

BEFORE THE ALASKA PROFESSIONAL TEACHING PRACTICES COMMISSION

In the Matter of)
)
 PATRICIA F. HAMRE, Respondent) OAH No. 07-0518-PTP
) PTPC Case No. 07-118
_____)

ORDER OF SUSPENSION

I. Introduction

As a certificated teacher at Bowman Elementary School in Anchorage, Patricia F. Hamre proctored her third grade students in the 2007 Standards-Based Assessment examination. During the test, she assisted her students in a number of ways. The Executive Director of the Professional Teaching Practices Commission filed an accusation alleging that Ms. Hamre’s conduct violated the Alaska Code of Ethics and Teaching Standards in several respects. The commission staff requested a one-year suspension of her teacher certificate as a sanction.

The Professional Teaching Practices Commission (PTPC) heard this case on January 15 and 16, 2008. Based on the evidence and the arguments of the parties, the commission unanimously has decided that Ms. Hamre breached her ethical duties to “accord just and equitable treatment to all students”¹ and to “cooperate in the statewide student assessment system.”² The commission suspends her certificate for one year, requires remedial training on testing procedures, and prohibits her from proctoring state-mandated assessments during the period of suspension. Commissioner Aillaud dissents in the selection of a sanction.

II. Facts

A. Evidence Admitted

The commission heard testimony from Theresa Wangstrom (a parent at Bowman Elementary), Darrell Vincek (Principal at Bowman), Phyllis Seeba (Assistant Principal at Bowman, now retired), Cynthia Koch (a Bowman teacher who team-taught with the respondent), Laurel Vorachek (Anchorage School District Director of Assessment and Evaluation, and the complainant who initiated the PTPC investigation), Cathryn Anderegg (Alaska Department of

¹ 20 AAC 10.020(b)(9).
² 20 AAC 10.020(c)(3).

Education and Early Development Assessment Administrator), Patricia Truman (Executive Director of the PTPC), Alison Vale (a Bowman teacher), Timothy Peterson (Human Resources Director for Kenai Peninsula Borough School District), Debra Olmstead (union service representative), and Patricia Hamre. Documentary evidence was admitted as set out in the table below.

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| Hamre Exhibits A-H, T, X-Z, BB | Withdrawn |
| Hamre Exhibits I-S, U-W, CC, DD | Admitted without objection |
| Hamre Exhibit AA | Admitted over relevance objection |
| Staff Exhibits 7-9 | Withdrawn |
| Staff Exhibits 1-6, 10-20, 22 | Admitted without objection |
| Staff Exhibit 21 | Excluded |

At the beginning of the hearing, the Administrative Law Judge informed counsel on the record that *any party seeking to limit the use of hearsay evidence by application of AS 44.62.460(d)³ must identify the challenged hearsay by means of an objection at the time it was offered.* By this means, the offering party would be given an opportunity to take steps to bring the hearsay within an exception. Neither counsel objected to this ground rule, and neither made any hearsay objections during the hearing. In closing argument, counsel for the commission staff asserted a hearsay objection under AS 44.62.460(d) to the use of certain testimony to support a finding of fact. No ruling was made on the objection at the time, but it is now expressly overruled as untimely and unfair to opposing counsel.⁴

B. Findings of Fact

Patricia Hamre is a lifelong Alaskan who came to the teaching profession relatively late in life. After years of volunteering in her children’s classrooms, acting as a Girl Scout leader, and teaching in a folk art camp, she was inspired to become a professional teacher and returned to college to gain the necessary coursework. She obtained her Type A certification in 2004.⁵

³ AS 44.62.460(d) provides, in pertinent part: “Hearsay evidence may be used to supplement or explain direct evidence but is not sufficient by itself to support a finding unless it would be admissible over objection in a civil action.”

⁴ Pursuant to AS 44.62.450(b), the evidentiary ruling in this sentence has been made by Administrative Law Judge Kennedy rather than the commission, but has been made in consultation with the commission.

