

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
WANDA REYNOLDS : ORDER OF SUSPENSION
_____ : DOCKET NO: 1415-200

At its meeting of April 17, 2015, the State Board of Examiners (Board) reviewed information it had received regarding Wanda Reynolds. The Office of Fiscal Accountability and Compliance (OFAC) forwarded its November 2014 report titled “Orange Public Schools, Oakwood Avenue School, NJ ASK Erasure Analysis Security Review” to the State Board of Examiners (Board). OFAC had been asked to investigate the Oakwood Avenue School (Oakwood) by the Office of Assessments due to the high Wrong to Right (WTR) erasures in the Language Arts Literacy (LAL) portion of the 2010 NJ ASK for Grade 6. Reynolds was an LAL Examiner and Math proctor during that testing year.

In the report, which is incorporated herein by reference, OFAC concluded that Reynolds breached test security by influencing or interfering with examinees’ responses by: providing verbal and non-verbal cues, failing to maintain the confidentiality of the student test booklets, failing to ensure the students were working in the correct test booklet section, and failing to enforce and adhere to testing time requirements. Reynolds also improperly signed for and received a student test booklet on both days of LAL testing. Two students told OFAC investigators that Reynolds assisted a student during the test by defining words in the reading passage. Three students stated that Reynolds offered them non-verbal cues which they perceived as encouragement to change answers. Two of the students had high WTR erasures, with one having the highest WTR erasures in the state for the 2010 NJ ASK6 LAL. OFAC investigators also determined that Reynolds discussed the content of the test with students. One student stated that Reynolds would ask the class if they had difficulty with any particular question at the end of each test section and then

discuss that question with the class. Reynolds admitted discussing test items with students at the end of a test day once the booklets were collected. Two students also told OFAC investigators that if they had time, they would go back to a previous test section to finish the previous test or change answers on the previous test. Reynolds denied any knowledge of this and stated that if students did go back, they were sneaking and she never caught anyone doing that. One student told investigators that Reynolds allowed the class more time if she noticed that numerous students were still working when the testing time had expired. Reynolds was over the test window by 48 minutes on Day 1 LAL. Reynolds admitted to giving students a little more time once or twice but stated that it was maybe 30 seconds while she collected the test booklets and not “an abundance of minutes.”

Reynolds currently holds a Teacher of Elementary School Certificate of Eligibility and a Teacher of Elementary School certificate. After reviewing the above information, at its May 21, 2015 meeting, the Board voted to issue an Order to Show Cause (OSC) to Reynolds as to why her certificates should not be suspended.

The Board sent Reynolds the OSC by regular and certified mail on May 26, 2015. The OSC provided that Reynolds must file an Answer within 30 days. Reynolds responded on June 16, 2015. In her Answer, Reynolds denied all the allegations from the OFAC report other than the fact that she had asserted she had no knowledge that any student might have gone back to review a previous section of the test. (Answer, ¶¶ 2-9).

Since there were material facts in dispute, on July 28, 2015, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On April 15, 2019, Administrative Law Judge (ALJ) Leslie Z. Celentano issued an Initial Decision in the case.

In the Matter of the Certificates of Wanda Reynolds, Dkt. No. EDE 11565-15 (Initial Decision, April 15, 2019).

After reviewing the record, ALJ Celentano found that “Reynolds’ conduct had a tangible impact upon the administration of the 2010 NJ ASK test.” (Initial Decision, slip op. at 18.) After noting that Reynolds had received training on how the test should be administered, the ALJ noted that Reynolds admitted to OFAC investigators that she breached certain protocols, “most notably, giving the students extra time, handing in the tests late, and going over sections of the test during the after-school program.” *Ibid.* ALJ Celentano stated that Reynolds’ conduct was similar to that which had been found previously to constitute “unbecoming conduct” and for which a suspension was imposed and, therefore, a suspension was appropriate here. *Ibid.*

The ALJ further opined that Reynolds presented mitigating circumstances regarding the delay in time in handing in test booklets and the fact that the OFAC investigation was conducted four years after the administration of the test and intimidated her. *Ibid.* Balancing Reynolds’ conduct against the mitigation she presented, the ALJ determined that a suspension of two months was appropriate. *Id.* at 19. Reynolds filed Exceptions and the Deputy Attorney General (DAG or Deputy) representing the Board filed Reply Exceptions.

