

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MARIA PARISE : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-117

At its meeting of September 15, 2011, the State Board of Examiners (Board) reviewed a decision forwarded by the Acting Commissioner of Education that had dismissed Maria Parise from her tenured social worker position with the School District of Butler (Butler) for charges of inefficiency, unbecoming conduct and insubordination. *In the Matter of the Tenure Hearing of Maria Parise*, Docket No. 392-10 (Acting Commissioner's Decision, September 16, 2010). Parise currently holds a Teacher of Elementary School certificate, issued in May 1975, a Student Personnel Services certificate, issued in March 1982 and a School Social Worker certificate, issued in December 1988.

This case originated when Butler certified tenure charges of inefficiency, conduct unbecoming, insubordination and other just cause against Parise. After the case was transmitted to the Office of Administrative Law (OAL) for hearing, Administrative Law Judge (ALJ) Irene Jones issued an Initial Decision finding that Parise had engaged in insubordination, conduct unbecoming and had demonstrated gross ineptness and incompetency. *Board of Education of Butler v. Maria Parise*, OAL Docket No. EDU 5793-03 (Initial Decision, March 26, 2008). ALJ Jones further found that, on the inefficiency charge, Butler did not need to demonstrate compliance with the requirements of *N.J.A.C. 6A:3-5.1(c)* since Parise has resisted all efforts to help her and a remedial plan would have been futile. *Id.* at 14-15. The Commissioner of Education rejected the Initial Decision, ruling that the district erred in not providing Parise with a

professional improvement plan and a 90 day remediation period. *In the Matter of the Tenure Hearing of Maria Parise*, Docket No. 339-08 (Commissioner's Decision, August 7, 2008). The Commissioner further ruled that the Board could not sustain a charge of incompetency and remanded the matter back to the OAL for factual findings and conclusions on the remaining tenure charges. *Id.* at 10-11.

Upon remand, ALJ Jones found that the district did provide Parise with a Professional Improvement Plan (PIP) which sought to improve her performance in two areas: record keeping and professional staff procedures. *Board of Education of Butler v. Maria Parise*, OAL Dkt. No. EDU 09654-08 (Initial Decision, August 13, 2010). The ALJ also found that even with offered assistance and support, Parise "refused to avail herself of any assistance and as a consequence respondent was late with her IEPs reports, failed to meet with her student's parents in a timely fashion, and failed to complete social histories in a timely fashion." *Id.* at 18. The ALJ also noted that Parise's refusal to accept assistance forced other members of the Child Study Team (CST) to pick up her work and created a backlog so onerous that the district had to hire an outside social worker. *Ibid.* In addition, Parise did not use the voice-activated computer the district gave her, but instead instructed a custodian to "get rid of it." *Ibid.* ALJ Jones concluded that Butler had proven that Parise's work was inefficient and that "based on respondent's failure to correct her inefficiencies and avail herself of the assistance offered to her, I FIND and CONCLUDE that dismissal was warranted on the charge of inefficiency." *Id.* at 19. The ALJ also determined that Parise had engaged in conduct unbecoming by her arrogant and contemptuous treatment of her coworkers and superiors, her intention that the custodian discard her computer and her admitted falsifying of her timesheets on at least two occasions. *Id.* at 20-21. ALJ Jones concluded that the totality of the incidents of unbecoming conduct warranted

Parise's dismissal. *Id.* at 21. As for the charge of insubordination, ALJ Jones found that Parise failed to sign in and out in the manner dictated by her PIP, failed to call the substitute service on one occasion, requested and did not use a computer she was given and then instructed a janitor to "get rid of it," refused to provide a weekly schedule of her activities as mandated by her PIP, refused to attend counseling sessions, refused to respond to a parent complaint or hold a CST meeting with a parent although being directed to do so by the Director of Special Services, and refused to attend internal CST meetings. *Id.* at 23-24. The ALJ concluded that all of these acts constituted insubordination and that removal from her tenured position was the appropriate penalty. *Id.* at 24. ALJ Jones ultimately determined that Butler had proven all but one minor charge against Parise and ordered her removed from her tenured position. *Id.* at 25.

In a decision dated September 16, 2010, the Acting Commissioner of Education (Commissioner) concurred with the ALJ that Butler had sustained its charges of inefficiency, unbecoming conduct and insubordination against Parise. (Acting Commissioner's Decision, slip op. at 1). Accordingly, the Commissioner ordered Parise's removal from her tenured social worker position in Butler and transmitted the matter to the Board for appropriate action regarding Parise's certificates. (Acting Commissioner's Decision, slip op. at 1).

Thereafter, on November 1, 2011, the Board issued Parise an Order to Show Cause as to why her certificates should not be revoked. The Order was predicated on the charges of inefficiency, conduct unbecoming and insubordination that had been proven in the tenure hearing.

After finally securing an address for Parise, the Board sent her the Order to Show Cause by regular and certified mail on April 18, 2012. The Order provided that Parise's Answer was due within 30 days. Parise filed an Answer on April 30, 2012. In her Answer, Parise admitted to

all of the factual allegations of the Order to Show Cause and stated that she lacked “knowledge and information sufficient to form a belief as to the truth of the allegations” regarding whether the Commissioner transmitted the matter to the Board or whether there was just cause to consider the revocation of her certificates as a result of the conduct proven in the tenure matter. (Answer, ¶¶ 1-2). Parise also claimed that the Order to Show Cause failed to set forth any facts to justify the revocation of her certificates. (Answer, Separate Defense, ¶ 1).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 4, 2012, the Board sent Parise a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Parise 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 Parise’s offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Parise 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. Parise did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Parise’s conduct and her subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of November 30, 2012, the Board considered the allegations in the Order to Show Cause as well as Parise’s Answer. The Board determined that no material facts related to Parise’s offense were in dispute since she did not deny that she had lost her tenured position as a result of

the tenure proceedings brought against her. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(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 Parise's conduct as set forth in the Order to Show Cause, represents just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. 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:9-17.5*. As the ALJ noted and the Commissioner agreed, Butler sustained its charges of inefficiency, insubordination and unbecoming conduct against Parise. The record was replete with instances which demonstrate that Parise's inefficiencies were not an aberration, nor the result of inexperience. Rather, Parise was either unable or unwilling to accept the help and support that Butler continually offered her, even long before tenure charges were filed. This recalcitrance had a deleterious effect upon the district and its students. Moreover, Parise's negative interaction with superiors, colleagues and parents was determined to have been unacceptable. There can be no dispute that Parise's conduct, in its totality, amply demonstrates her unfitness to continue to hold her educational services certificates. However, the Board cannot conclude that it has been demonstrated that a sufficient nexus exists between Parise's behavior and her instructional certificate or that Parise would not work effectively under that certificate. Working as a School Social Worker as part of a CST or under a Student Personnel Services certificate have specific job requirements with regard to tracking and evaluating students that are not replicated to the same extent in an instructional setting. The Board therefore

determines that the appropriate response to Parise's inefficiency is the revocation of only her School Social Worker and Student Personnel Services certificates.

Accordingly, on November 30, 2012, the Board voted to revoke Maria Parise's School Social Worker and Student Personnel Services certificates. On this 25th day of January 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Parise's School Social Worker and Student Personnel Services certificates be effective immediately. It is further ORDERED that Parise return her School Social Worker and Student Personnel Services certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Butler, 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 *N.J.S.A.* 18A:6-38.4.