

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
DANIELLE BRODO : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1415-190

At its meeting of March 12, 2015, the State Board of Examiners (Board) reviewed a report it had received from the Office of Fiscal Accountability and Compliance (OFAC) titled “Newark Public Schools, Rafael Hernandez School, NJ ASK Erasure Analysis Security Review.” OFAC had been asked to investigate the Rafael Hernandez School (Hernandez) by the Office of Assessments due to the high Wrong to Right (WTR) erasures in the Language Arts Literacy (LAL) and Mathematics (MATH) portions of the 2010 and 2011 NJ ASK for grades three, five, six, seven and eight at the school. Danielle Brodo, one of the subjects of the report, was an Examiner during both testing years.

In the report, which is incorporated herein by reference, OFAC concluded that Brodo breached test security by reviewing and discussing the content of test materials with others, as well as attempting to formulate answers to test questions. A witness told OFAC investigators that Brodo, along with other staff members, was seen engaging in answering test questions for hours over the course of a school day. The witness also said the group discussed the Pythagorean Theorem while attempting to answer test questions.

Brodo currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in July 2001 and a Teacher of Elementary School certificate, issued in August 2002. Upon review of the above information, at its meeting of April 17, 2015, the Board voted to issue Brodo an Order to Show Cause as to why her certificates should not be suspended.

The Board sent Brodo the Order to Show Cause by regular and certified mail on April 22, 2015. The Order provided that Brodo had 30 days to respond. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Brodo did not respond. Thereafter, on May 28, 2015, the Board sent Brodo another notice by certified and regular mail providing her an additional 15

days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular copy was not returned. Brodo did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on June 23, 2015, the Board sent Brodo a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Brodo 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 determined to take action against her certificates. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Brodo's offenses warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Brodo was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified mail copy nor the regular mail copy was returned. Once again, Brodo did not respond.

The threshold issue before the Board in this matter, therefore, is whether Brodo's conduct as alleged in the OFAC report constitutes conduct unbecoming a certificate holder. Since Brodo never responded to the Order to Show Cause, at its meeting of September 17, 2015, the Board had only the allegations contained in the Order to Show Cause to consider. The Board determined that no material facts related to Brodo's actions were in dispute since she did not deny 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-4.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. *N.J.A.C. 6A:9B-4.7(c)*.

The Board must now determine whether Brodo's conduct, as set forth in the Order to Show Cause, represents just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.5*. 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-*

4.5. “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, Brodo’s conduct leaves no doubt that she has violated the security of the NJ ASK. Her actions undermined the test’s confidentiality and compromised the State’s ability to re-use these questions in future versions of the test, thereby affecting the stability of the test item pool. However, only one witness placed Brodo at the scene of the test breach, unlike others who were implicated by multiple witnesses. Moreover, Brodo did not directly interfere with students during the test-taking period and, according to the OFAC report, acted at the alleged directive of her Vice Principal. The Board therefore concludes that the appropriate response to Brodo’s breach is a six-month suspension of her certificates.

Accordingly, on September 17, 2015, the Board voted to suspend Danielle Brodo’s Teacher of Elementary School Certificate of Eligibility With Advanced Standing and her Teacher of Elementary School certificate for a period of six months. On this 30th day of October 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that Brodo’s certificates are hereby suspended for a period of six months effective immediately. It is further ORDERED that Brodo return her certificates 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.

---

Robert R. Higgins, Secretary  
State Board of Examiners

RRH/MZ/th

Date of mailing:

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