⁵ Testimony of Patricia Hamre; Staff Ex. 16.

Ms. Hamre's first full-time teaching position was at Williwaw Elementary School in Anchorage, where she taught Title I reading and mathematics to third and fourth graders for whom English was not the first language. She attended proctor training for the Standards-Based Assessment (SBA) at Williwaw but had only a limited role in the test administration, checking test booklets for completion of all bubbles and answer blanks and sending the child back if the test was not completed. Other teachers managed the test administration in which she participated. She observed children asking questions and having their questions answered, but has no idea what the questions were about. It is likely that the children being tested were eligible for accommodations.⁶

In her second year, Ms. Hamre stayed at Williwaw and taught kindergarteners. She was not involved in testing.

In September of 2006, Ms. Hamre began her third year in a new school, the Open Optional program and Willard Bowman Elementary School, Anchorage. At Bowman, she team-taught between 44 and 48 third and fourth graders with a much more experienced teacher, Cynthia Koch.⁷ She and Ms. Koch did not have a cordial relationship.⁸

The Open Optional program is an unusual curriculum using materials that would be unfamiliar to a conventional teacher. Mastering the program is quite demanding for a new teacher.⁹ An important feature of the Open Optional program is that students' work is not graded, and the students are therefore unfamiliar with testing.¹⁰

In the spring of 2007 Bowman, like schools statewide, prepared to administer the SBA. The SBA is a measure of proficiency in reading, writing, and mathematics given to third through tenth graders. It is mandated by state law.¹¹ Among other roles, the SBA helps to measure Adequate Yearly Progress for purposes of the federal No Child Left Behind Act.¹² It therefore has significant consequences for school funding. The SBA is also an important tool for state- and district-wide educational planning. Uniform, evenhanded, and accurate administration of the test is key to the fairness and usefulness of this component of the educational system.

⁶ Testimony of Hamre.

⁷ *Id.*

⁸ Testimony of Cynthia Koch; observations at hearing.

⁹ Testimony of Alison Vale.

¹⁰ Testimony of Darrell Vincek.

¹¹ See generally AS 14.07.020(b), 4 AAC 06.710 *et seq.*

¹² 20 U.S.C. § 6301 *et seq.*

The week before administration of the SBA, Bowman offered a training session to its teachers. Ms. Hamre attended, but she did not pay attention.¹³ She was scheduled for an important meeting about a special education child, and she was making notes for that meeting; she also was making notes for the substitute who would take her class during the meeting. The meeting was scheduled to begin before the training session would have ended, but Ms. Hamre left even sooner—about halfway through the training—in order to make arrangements for the substitute. Phyllis Seeba, the Assistant Principal at Bowman who had primary responsibility for preparing the staff to administer the test, was aware of her lack of attention to the training and of her early departure, as was her team-teaching colleague, Cynthia Koch.¹⁴

A makeup training session was offered later the same day. Ms. Hamre did not open the e-mail announcing the session and seems to have been unaware of it.¹⁵ In any event, she did not seek out additional training, and Bowman administrators did not insist that she receive it.¹⁶ She seems to have thought her very limited experience at Williwaw two years previously was adequate preparation.¹⁷

Remarkably, Ms. Hamre never read the test administration instructions for teachers.¹⁸ The instructions were available to teachers several days prior to the test but Ms. Hamre, because she missed so much of the training and because she made no inquiries, did not realize they were available in advance. This is the explanation for her failure to read them before the test began. Her failure to read them during the course of the three-day examination has never been explained.

At the beginning of the main training session, Ms. Hamre signed a “Testing Personnel Test Security Agreement.”¹⁹ Among the procedures she agreed “to follow . . . strictly” were these:

¹³ Testimony of Hamre and Koch.

¹⁴ Testimony of Phyllis Seeba; testimony of Koch.