In her Exceptions, Reynolds argued that although there was no dispute that she had the test booklets for a longer period than was designated, “not a single witness testified that [she] engaged in any inappropriate behavior with regard to the test booklets.” (Exceptions, p. 1). She added that there was no evidence that she “changed answers, ... copied questions or did anything inappropriate with the test booklets other than possess them for an unusually long time.” (Exceptions, p. 1). She reiterated that her explanation for having the booklets for a longer period of time was logical in that bathroom breaks often took longer than estimated and the test

coordinator was not always available for the return of the booklets. (Exceptions, pp. 1-2). Reynolds also contended that contrary to the ALJ's assertion, the record was devoid of any testimony that she touched or pointed to the students' booklets to provide assistance. (Exceptions, pp. 2-3). According to Reynolds, the ALJ also mischaracterized her testimony about "going over" the test in the after school program since Reynolds insisted she only worked on techniques for the testing that would occur the next day and "absolutely nothing in [my] testimony indicated that [I] went over test questions from that day in the after school program." (Exceptions, p. 3). Reynolds maintained that although the ALJ recommended only a two-month suspension, the finding that she cheated and had her New Jersey certificates suspended might have "dire consequences" on her certificates in California where she now works. Finally, she argued that "to make a finding that [I] engaged in this conduct without any actual non-hearsay record evidence to support such a finding" was violative of her due process rights. (Exceptions, p. 3). She therefore urged the Board to reject the Initial Decision and absolve her of any wrongdoing. (Exceptions, p. 4).

In his Reply Exceptions the DAG argued that the Initial Decision was "well reasoned, amply supported by evidence before the court and should be adopted by the Board in its entirety." (Reply Exceptions, p. 1). The Deputy noted that ALJ Celentano "pointed out" that Reynolds' testimony did not comport with statements she made during her OFAC interview, in which she admitted that she gave students additional time at the end of test sections and went over the test with her students after it was collected. (Reply Exceptions, pp. 2-3). He added that Reynolds' admissions provided "more than ample credible evidence" upon which the ALJ based her decision and imposed the penalty. (Reply Exceptions, pp. 4-5). The DAG therefore urged the Board to adopt the Initial Decision in its entirety. (Reply Exceptions, p. 6).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of June 28, 2019, the Board reviewed the Initial Decision, Exceptions and Reply Exceptions. After full and fair consideration of the Decision and submissions, the Board voted to adopt the Initial Decision.

The ultimate issue in this matter is the nature and degree of assistance Reynolds provided to her students during the NJASK. As noted above, ALJ Celentano found that Reynolds did breach testing security protocols during the exam but determined that a two-month suspension of her certificates was appropriate given the mitigation she presented. After reviewing the entire record, the Board agrees with the ALJ's assessment regarding Reynolds' unbecoming conduct but disagrees with the appropriate resultant penalty. Reynolds' conduct was more than a mere technical oversight and her conduct directly impacted the security of the test.

The Board has found unbecoming conduct where the certificate holder breached a rule or regulation governing standardized test security. The penalty for such conduct has ranged from a two-month suspension to revocation. See I/M/O the Licenses of Mark Jacob, Dkt. No. 398-06/96-126 (November 20, 1997) (suspending certificates for two months where teacher duplicated portions on the HSPA); I/M/O the Certificates of Nelson Evans, Dkt. No. 1112-111 (December 6, 2013) (suspending certificates for one year where teacher helped at least one student during the administration of the NJASK and conducted a review prior to the test); I/M/O the Certificates of William Mascuch, Dkt. No. 0607-134 (January 17, 2008) (revoking certificates where teacher read aloud the test questions on the NJASK, allowed extra time and provided one student an answer). Accordingly, in light of the above past case history in conjunction with the facts of this matter, the Board believes that a more fitting penalty in this matter is a six month suspension of her certificates.

Accordingly, on June 28, 2019, the Board voted to adopt the Initial Decision and ordered a six-month suspension of Reynolds' certificates. On this 1st day of August 2019, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that Wanda Reynolds' Teacher of Elementary School Certificate of Eligibility and her Teacher of Elementary School certificate are hereby SUSPENDED for a period of six months, effective immediately. It is further ordered that Reynolds 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.

Rani Singh, Acting Secretary
State Board of Examiners

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.