

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
LINDA MEDVES : ORDER OF SUSPENSION
_____ : DOCKET NO: 1415-193

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. Linda Medves, a tenured teacher at Hernandez, was one of the subjects of the report.

In the report, which is incorporated herein by reference, OFAC concluded that Medves 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 Medves, along with other staff members, was seen discussing the NJ ASK test in the room where the secure test materials were being kept. The witness stated that it appeared Medves and the others were working with the test booklets in order to create an answer key. A second witness also recalled seeing Medves and other staff members touching the test booklets and going through them. Another witness told OFAC investigators that Medves, 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.

Medves currently holds a Teacher of Art certificate, issued in June 1978, a Teacher of Elementary School certificate, issued in June 2000, a Teacher of Preschool Through Grade 3 Certificate of Eligibility, issued in March 2001, a Teacher of Students With Disabilities Certificate of Eligibility, issued in April 2006 and a Teacher of Students With Disabilities certificate, issued in August 2008. Upon review of the

above information, at its meeting of April 17, 2015, the Board voted to issue Medves an Order to Show Cause as to why her certificates should not be suspended.

The Board sent Medves the Order to Show Cause by regular and certified mail on April 22, 2015. The Order provided that Medves had 30 days to respond. After receiving an extension of time in which to submit her Answer, Medves filed her response on June 10, 2015. In that Answer, Medves stated that she had admitted to OFAC investigators that she had breached test security by reviewing and discussing the contents of test materials as well as attempting to formulate answers to test materials for the 2010 NJ ASK. (Answer, ¶ 3). She also acknowledged that she was provided with test booklets by her Principal, Juan Ruiz, for the purpose of formulating answers for the 2010 NJ ASK but had never done so before or since. (Answer, ¶ 4). In Separate Defenses, Medves alleged that Ruiz threatened to make her life “a living hell” and ensure that she would never teach again in Newark or elsewhere if she discussed his request that she provide an answer key to the test booklets he gave her during the 2010 NJ ASK. (Answer, First Separate Defense, ¶ 1). Medves also stated that she cooperated with OFAC investigators once Ruiz was removed from his position and she no longer feared the threat of retribution, since he and his family were politically connected. Medves added that she was intimidated by Ruiz and had no one to whom she could report him. (Answer, Second Separate Defense, ¶ 1). Although Medves helped to create an answer key to the 2010 NJ ASK at Ruiz’ directive, when he came to retrieve the materials she told him she would not do so again. (Answer, Second Separate Defense, ¶ 2). Medves also added that a suspension of her certificates would cause “catastrophic hardship” to her family as she was its sole support. (Answer, Second Separate Defense, ¶ 3). Medves noted that during her years of service in Newark she received “distinguished, outstanding and proficient observations and evaluations.” (Answer, Third Separate Defense, ¶ 1).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on November 25, 2015, the Board sent Medves a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Medves 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 Medves' offenses warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Medves was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. After receiving an extension of time in which to file her response, Medves replied on February 4, 2016.

In her response, Medves claimed that Hernandez was "a school administered by a bully and unethical principal who, for his own personal benefit, instilled economic fear and ruin into his faculty's lives...." (Hearing Response, p. 1). Medves added that she was not a test examiner for the 2010 NJ ASK but was asked by Ruiz only to create an answer key for a test he held in his hand. (Hearing Response, pp. 3-4). Medves stated that Ruiz did not say it was a test in use and there was no front page to test booklet he handed her. (Hearing Response, p. 4). Medves indicated that she later told Ruiz that she was not comfortable with his request and would not do it again. (Hearing Response, p. 4). Medves added that when OFAC investigators were at the school two years later, Ruiz "frighteningly warned" her never to discuss the time he asked her to prepare answers to questions or she would have a very unpleasant outcome. (Hearing Response, p. 4). Medves admitted she was not forthcoming to OFAC investigators initially. (Hearing Response, p. 5). Medves also admitted she later told OFAC investigators she feared discussing anything about Ruiz and what he asked her to do while he was still in the building as her superior. (Hearing Response, p. 5). Medves did tell OFAC investigators about what had happened regarding the answer key once Ruiz had been removed from his position at Hernandez. (Hearing Response, p. 6). In the remainder of her response, Medves reiterated her outstanding evaluations during her career and included many character letters and references. (Hearing Response, pp. 7-9). She also urged the Board not to suspend her certificates because of a single error in judgment during a lifetime of educational excellence, noting the hardship it would create for her and her family. (Hearing Response, p. 10).

The threshold issue before the Board in this matter, therefore, is whether Medves' conduct, as alleged in the OFAC report, constitutes conduct unbecoming a certificate holder. At its meeting of May 20, 2016, the Board considered the allegations in the Order to Show Cause, Medves' Answer and her Hearing Response. The Board determined that no material facts related to Medves' 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-4.6(h)*.

The Board must now determine whether Medves' 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-4.4*. 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-4.4*. "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, Medves' 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, Medves 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. Moreover, she had a long and unblemished career prior to this incident with many outstanding evaluations and professional accolades. The Board therefore concludes that the appropriate response to Medves' breach is a six-month suspension of her certificates.

Accordingly, on May 20, 2016, the Board voted to suspend Linda Medves' Teacher of Preschool Through Grade 3 and Teacher of Students With Disabilities Certificates of Eligibility and her Teacher of Art, Teacher of Elementary School and Teacher of Students With Disabilities certificates for a period of

six months. On this 23rd day of June 2016 the Board voted to adopt its formal written decision and it is therefore ORDERED that Medves' certificates are hereby suspended for a period of six months effective immediately. It is further ORDERED that Medves 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:
via certified and regular mail

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