¹⁵ Testimony of Hamre; testimony of Seeba; Staff Ex. 4. An oral announcement of the makeup training occurred, but probably was made before many staff members had arrived for the day. Testimony of Seeba in response to questioning by Commissioner Gaborik.

¹⁶ Testimony of Hamre and Seeba. Although the relaxed attitude of the Bowman administrators toward ensuring that Ms. Hamre was trained does not excuse Ms. Hamre’s conduct, it is our view that the importance of the SBA merits substantially more vigilance on their part in the future.

¹⁷ *Id.*

¹⁸ Redirect testimony of Hamre; *see* Staff Ex. 6.

¹⁹ Staff Ex. 1.

- “Ensure that students use only those reference materials allowed by the testing procedure”
- “Ensure that no student answer is altered after testing is completed”
- “Ensure that no test item or test question is read by me . . . unless REQUIRED to carry out duties as a proctor or test administrator by providing accommodations to students with disabilities or for students who are limited English proficient.”

Although she signed the agreement and initialed each of the above provisions, Ms. Hamre apparently did not read the text.²⁰

Ms. Hamre administered the test to her own third grade students who did not require testing accommodations (her students entitled to accommodations, as well as her fourth graders, were tested elsewhere). The test had three components, each administered on a separate day. Ms. Hamre made no known testing errors in connection with the reading component, which occurred on the first day. With respect to the writing and mathematics components on days two and three respectively,²¹ she made the following errors:

| Required Procedure | Procedure Followed |
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| <p>“Ensure that all instructional materials from the walls that may lead students to answers on the exam (e.g., writing process steps . . .) are removed or covered.” (Test Administration Directions, page 8)²²</p> | <p>Ms. Hamre had taught her students the acronym “COPS” as a way of remembering to check capitalization, organization, punctuation, and spelling, and she conducted a review sessions focusing on “COPS” just prior to the test. She wrote “COPS” in large letters on the white board at the front of the classroom and left it on the board during the writing test.²³</p> |

²⁰ Testimony of Hamre.

²¹ The order of testing is taken from the testimony of Koch; *see also* Staff Ex. 6 at HEM 028.

²² Staff Ex. 6 at HEM 038. The instruction goes on to say that “each school must use professional judgment in determining if the material can be safely removed or covered,” a qualifier aimed at materials hung out of reach; this qualifier is not at issue in Ms. Hamre’s case.

This instruction is covered in the 50th of 54 slides in the ASD instructional presentation. Ms. Hamre would have left the instructional session before this slide was shown. The Test Security Agreement, which she signed but did not read, also prohibits use of reference materials.

²³ Testimony of Hamre and Koch.

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| <p>“Teachers, proctors, test administrators, or other testing personnel MAY NOT READ TEST ITEMS, aloud, silently, to themselves, or to another individual, unless it is specifically required to provide documented accommodation” (Test Administration Directions, page 2)²⁴ (emphasis in original)</p> | <p>None of the students to whom Ms. Hamre administered the test was eligible for accommodation. Nonetheless:</p> <p>(i) She assisted the children with the meanings of three words within test questions (“congruent,” “dialogue,” and “declarative”). This entailed reading the words to the children in some cases, and, of course, also entailed reading the test questions herself.</p> <p>(ii) In connection with a question involving the addition of coin values, she explained the value of an unusual coin depicted in the test. Providing this explanation required her to read the test question herself.²⁵</p> |
| <p>Teachers “may answer questions about the sample items, but . . . may NOT answer questions students have about specific test questions.” Even though “students may raise their hands and [say] that they do not understand a question . . . [teachers] may NOT provide additional information . . . or clarify test items.” (Test Administration Directions, page 8)²⁶ (emphasis in original)</p> | <p>As noted above, Ms. Hamre</p> <p>(i) assisted the children with the meanings of three words within test questions (“congruent,” “dialogue,” and “declarative”);</p> <p>(ii) in connection with a question involving the addition of coin values, explained the value of an unusual coin depicted in the test.²⁷</p> |

²⁴ Staff Ex. 6 at HEM 032. The same instruction is repeated prominently at page 6 (HEM 036) and is also reflected in the Test Security Agreement. It is covered in the 15th of 54 slides in the ASD instructional presentation.

