

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CHRISTINE KRZEMINSKI : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-195

At its meeting of February 27, 2014, the State Board of Examiners (Board) reviewed information the Office of Fiscal Accountability and Compliance (OFAC) had forwarded regarding Christine Krzeminski. OFAC had forwarded its November 2012 report titled “Elizabeth School District, John Marshall Elementary School (John Marshall), NJ ASK Erasure Analysis Security Review” and a supplemental report dated October 2013 to the Board. OFAC had been asked to investigate the John Marshall School by the Office of Assessments after it reported an unusually high Wrong to Right (WTR) erasure rate at the school for both the 2010 NJ ASK test.

In the reports, OFAC concluded that, during the administration of the 2009 and the 2010 NJ ASK tests, Krzeminski, a resource teacher and test proctor at John Marshall, influenced examinees’ responses through verbal and non-verbal communication. According to the OFAC reports, a statistically significant number of the 20 students for whom Krzeminski served as a proctor had an inordinate amount of wrong to right (WTR) erasures on their NJ ASK Math tests. For example, of the 102,085 third grade students who took the 2010 NJ ASK Math test, 547 of them had eight or more WTR erasures and 12 of those 547 students were in Krzeminski’s testing class. The probability of 12 students with eight or more WTR erasures being in the same class was less than nine out of one trillion. Nineteen of Krzeminski’s 20 students returned to John Marshall for the fourth grade. When those returning students’ scores were compared the following year on the fourth grade 2011 NJ ASK Math test, they went from 95% advanced

proficient to 21% advanced proficient, 5% proficient to 47% proficient and 0% below proficient to 31% below proficient.

OFAC also noted that, according to witness accounts, Krzeminski verbally stated that specific answers were incorrect, pointed to specific answers indicating their correctness or placed a check mark next to a correct answer. The OFAC investigators verified that there was a check mark in a student's test booklet. One witness also stated that Krzeminski assisted the students so often, that one student would just look up at her for the answer before responding to the question. Another witness recalled that Krzeminski would stand by a student's desk and say "this is wrong, this is wrong," thereby causing the student to erase the incorrect answer. When other staff members were interviewed by OFAC investigators about the students Krzeminski tested and the NJ ASK scores those students received in the third grade, the staff members indicated that eight of the 18 students who achieved advanced proficient scores could not have achieved those scores. This assessment was based upon the staff members' direct knowledge of those students' abilities.

During the investigation, OFAC investigators also discovered that Krzeminski had acted similarly during the administration of the 2009 NJ ASK test. One witness stated that Krzeminski would tell students that an answer they had on the test was wrong. At other times she would draw an imaginary "X" through an answer with her finger, indicating the answer was wrong and then point to the correct answer. Krzeminski also would turn back the pages on a student's test booklet so that she could later check those answers she had given to the student.

Krzeminski admitted that she had attended training prior to the administration of the 2010 NJ ASK and identified her signature on the training sign-in sheet. Krzeminski also signed the Test Security Agreement (TSA). OFAC concluded that by attending the training and signing the

TSA, Krzeminski was confirming that she was aware the test materials were highly secure and that it was her professional responsibility to protect the security of the test. OFAC also concluded that Krzeminski breached test security by interfering with the independent work of students, coaching students during testing and failing to follow the test administration directions that were specified in the 2009 and 2010 Test Coordinator Manuals.

Krzeminski currently holds a Teacher of the Handicapped certificate, issued in August 1998, a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in August 1998, a Teacher of Elementary School certificate, issued in October 1999, a Substance Awareness Coordinator Certificate of Eligibility, issued in February 2004 and a Learning Disabilities Teacher-Consultant certificate, issued in March 2004. Upon review of the above information, at its April 4, 2014 meeting, the Board voted to issue Krzeminski an Order to Show Cause.

The Board sent Krzeminski the Order to Show Cause by regular and certified mail on April 8, 2014. The Order provided that Krzeminski had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Krzeminski did not respond. Thereafter, on May 15, 2014, the Board sent Krzeminski 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. Krzeminski did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on June 13, 2014, the Board sent Krzeminski a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Krzeminski 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 Krzeminski's offenses warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Krzeminski was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Krzeminski did not respond.

The threshold issue before the Board in this matter is whether Krzeminski's conduct constitutes conduct unbecoming a certificate holder. Since Krzeminski failed to respond to the Order to Show Cause or the hearing notice, at its meeting of September 19, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Krzeminski's offense were in dispute since she never denied that she had engaged in the alleged behavior. 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.

The Board must now determine whether Krzeminski's conduct, as set forth in the Order to Show Cause, provides 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, Krzeminski’s conduct in influencing students’ answers on standardized tests and breaching NJ ASK test security protocols is not merely inappropriate, it is egregious. Her actions undermine the public’s trust in its teachers and demonstrate behavior that falls so far short of a role model that the Board believes that the only appropriate sanction in this case is the revocation of Krzeminski’s certificates.

Accordingly, on September 19, 2014, the Board voted to revoke Krzeminski’s Teacher of Elementary School Certificate of Eligibility With Advanced Standing, her Substance Awareness Coordinator Certificate of Eligibility, and her Teacher of Elementary School, Teacher of the Handicapped and Learning Disabilities Teacher-Consultant certificates. On this 23rd day of October 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Christine Krzeminski’s certificates be effective immediately. It is further ORDERED that Krzeminski return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, 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

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.

RRH:MZ:th