs the opportunity to work in a self-contained special education classroom where she would work with only a teacher's aide. Gibbs testified that she felt compelled to accept the transfer and on

September 13, 2012, began teaching a special education self-contained class with one teacher's aide, Dara White. Within days White complained to Elder about her concerns for her students. White testified that on Gibbs' second day in the classroom, Gibbs told one of the special education students that she was not writing fast enough. The student began to cry and Gibbs had her sit alone. When the student did not stop crying, Gibbs ordered White to remove the student from her classroom. Gibbs claimed that she sat with the student to comfort her and it was at that point that White walked into the room and said she was taking the student to the bathroom. Gibbs testified that she subsequently learned that White had taken the child to the study team but White denied that she took the child to the child study team.

Elder testified that parents complained to her that Gibbs talked to their children, who are special education students, about her lawsuits, Dante's Divine Comedy and Inferno, bullies going to hell and students' individualized education plans. A parent wrote a letter expressing concerns about his child's ability to learn in Gibbs' classroom. Another wrote of a concern that Gibbs spoke of God in the classroom and also that Gibbs said that she was not paid enough to buy school supplies.

Elder met with Gibbs and advised her that it was not acceptable to talk about these topics. Gibbs claimed most of these allegations were untrue, but admitted that she said she could not afford to buy school supplies. Gibbs also acknowledged that she mentioned Dante's Divine Comedy in class and understood that it was not something the students had been exposed to, but her comments were in reference to the phrase "walking in the devil's shoes" that was in a short story the students were reading. Gibbs also admitted that she mentioned to the students that she did not have the opportunity to review their IEPs and was not fully familiar with all of their records.

Gibbs was assigned to report to Human Resources and has not returned to the school. Elder had placed Gibbs in at least four different

classrooms in the few weeks in May and September of that Gibbs was in her school and had to meet with Gibbs on nearly a daily basis

Gibbs testified that she believes she is a good person, an honest person who tells the truth. Her troubles in the school district began when, in her second year of teaching, in 2004-2005 a vice-principal was having marital difficulties and Gibbs invited her to stay in her home and the vice-principal accepted the invitation. But after six days Gibbs found the arrangement too difficult and wrote a letter to the vice-principal explaining that she could not continue to stay her home. Since that time Gibbs believes that she has been the subject of lies about her performance by any number of people who have collaborated against her, Gibbs testified that the results show that she is an honest person who tells the truth.

## DISCUSSION

The Board has the burden of proving its charges against Michelle Gibbs as well as demonstrating that dismissal is the appropriate remedy.

I do not doubt that Gibbs believes that she testified honestly and that she sees herself as a good person<sup>1</sup>. However, the issue before me is whether Michelle Gibbs has the temperament and judgment necessary for a teacher, and if so, should she be returned to the classroom.

I fully credit the testimony the witnesses presented by the Board of Education, including Hermione McNeil, Marvin Stryker, Lizbeth Rivera, Nicole Colon, Dora White Patricia Timmons, Cheryl Richardson-Evans and Janet Elder. I accept their cumulative testimony as fact in this matter. The evidence shows a pervasive pattern. In the very few weeks that Gibbs worked in September 2011, May 2012 and September 2012, nine teachers, two teacher's aides and three school principals complained about Gibbs.

---

<sup>1</sup>Gibbs underwent a polygraph examination which was offered into evidence at the hearing. However, the results of the polygraph examination are not relevant to this determination.




I reject Gibbs' assertion that the Board's teachers, administrators, and aides all conspired against her because her personal interactions with the vice-principal during the 2004-2005 school year. This incident occurred over six years before and during that time Gibbs was awarded tenure. Gibbs claim of a conspiracy are stale and far-fetched.

Gibbs was ably represented by counsel, but her denials of misconduct are simply unconvincing and cannot be credited. It is clear that, for whatever the reason, Gibbs was a disruptive force in every school she was assigned to. She acted inappropriately, was insensitive and largely unaware of the needs of her students, could not take criticism, could not work with other staff members and was incapable of teaching students in an effective manner.

The Jersey City Board of Education has proven its charges of unbecoming conduct, neglect of duty, negative conduct towards staff and her own incapacity. Further, the Board had demonstrated that dismissal is the appropriate remedy.

#### AWARD

The Board's charges against Michelle Gibbs are sustained. Michelle Gibbs is dismissed from her tenured teaching position in the City of Jersey City School District.

  
\_\_\_\_\_  
Edmund Gerber, Arbitrator  
May 20, 2013