²⁵ Testimony of Hamre, Vorachek, and Vincek; Staff Ex. 2 and 3.

²⁶ Staff Ex. 6 at HEM 038. The same issue is touched on in the 24th of 54 slides in the ASD instructional presentation.

²⁷ Testimony of Hamre, Vorachek, and Vincek; Staff Ex. 2 and 3.

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| <p>Teachers must “be careful not to inadvertently give hints or clues that indicate an answer.” (Test Administration Directions, page 8)²⁸</p> | <p>Ms. Hamre looked over the students’ tests as they attempted to turn them in and:</p> <ul style="list-style-type: none"> (i) told students to go back and check for “COPS;”²⁹ (ii) identified places where students had mistakenly put declarative statements where questions were called for, and vice versa, and sent the children back to consider these responses again;³⁰ (iii) told each student to go back to “recheck for paragraph form and indent” (she had also reminded the class as a whole to indent).³¹ |
| <p>Teachers must “[e]nsure that no student answer is altered after testing is completed” (Test Security Agreement signed by Ms. Hamre).³²</p> | <p>As noted previously, Ms. Hamre looked over the students’ tests as they attempted to turn them in and:</p> <ul style="list-style-type: none"> (i) told students to go back and check for “COPS;” (ii) identified places where students had mistakenly put declarative statements where questions were called for, and vice versa, and sent the children back to consider these responses again; (iii) told each student to go back to “recheck for paragraph form and indent.” |

²⁸ Staff Ex. 6 at HEM 038. The same issue is touched on in the 24th of 54 slides in the ASD instructional presentation.

²⁹ *E.g.*, Staff Ex. 3 at HEM 098; testimony of Vincek.

³⁰ *Id.*; Staff Ex. 2 at HEM 015; testimony of Wangstrom.

³¹ *E.g.*, Staff Ex. 3 at HEM 098 (letter written by Ms. Hamre). She explained what indenting was to one student. Staff Ex. 2 at HEM 016. Although some evidence suggested she sent one child back five times to work on indenting, this appears to be a misunderstanding; the child sent back five times was sent because bubbles were not filled in in the booklet. Testimony of Hamre. While the checking of test books for completion of all bubbles is not an approved procedure, the test instructions as presently written do not explicitly prohibit the practice.

³² Staff Ex. 1 at HEM 014.

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| | <p>An examination of test booklets from Ms. Hamre’s class showed extensive erasures to add indents to paragraphs and to alter questions to declarations and vice versa.³³ This confirms that alterations occurred.</p> |
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These testing errors initially came to the attention of Bowman administrators through a parent’s complaint. The Anchorage School District conducted a thorough and well-documented investigation. All test scores from Ms. Hamre’s classroom for the writing and mathematics components of the test were invalidated.³⁴ The district accepted Ms. Hamre’s resignation in lieu of termination (with an understanding that she would be eligible for rehire in a year),³⁵ and its Director of Assessment and Evaluation filed a formal request for investigation with the PTPC.³⁶ The Executive Director’s investigation and accusation followed.

In the meantime, Ms. Hamre obtained employment as a certificated teacher of music and intervention resource reading in the Kenai Peninsula Borough School District (KPBSD). She disclosed her forced resignation from Anchorage School District, and human resources directors for the two districts conferred before KPBSD made the hire. Suspension of her certificate will cause her to leave this position. As a practical matter, it will not be possible to replace her as a music teacher in the present academic year, and the music program at her school will almost certainly terminate for the remainder of the year, with core subject teachers absorbing the time slots that had been allocated to music.³⁷

III. Analysis

A. Ms. Hamre’s Violations

Members of the teaching profession are required to abide by the professional teaching standards adopted by this commission.³⁸ In 20 AAC 10.020, we have adopted a Code of Ethics

³³ Testimony of Vorachek; Staff Ex. 20 (sealed). *See also* Staff Ex. 2; testimony of Wangstrom.

