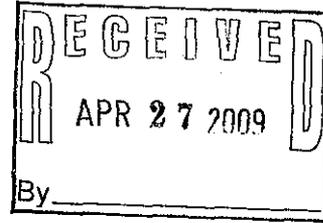




State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500



JON S. CORZINE
Governor

LUCILLE E. DAVY
Commissioner

April 23, 2009

Ms. Patricia Demarest, President
Matawan-Aberdeen Regional Board of Education
One Crest Way
Aberdeen, NJ 07747-2286

Dear Ms. Demarest:

SUBJECT: Matawan-Aberdeen Regional School District – Alleged Improperly Certified Staff
OFAC Case INV-005-09

The Department of Education, Office of Fiscal Accountability and Compliance (OFAC) has completed an investigation of the Matawan-Aberdeen Regional School District based on allegations that former and current administrative staff lacked proper certification. Additional concerns were also indicated in the complaint.

The investigation did not disclose any material issues of noncompliance with respect to the district. As such, the file on this matter will be closed. The information obtained during the OFAC review of this matter is detailed in the attached report. Please provide a copy of the report to each board member.

Should you have any questions about the representations in the report, please contact Mr. Thomas C. Martin, Manager, Investigations Unit, at (609) 633-9615.

Sincerely,

Robert J. Cicchino, Director
Office of Fiscal Accountability and Compliance

RJC/jvg/I:jgriffith\Matawan-Aberdeen INV 005-09\Matawan-Aberdeen ROE.doc
Attachment

c: John J. Hart
Gerald Vernotica
Donna Arons
Thomas C. Martin
Carole K. Morris
Richard O'Malley
Joanne V. Griffith

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STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
INVESTIGATIONS UNIT

MATAWAN-ABERDEEN REGIONAL SCHOOL DISTRICT
ALLEGATION OF IMPROPERLY CERTIFIED STAFF
OFAC CASE INV-005-09

REPORT OF EXAMINATION

APRIL 2009

**STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
INVESTIGATIONS UNIT**

**REPORT OF EXAMINATION – APRIL 2009
MATAWAN-ABERDEEN REGIONAL SCHOOL DISTRICT
ALLEGATION OF IMPROPERLY CERTIFIED STAFF**

EXECUTIVE SUMMARY

On January 20, 2009, the Office of Fiscal Accountability and Compliance (OFAC) received a request from Gerald J. Vernotica, Assistant Commissioner, Division of Field Services, to conduct an investigation based on a complaint against the Matawan-Aberdeen Regional School District (district). The focus of the complaint was the allegation that certain administrative staff had worked in positions without the proper certification. Specifically, the complaint alleged that:

- Bruce Quinn, former Superintendent of Schools had worked for over 12 months with only a certificate of eligibility, instead of a provisional certificate as required by law.
- Helen Rappaport held the position of Director of Special Education Services even though she did not have the proper certification. It was further alleged that the district allowed her to continue to receive a director's salary even though the board had removed her from the title in 2003.
- Barbara Chowela was appointed to the position as Director of Technology by the former superintendent even though she had no certification or a college degree.

The complainant also expressed the belief that certain board members had engaged in actions that violated provisions of the School Ethics Act. Complaints to the School Ethics Commission (SEC) concerning a board member's ethical behavior should be directed to the SEC from an independent source.

In addition, the complainant also submitted information identifying numerous instances that they indicated were irregularities necessitating disclosure and corrective action. The OFAC reviewed those issues presented, but only included in this report those issues that were deemed to be under the purview of the OFAC.

On March 6, 2006, the OFAC investigator went to the district to initiate the review. The OFAC investigator met with the superintendent and conducted an interview with the Deputy Superintendent, who also is in charge of personnel. The investigation also included a review of specific board minutes and other pertinent documentation. In addition, on March 26, 2009, the investigator conducted a telephone interview with former superintendent Bruce Quinn.

The remainder of this report contains allegations and findings, conclusions and recommendations.

ALLEGATIONS AND FINDINGS

- 1. The complainant alleged that former superintendent Bruce Quinn held the position of superintendent for over 12 months with only a certificate of eligibility (CE), instead of a provisional certificate, as required by law.**

The district's deputy superintendent in charge of personnel told the OFAC investigator that the board approved Mr. Quinn to be the district's superintendent in May 2002. At the time of his approval, Mr. Quinn held a CE with a school administrator endorsement issued by the New Jersey Department of Education (NJDOE) in October 1996.

