

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
JUNE KELLEY : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1112-110

At its meeting of September 22, 2011, the State Board of Examiners (Board) reviewed a report it had received from the Office of Fiscal Accountability and Compliance (OFAC) regarding June Kelley. The report, titled “Freehold Township School District, Alleged NJ ASK5 Test Breach,” concluded that Kelley had breached NJ ASK5 test protocol. OFAC reported that Kelley breached test protocol by spending too much time answering students’ questions during the administration of the test and clarifying some test questions for students. At one point, Kelley was observed pointing at a student’s test booklet and shaking her head. Kelley currently holds Teacher of Nursery School and Teacher of Elementary School certificates, both issued in June 1986. Upon review of the above information, at its November 1, 2011 meeting, the Board voted to issue an Order to Show Cause to Kelley as to why her certificates should not be suspended for three months.

After securing the correct address for Kelley, the Board sent Kelley the Order to Show Cause by regular and certified mail on April 19, 2012. The Order provided that Kelley must file an Answer within 30 days. Kelley responded on May 18, 2012.

Since there were material facts in dispute, on June 18, 2012, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Lisa James-Beavers issued a discovery schedule but Kelley failed to respond to the Board’s repeated requests for discovery, even after a Motion to Compel Discovery was granted. Thereafter, ALJ James–Beavers adjourned several hearing dates pursuant to individual requests by the parties. On November 18, 2013 the ALJ granted the Board’s Motion for Sanctions against Kelley for her repeated failure to respond. The ALJ

ordered that Kelley's Answer to the Order to Show Cause be stricken and that all unanswered requests for admissions propounded by the Board be deemed admitted. On December 17, 2013 the Board filed a motion for summary decision but Kelley did not file a response. The record closed on December 17, 2013, and the ALJ issued an Initial Decision on January 30, 2014. *In the Matter of the Certificates of June Kelley*, Dkt. No. EDE 8144-12 (Initial Decision, January 30, 2014).

ALJ James-Beavers found that Kelley attended NJ ASK training and signed a Test Security Agreement in which she agreed not to interfere with the independent work of students taking the assessment. (Initial Decision, slip op. at 3-4). Since the ALJ ordered the Board's requests for admissions deemed admitted by Kelley, the ALJ found that Kelley had admitted to touching and pointing to students' test booklets during the test, helping student A.B. on questions regarding symmetry, helping student M.C. by explaining the meaning of two math questions to him, helping student Z.L. by rewording questions and helping student H.F. by answering her question with regard to how something should be worded. *Id.* at 4.

ALJ James-Beavers found that Kelley's actions "constitute a clear violation of test security protocols as set forth in the Test Security Agreement that [she] signed." *Id.* at 5. In granting the Board's motion for summary judgment, the ALJ concluded that Kelley's actions constituted conduct unbecoming a certificate holder which warranted the suspension of her certificates. *Id.* at 6. The ALJ ordered that Kelley's certificates should be suspended for three months. *Ibid.* Neither party submitted Exceptions in the case.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of February 27, 2014, the Board reviewed the Initial Decision. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision.

As noted above, after the allegations against Kelley were deemed admitted, ALJ James-Beavers found that Kelley had breached test security during the administration of the 2010 NJ ASK5 as alleged. (Initial Decision, slip op. at 4-5.) The Board agrees with the ALJ's conclusion that Kelley's actions, as deemed admitted, constitute conduct unbecoming a teaching staff member warranting sanction. The Board therefore adopts the Initial Decision.

Accordingly, on February 27, 2014, the Board voted to adopt the Initial Decision and suspend Kelley's certificates for a period of three months. On this 4th day of April 2014, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that June Kelley's Teacher of Nursery School and Teacher of Elementary School certificates are hereby suspended for a period of three months effective immediately. It is further ORDERED that Kelley return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Old Bridge, 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.