

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
OLGA STASIUK : ORDER OF REVOCATION
_____ : DOCKET NO: 0405-318

At its meeting of July 21, 2005, the State Board of Examiners reviewed information it had received from Bruce De Young, the Ramsey School District Superintendent of Schools. De Young had provided information about Olga Stasiuk. On August 20, 2004, Stasiuk had applied for an open Spanish teaching position in the Ramsey public schools. She produced valid teaching certificates for French and Elementary School. She indicated that she had misplaced her Teacher of Spanish certificate and would forward it to the district as soon as she received a duplicate. Despite repeated requests for the Spanish certificate, Stasiuk never produced one. The district was unsuccessful in inquiries to the Department of Education to verify whether Stasiuk had ever held a valid Teacher of Spanish certificate. Accordingly, Ramsey terminated Stasiuk's employment on October 31, 2004 and referred the information to the Board of Examiners pursuant to N.J.A.C. 6A:9-17.4. On July 21, 2005, the Board of Examiners voted to issue an Order to Show Cause to Stasiuk. Stasiuk currently holds a Teacher of Elementary School Certificate of Eligibility, issued in March 1999, a Teacher of French Certificate of Eligibility, issued in August 2001, and Teacher of Elementary School and Teacher of French certificates, both issued in March 2002.

The Board sent Stasiuk the Order to Show Cause by regular and certified mail on August 19, 2005. The Order provided that Stasiuk must file an Answer within 30 days. Stasiuk filed her Answer on September 28, 2005. In her Answer, Stasiuk admitted the allegations in the Order to Show cause but claimed that she had applied for a Teacher of Spanish certificate twice before, in 2002 and 2004. (Answer, ¶¶ 1-3, 4). She claimed that when she took the job in Ramsey and realized she did not have her Teacher of Spanish certificate, she called the Department of

Education to clarify the situation. (Answer, ¶ 5). She eventually arrived at the Department in person to file another original application for the certificate. (Answer, ¶ 5). Stasiuk stated that she had to leave her application at the lobby desk and believed that it would be processed. (Answer, ¶ 5). She claimed that she never heard from Trenton despite repeated phone calls and eventually lost her job because of her lack of a certificate. (Answer, ¶ 5).

The Board of Examiners transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Jesse Strauss heard testimony on July 24, 2006. Stasiuk did not appear at the hearing despite repeated attempts to contact her. After the record closed, the ALJ issued an Initial Decision on July 26, 2006. *In the Matter of the Certificates of Olga Stasiuk*, Dkt. No. EDE 03184-06 (Initial Decision, July 26, 2006).

In that decision ALJ Strauss concluded that Stasiuk's actions had constituted conduct unbecoming a teacher. (Initial Decision, slip op. at 4). The ALJ found that Stasiuk did not hold a Teacher of Spanish certificate and had "made a misrepresentation to the Ramsey Public Schools when she advised its representatives that she held such a certificate but had misplaced it and was in the course of procuring a duplicate." (Initial Decision, slip op. at 4). The ALJ also found that the Board of Examiners had "no record of an application by [Stasiuk] for a certificate for Spanish." (Initial Decision, slip op. at 4).

After considering the testimony, ALJ Strauss found that Stasiuk's conduct was improper. The Judge found that although Stasiuk did not submit any forged documents in support of her employment application she had made "a material oral misrepresentation as to her holding a certificate for Spanish that went to the core of her eligibility and qualification for the open position-namely, that of a Spanish teacher." (Initial Decision, slip op. at 5). Judge Strauss found that Stasiuk had breached an implicit standard of good behavior. (Initial Decision, slip op. at 5). Stasiuk's actions had subverted "the integrity of the process emplaced to protect children." (Initial Decision, slip op. at 5).

In considering the appropriate penalty, ALJ Strauss noted Stasiuk's otherwise unblemished record. That mitigating factor, however, did not outweigh Stasiuk's improper conduct. (Initial Decision, slip op. at 6). ALJ Strauss observed that Stasiuk's "dishonesty warrants emphatic condemnation, and she must be compelled to recognize the poor example such conduct would set for students under her charge." (Initial Decision, slip op. at 6). However, the ALJ concluded that revocation would be too severe a penalty for Stasiuk's single lapse of judgment. Thus, based on his review of the entire record, the ALJ concluded that "a two-year suspension is adequate to both express disapproval of her conduct and preserve the integrity of the process by which teachers qualify for positions in this State." (Initial Decision, slip op. at 6). Consequently, the ALJ ordered Stasiuk's certificates suspended for a period of two years. (Initial Decision, slip op. at 6). The Deputy Attorney General representing the Examiners submitted exceptions only to clarify a misunderstanding ALJ Strauss had as to her position on the penalty imposed. (Exceptions, p.2). Stasiuk did not submit any reply exceptions.

The Board must now determine whether to adopt, modify or dismiss the Initial Decision in this matter. At its meeting of September 21, 2006, the State Board of Examiners reviewed the Initial Decision and exceptions. After full and fair consideration of all the submissions, the Board voted to adopt the Initial Decision with modification. There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings. Stasiuk evinced her disregard of the certification system put in place to protect students by accepting a position knowing that she lacked appropriate certification. Even if, as Stasiuk claims, she applied twice before for the certificate, she knew that she did not possess a Teacher of Spanish certificate. Her behavior leaves no doubt that she clearly has 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 remaining decision for this Board 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 agrees with the ALJ that Stasiuk’s behavior warrants emphatic condemnation. However, the Examiners disagree that Stasiuk’s behavior does not warrant a revocation of her certificates. New Jersey’s public schoolchildren are entitled to be educated by appropriately certified teachers. The certification system authorized by the Legislature and administered by the Department of Education ensures that students are taught by qualified teachers. Stasiuk’s conduct, if unchecked, would undermine those protections. Therefore, the Board determines that revocation is the only appropriate response to Stasiuk’s breach. The Board finds that its decision is consistent with other cases where teachers have misrepresented their qualifications for a particular position. *In the Matter of the Certificate of Robert Elmezzi*, Dkt. No. 489-11/98-176 (Bd. of Examiners, April 15, 1999); *State Bd. of Examiners v. Kaufman*, Dkt. No. 226-8/93-15 (Bd. of Examiners, Feb. 24, 1994) (health teacher fabricated certificate to seek employment as a school psychologist); *In re Certificate of Nieves*, OAL Dkt. No. EDE 7908-88, *adopted* (Examiners March 3, 1989) (teacher of cosmetology presented falsified elementary education certificate).

Accordingly, on September 21, 2006, the Board voted to revoke Stasiuk’s certificates. On this 2nd day of November 2006, the Board formally adopted its decision to revoke and it is therefore ORDERED that Olga Stasiuk’s Teacher of Elementary School Certificate of Eligibility,

Teacher of French Certificate of Eligibility, Teacher of Elementary School and Teacher of French certificates be revoked on this day. It is further ORDERED that Stasiuk return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: NOVEMBER 8, 2006

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