According to N.J.A.C. 6A:9-6:4, "The CE or CEAS authorizes the holder to seek employment. A holder of a CE or CEAS shall not assume responsibility for a job assignment until the holder has been issued a provisional certificate."

N.J.A.C. 6A:9-12.4(c) states, "To be eligible for a provisional administrator's endorsement, the candidate shall:

1. Hold a school administrator CE; and
2. Obtain and accept and offer of employment in a position requiring the school administrator certificate in a public school district that has agreed formally to sponsor the residency."

The provisional certificate is a two-year certificate that is allowed one renewal.

The OFAC investigator was told by the deputy superintendent that Mr. Quinn did not immediately assume the responsibilities of the superintendent because he had not been released from his position in another district until August 2002. The deputy superintendent served as the interim superintendent during this time. Mr. Quinn told the investigator that he offered his expertise on a non-pay basis to assist the district on certain pressing issues until he was officially released from his previous position in late August, 2002.

By a letter dated August 13, 2002, the NJDOE coordinator of administrator training sent a letter to the district's board president pertaining to Mr. Quinn's employment. The letter indicated that Mr. Quinn "will be practicing under a provisional license" until the one-year mentor-directed residency was completed. In addition, materials were enclosed with the letter for the district to complete and return so that the start of the mentor-directed residency program could be established.

The deputy superintendent in charge of personnel told the investigator that he interpreted the August 13, 2002, letter to mean that Mr. Quinn's provisional certification had been approved by the NJDOE. The investigator contacted Mr. Quinn and he expressed the same understanding regarding the NJDOE letter. Mr. Quinn told the OFAC investigator that due to work and personal concerns, he was distracted from routinely following up with the NJDOE regarding the hardcopy of his

provisional certificate. The deputy superintendent told the investigator that the district made numerous calls to NJDOE regarding the delay in issuance of Mr. Quinn's provisional certificate.

On January 7, 2003, the district submitted the mentor-directed residency program materials on behalf of Mr. Quinn to the NJDOE. The information included a Statement of Assurance of School Administrator Position document indicating that Mr. Quinn's employment as superintendent was effective on August 27, 2002. The form was signed by the former board president on November 20, 2002.

On April 3, 2003, an agreement was signed between the NJDOE, the mentor, and the district to provide a program of residency training for Mr. Quinn. Mr. Quinn told the investigator that he began the mentor-directed residency program in January 2003. The State Board of Examiners issued Mr. Quinn a provisional certificate in December 2003. Mr. Quinn subsequently received a standard certificate issued in April 2006. He retired from the district in November 2007.

Dr. Robert R. Higgins, Director, Office of Licensure and Credentials, was contacted with respect to the certification of Mr. Quinn. Dr. Higgins indicated that the time period it took Mr. Quinn to receive a provisional certificate was beyond the normal tolerances, but typically, discipline is not imposed. Additionally, there is indication that Mr. Quinn was given informal mentoring during the period in which he served without the provisional certificate.

Conclusion

There was no evidence that the district was attempting to circumvent the certification requirements established by state statute. The investigation determined that it is reasonable to conclude from the NJDOE August 13, 2002 letter that Mr. Quinn's provisional certificate was approved. In addition, his effective date to the position of superintendent was after the date the district believed that his provisional certificate had been approved by the NJDOE. Mr. Quinn was accepted into the mentor residency program and therefore met the requirements to be eligible for a provisional certificate.

The investigation was unable to determine the reason that a hardcopy of Mr. Quinn's actual provisional certificate was issued by the NJDOE more than 12 months after Mr. Quinn's effective date to the position as superintendent. However, this factor does not negate the previous written notification from the NJDOE.

- 2. The complainant alleged that Ms. Helen Rappaport held the position of Director of Special Education Services even though she did not have the proper certification. It was further alleged that the district allowed her to continue to work and get paid as a director although the board had removed her from that title in 2003.**

According to information provided to the OFAC investigator by the deputy superintendent, Ms. Rappaport was hired in February 1978 as a school psychologist. On July 17, 1985, the board

approved her to the position as Director of Special Education Services in conjunction with her title as school psychologist. Eventually the school psychologist designation was dropped from her title.

Based on the district's job description, the Director of Special Education Services is required to possess a school psychologist plus a supervisor or principal certification. Information provided to the investigator from the NJDOE, Office of Licensure and Credentials indicates that Ms. Rappaport has standard certifications for both school psychologist and supervisor. She was issued a standard school psychologist certificate in October 1980 and a standard supervisor certificate in November 1982.

