

NAME OF

COMPLAINANT(S), Janine Walker Caffrey  
v. SCHOOL ETHICS COMMISSION

BEFORE THE SCHOOL  
ETHICS COMMISSION  
OF NEW JERSEY

NAME OF RESPONDENT(S) :

Israel Varela :

SCHOOL ETHICS ACT  
COMPLAINT FORM

I, (Janine Caffrey residing at [REDACTED]) request the School Ethics Commission to consider a complaint against the above-named Respondent(s) whose home address is [REDACTED] in accordance with the authority of the School Ethics Commission to entertain such complaints under N.J.S.A. 18A:12-21 et seq.

The facts upon which this complaint is based are as follows: (Please print additional pages as needed. Students should be identified by initials only. )

1. Statement of facts:

On this date, BOE member Israel Varela participated in conversations regarding the termination of principals Alvaro Cores and Michelle Velez during two executive sessions of the Board of Education. At no time did he voice concern that these individuals did not receive proper notice. At no time did he attempt to stop the conversations.

Date of occurrence: June 28, 2012.

I assert this to be a violation of: (1) a. I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.(2) N.J.S.A. 18A:12-24.1(c) (I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.); (3) N.J.S.A. 18A:12-24.1(d) (I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.); (4) N.J.S.A. 18A:12-24.1(i) (I will support and protect school personnel in proper performance of their duties.); and (5) N.J.S.A. 18A:12-24.1(j) (I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.).

2. Statement of Facts:

During the public portion of the meeting, Varela and others voted "no" for the

reappointment of principal Velez-Jonte and abstained from voting on principal Cores just one working day prior to the end of their contracts. This was done without issuing "Rice" notices, without a recommendation from the superintendent, without poor evaluations, nor any due process for these two individuals.

Date of occurrence: June 28, 2012.

I assert this to be a violation of: (1) N.J.S.A. 18A:12-24.1(c) (I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.); (2) N.J.S.A. 18A:12-24.1(f) I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends. (3) N.J.S.A. 18A:12-24.1(i) (I will support and protect school personnel in proper performance of their duties.); and (4) N.J.S.A. 18A:12-24.1(h) I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer; (4) N.J.S.A. 18A: 12-24 (g) I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

3. Statement of Facts:

During a public session, Varela voted to reappoint all administrators except Velez-Jonte. Mr. Varela abstained on Mr. Cores' reappointment (citing his wife's employment at Richardson), which had the effect of a "no" vote, since reappointment required five votes in the affirmative. Mr. Cores' employment was essentially terminated by this action, after the beginning of the contract year, with no recommendation from the superintendent, no notice, and no due process.

Date of occurrence: July 5, 2012.

I assert this to be a violation of: (1) N.J.S.A. 18A:12-24.1(c) (I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.); (2) N.J.S.A. 18A:12-24.1(f) I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends. (3) N.J.S.A. 18A:12-24.1(i) (I will support and protect school personnel in proper performance of their duties.); and (4) N.J.S.A. 18A:12-24.1(h) I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer; (4) N.J.S.A. 18A: 12-24 (g) I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

4. Statement of Facts:

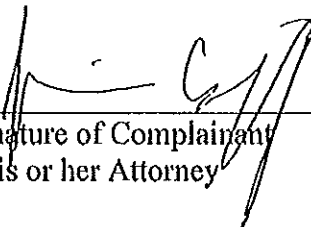
Mr. Israel Varela has a long history of failing to follow policy and procedure when visiting schools, and attempting to direct staff. He began this school year by making surprise "facility inspections" along with BOE Vice President Kenneth Puccio. There have been many complaints from employees throughout the year of this behavior. One of these was detailed in a previous ethics complaint. On this date, Mr. Varela entered into the Barracks Street building that houses the administrative offices of the district, and a small satellite of the high school. This was graduation day, and a student's status was in question. The superintendent, assistant superintendent, principal, vice principal, director of guidance, and several guidance counselors had been working diligently to clear several students for graduation. The superintendent was at the main campus at the time. Varela entered the building through an entrance that would allow him to avoid speaking to the security officer. He then went up a staircase at the extreme west end of the building, walked across the second floor to the extreme right of the building, back down to the first floor and into the main office of the high school. He talked to several staff members in an attempt to influence the outcome of the graduation of a student. When he left, he crossed the first floor back to the west end of the building. He stated to the receptionist, "That is why she should be the superintendent." He gestured toward the door to the office of Assistant Superintendent Vivian Rodriguez, who was acting superintendent while Superintendent Caffrey was placed on administrative leave by the BOE. When Caffrey confronted him about why he didn't come to her about his concern for this student he proceeded to tell Caffrey that he didn't trust her and to take things into his own hands when people ask him to help them.

Date of occurrence: June 21, 2012.

I assert this to be a violation of: (1) N.J.S.A. 18A:12-24.1(c) (I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.); (2) N.J.S.A. 18A:12-24.1(d) (I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.); (3) N.J.S.A. 18A:12-24.1(i) (I will support and protect school personnel in proper performance of their duties.); and (4) N.J.S.A. 18A:12-24.1(j) (I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.)

WHEREFORE, I, as Complainant, request that the School Ethics Commission find and determine that the above-named Respondent(s) has violated the School Ethics Act and that he or she be subject to such penalty as provided by the Act.

Date July 6, 2012

  
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Signature of Complainant  
or his or her Attorney

## ADDENDUM C30-12

At its meeting on August 28, 2012, the Commission voted to dismiss Counts 1, 2 and 3 in their entirety for lack of jurisdiction, pursuant to N.J.S.A. 18A:12-22 et seq. and N.J.A.C. 6A:28-1.4(a) as the Commission lacks jurisdiction to determine whether complainant was properly served with a Rice notice before the meetings at issue. The Commission further found that the complaint is not frivolous in accordance with the standard set forth at N.J.A.C. 6A:28-1.2, and also voted to transmit the matter to the Office of Administrative Law (OAL), pursuant to N.J.A.C. 6A:28-10.8(a), for plenary hearing on Count 4 of the amended complaint. The complainant carries the burden to prove factually any violations of N.J.S.A. 18A:12-24.1 (c), (d), (i), and (j) under the Code of Ethics for School Board Members within the standards set forth at N.J.A.C. 6A:28-6.4.