

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
AIKATERINI KARIS : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-111

At its meeting of November 2, 2006, the State Board of Examiners reviewed information it had received from the Office of Compliance (OCI) within the Department of Education. The OCI had provided information about Aikaterini Karis. The OCI alleged that Karis, an eighth grade language arts teacher in the Wharton School district, had breached security procedures in administering the Grade Eight Proficiency Assessment (GEPA) test. According to the OCI report, Karis gave students prior information about the picture writing prompt for Part I of the Language Arts Literacy test. She also informed students about the picture writing prompt for Part II of the Language Arts Literacy Test. Specifically, prior to the tests, Karis gave her students writing assignments based on the picture prompts. Due to Karis' breach of test security, the district was directed by the Office of Evaluation and Assessment not to administer the second part of the Language Arts Literacy test. The Board of Examiners voted to issue an Order to Show Cause to Karis. Karis currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in July 2000, and a Teacher of Elementary School certificate, issued in September 2001.

The Board sent Karis the Order to Show Cause by regular and certified mail on November 14, 2006. The Order provided that Karis must file an Answer within 30 days. Karis filed her Answer on December 7, 2006. In her Answer, Karis left the Board of Examiners to its proofs in the case. (Answer, ¶¶ 2-5). She added that there was no basis to revoke or suspend any of her certificates. (Answer, ¶ 6).

The Board of Examiners transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Jesse Strauss heard testimony on

September 19, 2007. After the record closed, the ALJ issued an Initial Decision on November 2, 2007. *In the Matter of the Certificates of Aikaterini Karis*, Dkt. No. EDE 01564-07 (Initial Decision, November 2, 2007).

In that decision, ALJ Strauss found that since Karis stipulated to breaching test security, the sole issue before him was one of penalty. (Initial Decision, slip op. at 1-4). ALJ Strauss concluded that there was just cause to “warrant action” regarding Karis’ certificates since “[h]er breach of the GEPA test security, although spontaneous, was knowing.” (Initial Decision, slip op. at 4). In assessing an appropriate penalty, the ALJ noted Karis’ superlative teaching record and her remorse for this “aberration” of unbecoming conduct. (Initial Decision, slip op. at 5). Against those mitigating factors, ALJ Strauss weighed Karis’ “knowledge of the test security rules as well as her intentional sharing of certain information with her students in order to improve their performance.” (Initial Decision, slip op. at 5).

The ALJ determined that because Karis had voluntarily resigned her position in the Wharton district in August 2006 and had not sought another position in a public school system until the issue of her certificates was resolved she had “already suffered from, in effect, a self-imposed suspension of over one year.” (Initial Decision, slip op. at 4-5). He therefore concluded that suspending Karis’ certificates for the remainder of the 2007-2008 school year was “adequate to both express disapproval of her conduct and preserve the integrity of the comprehensive security procedures for the administration of standardized testing emplaced by the State Department of Education by which all participating educators must abide.” (Initial Decision, slip op. at 5-6). ALJ Strauss ordered that Karis’ certificates should be suspended “for the remainder of the 2007-2008 school year or until June 30, 2008.” (Initial Decision, slip op. at 6).

The Deputy Attorney General (DAG) representing the Board of Examiners filed exceptions to the Initial Decision with regard to the penalty ALJ Strauss had imposed arguing that it was too lenient. (Exceptions, pp. 1-2.) The DAG distinguished between prior cases where test security had been breached and only a suspension of certificates had been imposed with Karis' case, because she was the only individual who had shared the improperly-obtained information with students with the intent to secure an advantage. (Exceptions, pp.3-5.) The DAG argued that the Initial Decision should be modified "to impose a more stringent penalty." (Exceptions, p. 5.) In her Reply Exceptions Karis argued that the ALJ appropriately considered her "previously unblemished record of excellence and commitment to the teaching profession" in assessing the correct penalty. (Reply Exceptions, pp. 4-5.) She further claimed that since she had refrained from teaching in a public school district during the time it took time to schedule and hold her certification hearing she should not be unnecessarily penalized with an additional period of punishment. (Reply Exceptions, p. 5.) Karis reiterated that her behavior with regard to the GEPA was an aberration and not "so egregious as to warrant the permanent revocation of her certificates." (Reply Exceptions, pp. 5-6.)

The Board must now determine whether to adopt, modify or dismiss the Initial Decision in this matter. At its meeting of December 6, 2007, the State Board of Examiners reviewed the Initial Decision. After full and fair consideration of all the submissions, the Board voted to reject the Initial Decision with regard to the penalty and revoke Karis' certificates. There is no doubt that the ALJ correctly determined that, by disseminating GEPA information to her students, Karis had engaged in conduct unbecoming a teacher, one of the grounds for revocation or suspension of a teaching certificate. *N.J.A.C. 6A:9-17.5*. Accordingly, the Board will defer to those findings and the remaining decision is one of penalty.

The State Board of Examiners 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:9-17.5. Furthermore, 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). “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.

The Board of Examiners disagrees with the ALJ’s assessment that Karis’ decision to resign from her tenured position and refrain from teaching in a public school district pending the resolution of her certification hearing warrants the imposition of a lesser penalty. However spontaneous, Karis’ actions to violate the known security procedures of a State-mandated test and share that improperly-obtained information with her students are inexcusable. In addition to incurring an extra expense for the district to re-administer portions of the GEPA, Karis has relinquished all claim to serving as a role model for students. In the strikingly similar *Mascuch* case that the Board also decided today, it determined that when a teacher violates testing security measures in order to affect test results and directly benefit students, the conduct is so egregious that revocation must result. See *In the Matter of the Certificates of William Mascuch*, Dkt. No. 0607-134 (St. Bd. of Examiners, January 17, 2008) (teacher who directly assisted students during the NJ ASK exam and ignored time restrictions on test had certificates revoked.)

Moreover, this case can be easily contrasted to that of Hattie Black who retained her teaching certificate while having her administrative certificates revoked for similar infractions. *In the Matter of the Revocation of the Certificates of Hattie Black*, Dkt. No.

A-2635-03T1 (App. Div. March 11, 2005) (Unreported Opinion). In Black's case, she obtained secure tests via her position as Principal, but did not share inappropriately obtained information with other staff members or students. Accordingly, the Appellate Division allowed her to retain her teaching certificate since her breach was not related to her capacity as a teacher. In this matter, Karis possesses only instructional certificates and her breach occurred in her capacity as a teacher. The Board therefore determines that revocation is the only appropriate response to Karis' breach.

Accordingly, on December 6, 2007, the Board voted to modify the Initial Decision and revoke Karis' certificates. On this 17th day of January 2008, the Board formally adopted its decision to revoke and it is therefore ORDERED that Aikaterini Karis' Teacher of Elementary School Certificate of Eligibility With Advanced Standing and Teacher of Elementary School certificate be revoked on this day. It is further ORDERED that Karis return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO 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: JANUARY 22, 2008

Appeals may be made to the State Board of Education pursuant to the provisions of *N.J.S.A.* 18A:6-28.