

EDE #1564-07
SBE #0607-111
SB # 7-08

IN THE MATTER OF THE REVOCATION :
OF THE TEACHING CERTIFICATES OF : STATE BOARD OF EDUCATION
AKATERINI KARIS BY THE STATE : DECISION
BOARD OF EXAMINERS. :

Decision by the State Board of Examiners issued on January 22,
2008

For the Respondent-Appellant, Bucceri and Pincus (Sheldon H.
Pincus, Esq., of Counsel)

For the Petitioner-Respondent State Board of Examiners,
Jennifer L Campbell, Deputy Attorney General (Anne
Milgram, Attorney General of New Jersey)

In January 2008, the State Board of Examiners issued an Order against Akaterini Karis (appellant), a teacher in the Wharton School District, revoking her teaching certifications. The Order was based on a report issued by the Office of Compliance Investigations (OCI) in the Department of Education, which had conducted an investigation into allegations that the appellant breached security procedures in administering the Grade Eight Proficiency Assessment test (GEPA).

The investigation revealed that appellant 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. A hearing was held before an administrative law judge in which the appellant stipulated to breaching test security. Thus, the sole issue before the ALJ was the penalty. The ALJ ordered that appellant's certificates be suspended for the remainder of the 2007-2008 school year or until June 30, 2008. In a decision dated January 17, 2008, the State Board of Examiners voted to revoke her certificates. The appellant filed the instant appeal to the State Board of Education to have her certificate reinstated. The State Board of Examiners filed exceptions asserting that the appellant's conduct was sufficiently egregious to warrant revocation of her teaching certificates.

Based upon our review, we find that the State Board of Examiners has failed to demonstrate that revoking appellant's certificate is warranted. In determining that her certificates should be revoked, the State Board of Examiners relies upon its decision *In the 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.) We find the instant case significantly different than the circumstances in Mascuch. In Mascuch, the teacher/proctor provided test answers to the students, used coins to indicate the value of answers and allowed extra time for the students to finish the test after he was told to end a particular section of the test. Therefore, Mascuch was found to have purposefully and knowingly defied the rules of proctoring the exam.

Unlike the teacher in Mascuch, the appellant in the current case did not provide specific answers to the questions on the test. The appellant did provide

confidential information on a sealed test that would give her students an unfair advantage on the test. The appellant certainly demonstrated a lapse in judgment. However, in the absence of the level of defiance shown by the teacher in the Mascuch case and in light of appellant's excellent employment history in the district, we agree with the ALJ that the record does not justify revocation of her certificates. The appellant herein acknowledged an error in judgment and voluntarily resigned her position in the district. We are persuaded that suspension of her certificates until June 30, 2008 is an adequate penalty. We, therefore, reverse the determination of the State Board of Examiners to revoke her certificates.

Kathleen Dietz opposed.

Florence McGinn did not participate in the vote.

June 18, 2008

Date of mailing _____