³⁴ Testimony of Vorachek; Hamre Ex. I.

³⁵ Testimony of Debra Olmstead.

³⁶ Staff Ex. 13.

³⁷ Testimony of Timothy Peterson.

³⁸ AS 14.20.480.

and Teaching Standards. A violation of this Code is grounds for revocation or suspension of a teacher certificate, or for the lesser sanctions of a warning or reprimand.³⁹

We may also suspend or revoke a certificate for “substantial noncompliance” with any Department of Education and Early Development regulation.⁴⁰ When she signed the Test Security Agreement, Ms. Hamre acknowledged that violating any of its procedures would be “substantial noncompliance with the test security regulation (4 AAC 06.765) of the Alaska Department of Education & Early Development.”⁴¹

In this case, there is no practical dispute that Ms. Hamre has committed sanctionable violations. She so acknowledged in answering a question at the hearing from Commissioner Black, and she generally expressed “great remorse” at the hearing for “very big mistakes.” Because there has been no formal admission of any particular violation, however, it will be useful to review briefly the ones that occurred here.

First, Ms. Hamre violated three provisions of the Test Security Agreement by (1) letting students use a reference material (the “COPS” reminder) that was not allowed by the testing procedure; (2) allowing and even directing that student answers be altered after testing was completed; and (3) reading test items herself even though she was not testing any students eligible for accommodations. As noted above, violations of the Test Security Agreement are direct, substantial violations of 4 AAC 06.765. That regulation requires school personnel to, among other things:

- “ensure that examinees use only those reference materials allowed by the test publisher’s testing procedures” (4 AAC 06.765(d)(6));
- “ensure that an examinee’s answer is not altered after testing is completed” (4 AAC 06.765(d)(9)); and
- “ensure that no examinee is assisted in responding to or review of specific test questions or items” (*sic*) (4 AAC 06.765(d)(10)).

Second, provision (c)(3) of our own Code of Ethics and Teaching Standards requires educators to “cooperate in the statewide student assessment system . . . by safeguarding and maintaining the confidentiality of test materials and information.” By reading exam questions in

³⁹ AS 14.20.030(a)(4); AS 14.20.070(a)(3).

⁴⁰ AS 14.20.030(a)(3).

⁴¹ Staff Ex. 1.

violation of the test instructions, Ms. Hamre gave herself access to information to which she was not entitled and thus failed to maintain the confidentiality of test information.

Third, and most fundamentally, provision (b)(9) of our Code requires educators to “accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.” When the proctor of a statewide test used to allocate educational resources prompts and assists her students in a variety of unauthorized ways, she gives her students an unjust and inequitable advantage in violation of this standard.

B. Appropriate Sanction

In selecting an appropriate sanction, we look first to our prior handling of similar cases; while we may depart from these earlier benchmarks, we do so only for carefully articulated policy reasons. In this instance, there is only one prior, contested decision of a similar nature, the case of *In re Nilsen*,⁴² which we decided fourteen years ago. In that case, a teacher in Point Hope changed the answers on students’ answer sheets from an Iowa Test of Basic Skills in order to improve the students’ scores. We imposed an indefinite suspension until the teacher completed a university course in professional ethics.

Nilsen pre-dated the high stakes testing brought in by state-mandated assessments such as the SBA, and it pre-dated some of the legal provisions Ms. Hamre has violated. The Iowa test in 1993 did not drive resource allocation in a way comparable to the SBA, and therefore errors in its administration did not present the same risk of inequity between students. Further, awareness of test security and testing equity has evolved since 1993;⁴³ were we presented with *Nilsen* today, we would likely impose a firmer sanction. We believe the importance of the SBA requires a strong deterrent to misconduct that would subvert its reliability.