The deputy superintendent told the investigator that in June 2003 the Monmouth County Office of Education notified the district that Ms. Rappaport could no longer hold the title of director because she did not have a principal endorsement. The investigator spoke with a representative from the Certification Department at the Monmouth County Office of Education who indicated that since September 7, 1990, "Director" became a recognized title requiring a principal or school administrator endorsement. She indicated that on November 7, 1990, a memo was sent to all chief school administrators concerning this matter. The memo indicated that the regulation concerning the director title applies only to those director positions which involve supervision and evaluation of teaching staff members and for which there is no other endorsement.

N.J.A.C. 6A:9-12.3(a) states in part that, "The school administrator endorsement is required for any position that involves services as a district-level administrative officer. Such positions shall include superintendent, assistant superintendent, and director."

N.J.A.C. 6A:9-12.3(b) states in part that, "The principal endorsement is required for any position that involves service as an administrative officer of a school or other comparable unit within a school district. Such positions shall include assistant superintendent for curriculum and instruction, principal, assistant principal, vice-principal and director."

Upon notification from the county office, the board voted on December 15, 2003, that Ms. Rappaport's title would be changed from Director to Supervisor of Special Education Services. No information was obtained during the investigation concerning why action had not been taken regarding Ms. Rappaport's title between 1990 and 2003.

The deputy superintendent told the investigator that subsequent to this title change, the district listed Ms. Rappaport's title as a supervisor on the certificated staff report that is submitted each fall to the Monmouth County Office of Education. He further indicated that the action did not necessitate a salary change since her duties remained the same. He told the investigator that Ms. Rappaport's pay was based on the salary guide that was negotiated as part of the contract between the district and the Matawan Regional Administrator Association.

At a November 17, 2008 board meeting, the board voted to abolish the position of Supervisor of Special Education Services, effective December 31, 2008, due to a reduction in force. The deputy superintendent told the investigator that as a result, Ms. Rappaport was placed back into the position

as a school psychologist. He indicated that Ms. Rappaport has been on sick leave since January 1, 2009.

In addition, the board approved the superintendent's recommendation to revise the district's table of organization to achieve desired changes in the administrative and supervisory organization of the district. As such, the board approved establishing the position of Director of Special Services and authorized administration to create an appropriate job description for the new position, and to post and fill the position.

Conclusion

The investigation revealed that when Ms. Rappaport was appointed to the position as Director of Special Education Services in 1985, she possessed the required certifications according to the district's job description. However, the district took action to change her designation from director to supervisor upon notification from the county office in 2003.

The investigation concluded that regardless of the title she held, the district decided to pay Ms. Rappaport's the director/supervisor salary based on the negotiated salary guide that was commensurate with her job responsibilities. The issue of Ms. Rappaport's salary is involved in pending litigation in the district. As such, the OFAC will defer to the outcome of the litigation pertaining to this matter.

In addition, it has been determined that the district has taken action to modify the job description governing use of the title director, where appropriate, to reflect certification requirements in accordance with N.J.A.C. 6A:9-12.3(b).

3. According to the complaint, Barbara Chowela was appointed to the position as Director of Technology by the former superintendent even though she had no certification or a college degree.

The district records reveal that Ms. Chowela has been employed in the district since August 26, 1984. The deputy superintendent indicated that Ms. Chowela has worked as a computer network systems specialist from July 1, 1995 to June 30, 2005, and she has received ongoing technology professional development training. During the 2002-2003 school year, her title was changed to Director of Technology. He told the investigator that this was a generic job title approved by the board. He indicated that Ms. Chowela was not an administrator and that the district has always listed her on the non-certificated staff report that was submitted to the county office.

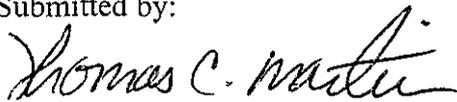
According to the NJDOE, Director of Licensing, a certificate is needed only if an individual is involved directly in the supervision of certificated staff or the instruction of students. Ms. Chowela's job description indicates that she was not an administrator and is not involved with supervising certificated staff or participating in classroom instruction.

The investigation disclosed that in 2008, Ms. Chowela's title was changed to Manager of Information Systems to be consistent with the requirements governing use of the title of director.

Conclusion

The investigation concluded that Ms. Chowela's job responsibilities do not include the evaluation or supervision of certificated staff, or classroom instruction. Therefore, certification was not required.

Submitted by:



Thomas C. Martin, Manager
Investigations Unit

Approved by:



Robert J. Cicchino, Director
Office of Fiscal Accountability and Compliance

Investigator

Joanne V. Griffith