More recently, we approved a stipulated settlement in *In re Peters*,⁴⁴ a case in which the principle violation appears to have been an administrator’s use of an actual copy of a High School Graduation Qualifying Examination to instruct his teachers in creating a review curriculum for students who would be taking the test.⁴⁵ Settlement agreements are difficult to

⁴² PTPC Case No. 93-26 (Decision and Order, Jan. 24, 1994), reproduced at Hamre Ex. K.

⁴³ Dr. Cathryn Anderegg alluded to this tightening of standards in her testimony at the hearing.

⁴⁴ PTPC Case Nos. 04-55 and 04-60 (Amended Stipulation and Order, Jan. 27, 2005), reproduced at Hamre Ex. J.

⁴⁵ The Accusation in one of the *Peters* cases is found at Hamre Ex. J. The settlement in the case did not admit the truth of the allegations apart from a general acknowledgement of that the actions alleged constituted a violation of 20 AAC 10.020(c)(3), and the record in the present case does not permit assessment of the strength of the proof against Mr. Peters.

use as benchmarks for imposing a sanction because they are not the result of a contested hearing and do not represent “a determination of the issues presented.”⁴⁶ Many extraneous considerations such as witness availability, uncertainty of proof, and allocation of enforcement resources can play a role. Nonetheless, we note that the sanction we approved entailed a one-year suspension that would effectively preclude Mr. Peters from practicing his profession for three semesters, coupled with a prohibition of like duration on participating in statewide assessments.

Ms. Hamre contends that her conduct was negligent, and argues that negligence should be punished more leniently than the deliberate wrongdoing she ascribes to Mr. Peters. We partly agree with the first part of this contention: Although we cannot be certain, we believe it is more likely than not that Ms. Hamre’s testing errors were not premeditated or calculated attempts to cheat on behalf of her students, and that the root of her problem was ignorance rather than knowing misconduct. The ignorance was deliberate ignorance, however: Ms. Hamre passed up opportunities for training, signed a security agreement she did not read (neither at the time of signing nor later), and gave a highly important, legally-mandated test without reading the instructions. Over the three-day course of the examination she still did not read the instructions, continuing to violate procedures on the last day. We are reluctant to treat a series of flagrant policy violations leniently simply because the violator could not be bothered to learn the policy. While in some circumstances a particularly calculated effort to subvert a test might be an aggravating factor in selecting a punishment, we do not feel that willful ignorance is a mitigating factor.

Ms. Hamre contends that she has been punished enough through her forced resignation from her position in Anchorage without eligibility for rehire until passage of one year; this has required her to accept a lower-paid position in another community. The personnel actions of the school districts are largely separate from our function, however, and we have no way of knowing all of the considerations that may enter into them. Our role is to oversee the duties of teachers as professionals, not as employees, and where a teacher falls below professional standards it is appropriate—and in keeping with our statutory role—that we take action against the professional certification. To the extent that the Anchorage School District’s personnel action was a response

⁴⁶ *Hawthorne v. State Bd. of Nursing*, 3AN-04-10154 CI, Alaska Superior Ct. (December 5, 2006). See also *In re Ness*, OAH Case No. 04-0250-DEN (Bd. of Dental Examiners, 2006), at 34-36 (appeal pending, 3AN-06-8587CI).

to this incident, it is not designed to, and does not, protect the profession as a whole and those it serves.

Ms. Hamre points out that a suspension will affect her current students and inconvenience her current colleagues and employer. We have assessed these consequences and judge them to be manageable in her case. While we do not exclude the possibility that collateral consequences might affect the nature or timing of a sanction we impose in exceptional circumstances,⁴⁷ in general it is our view that sanctions should be imposed uniformly and without regard to whether a person under active investigation has sought and accepted a new position that makes a suspension or revocation inconvenient.

In our view, the appropriate sanction for Ms. Hamre's willful ignorance of clear requirements in the context of a highly important duty, and her repeated violation of those requirements, is a suspension of her certificate for one year. Before returning to practice as a certificated teacher, we will require her to obtain comprehensive training in testing procedures. She may arrange an appropriate program and propose it, through our Executive Director, to us for our approval. Finally, because certification is not strictly required for administration of state-mandated assessments, and because Ms. Hamre may be working in schools in an uncertificated capacity during her suspension, we stipulate that a condition of restoring her certificate at the end of the suspension is that she refrain from proctoring state-mandated assessments while she is suspended.

IV. Order

The commission finds that Patricia F. Hamre violated provisions (b)(9) and (c)(3) of the Code of Ethics and Teaching Standards. By its authority under AS 14.20.470(a)(4), the commission suspends the Type A Alaska Teacher Certificate of Patricia Hamre (No. 574-24-37424017105) for a period of one year, effective on the same day as the effective date of this decision as provided in Alaska Statute 44.62.520.

Ms. Hamre's certificate will be restored after one year provided she meets the following conditions:

1. That she submits evidence of completion of comprehensive training in testing procedures satisfactory to the commission; and

⁴⁷ An example of such circumstances might be a situation where a school would close if a particular educator were suspended immediately.

2. That she does not proctor any state-mandated assessment during the period of suspension.

The second condition does not preclude Ms. Hamre from observing the administration of a state-mandated assessment as part of her training under the first condition.

Commissioners Jockusch, Black, Baker, Gaborik, Hebard, Jeans, and Peterson concur in this decision. Commissioner Aillaud dissents in part as set out below. Commissioner Husa did not participate.

DATED this 13th day of February, 2008.

PROFESSIONAL TEACHING
PRACTICES COMMISSION

By: Signed
Kim Jockusch, Chair

Commissioner Aillaud, dissenting in part:

I concur with Parts II and III-A of the above decision. I agree that Patricia Hamre violated the Code of Ethics and Teaching Standards, and I find her conduct unacceptable. I would not impose so heavy a sanction in these circumstances, however.

Ms. Hamre was a new teacher under heavy work pressures, receiving little support from her teaching partner. When she yielded to these work pressures and failed to make time to learn the correct procedures for administering the SBA, she erred, but her error was one of negligence rather than deliberate calculation. Her subsequent errors in administering the test followed from this negligence.

Some of the errors Ms. Hamre committed are less significant than the majority suggests. Indenting is not tested at the third grade level. While Ms. Hamre no doubt wanted to see her students use the indenting she had taught them, prompting them to do so did not affect their scores. As for the requirement to cover or remove instructional materials during testing, I believe the evidence in the case, and the institutional knowledge of our commissioners, leads to the inescapable conclusion that this requirement is being interpreted in many different ways by different schools and different teachers.

I do not feel Patricia Hamre's conduct equates to the deliberate cheating that occurred in the case of *In re Peters*,⁴⁸ in which this commission, three years ago, agreed to the same sanction imposed here. Further, Mr. Peters was a principal, and in that role his conduct was much more culpable than the mistakes of a harried neophyte trying to juggle the responsibilities of a demanding new position.

I would impose a strong reprimand, the same sanction we recently imposed for similarly thoughtless and unprofessional actions in *In re Maffit*.⁴⁹ In my view, a public reprimand from this body is a significant sanction. A year's suspension, imposed now, will disable Ms. Hamre from certificated teaching for three semesters and may drive her from the profession. I judge her to be a conscientious and caring teacher, and I see that outcome as unfortunate for both her and her students.

[This document has been modified to conform to technical standards for publication.]

⁴⁸ PTPC Case No. 04-55 (Amended Stipulation and Order, 2005).

⁴⁹ PTPC Case No. 06-042, OAH Case No. 06-0330-PTP (Order of Reprimand, 2007) (appeal pending, 3AN-07-5902 CI). In addition to the reprimand, I would require comprehensive training in testing procedures, as the majority has wisely done, and I would preclude her from proctoring any state-mandated assessment until the training had been completed.