

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
MELVIN CUMMINGS : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 0607-232

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
MARIA AZZARO : ORDER OF DISMISSAL  
\_\_\_\_\_ : DOCKET NO: 0607-231

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
PRISCILLA DAWSON : ORDER OF DISMISSAL  
\_\_\_\_\_ : DOCKET NO: 0607-230

**CONSOLIDATED**

The State Board of Examiners (Board) reviewed information it received regarding Melvin Cummings, James Lytle<sup>1</sup>, Maria Azzaro, and Priscilla Dawson. The Office of Fiscal Accountability and Compliance (OFAC) conducted an investigation of the scheduling and grading practices at the Sherman Avenue School (Sherman) in the Trenton School District (Trenton) during the 2004-2005 school year. During that school year, Dawson was the principal of Trenton High School, Cummings was the Vice Principal of Sherman, and Azzaro was the Vice Principal of Trenton High School and in April 2005, and when the former principal was promoted, she became the Principal. The Principal of the High School supervised the Sherman Avenue program. The district ran a ninth-grade repeater program housed at Sherman. The school was required to follow the standard educational guidelines for curriculum and awarding of academic credit. The academic offerings provided at Sherman were limited to English, math, history and Physical Education/Health. Specifically, students were offered Language & Literature I and II,

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<sup>1</sup> James Lytle was named as a respondent in the order to show cause but his case was resolved by the parties prior to the termination of this consolidated case.

Algebra I, Geometry, World History, U.S. History, and Physical Education/Health. As vice principal in charge of Sherman, Cummings was responsible to report to the High School principal.

The OFAC's investigation revealed that at least five students who had attained sufficient credit for promotion to tenth grade at the end of the 2003-2004 academic year were incorrectly assigned to the ninth grade repeater program at Sherman. The errors were identified at the beginning of the school year and, as principal of the High School, Dawson was aware of the errors; as vice-principal of Sherman, Cummings was aware of the errors; and Azzaro was aware of the errors. The students, however, were not reassigned when the errors were identified. Also, the OFAC reported that numerous students assigned to Sherman were awarded credit for courses that failed to meet Department of Education curriculum standards. The OFAC also determined computer center personnel in the high school were instructed to change the names of courses that would appear on transcripts.

The OFAC investigation uncovered evidence of students being awarded credit for tenth grade PE when they had repeated ninth grade PE twice. Students who repeated other courses were also given credit for honors courses and/or eleventh grade courses. The OFAC also determined computer center personnel in the high school were instructed to change the names of courses that would appear on transcripts. Although Dawson denied having knowledge of the changes, computer personnel maintained that such changes could not be made without appropriate approvals.

Also OFAC found that full course credit was awarded for a three week independent study program. Full course credit was awarded for this three-week program although course credit should only be awarded for courses that provide 40 minutes of instruction during a 180-day school year. The program was approved by Dawson and others but was not approved by the Board.

The OFAC report stated that students were awarded course credit even though their attendance failed to meet minimum requirements. After reviewing attendance records, OFAC investigators determined that 79 students out of a random sample of 100 selected had an absenteeism rate of 29 percent, far exceeding the 16 allowed absences for the year.

The OFAC investigators also concluded that student academic records at Sherman were altered to indicate the successful completion of courses not offered at Sherman. The investigators uncovered emails from the former Sherman vice principal, Melvin Cummings, to Dawson, asking to correct the transcripts of 30 students who were credited with taking science when it was not offered at Sherman. When the OFAC examiners conducted transcript reviews in late 2006, 25 transcripts still indicated that those students had been credited for courses not offered at Sherman.

The OFAC reported that 29 Sherman students repeated courses that they had successfully completed prior to their assignment to Sherman and were awarded credit for repeating courses. Trenton would not transport students to classes off-site nor could instructional staff come on-site due to space restrictions.

The report found that Priscilla Dawson, the high school principal, although aware of the above deficiencies, did not act to correct them. It also found that Melvin Cummings, as interim vice principal of Sherman, was aware or should have been aware of the problems at Sherman. Finally, the report found that Maria Azzaro, the High School vice principal who became interim principal, although aware of the above deficiencies, did not act to correct them.

Maria Azzaro is the holder of a Teacher of Health Education certificate, a Teacher of Reading certificate, a Reading Specialist certificate, and a Principal certificate. Priscilla Dawson is the holder of a Principal Certificate of Eligibility, a Principal certificate, a School Administrator Certificate of Eligibility, and a Provisional School Administrator certificate. Melvin Cummings is the holder of a Teacher of Elementary School certificate, a Supervisor certificate, a Principal Certificate of Eligibility, a School Administrator Certificate of Eligibility, and a Principal certificate.

After reviewing the above information, at its June 11, 2007 meeting, the Board voted to issue Orders to Show Cause (OSC) to Cummings, Azzaro, and Dawson, separately, as to why their certificates should not be revoked or suspended.

The Board sent Cummings, Azzaro, and Dawson the OSCs by regular and certified mail. The OSCs provided that Cummings, Azzaro, and Dawson, separately, must file an Answer within 30 days.

Cummings, Azzaro, and Dawson filed Answers and since there were material facts in dispute, on August 1, 2007 and August 13, 2007 the cases were transmitted the matters to the Office of Administrative Law (OAL) for hearing as contested cases. The matters were consolidated at the OAL. On September 12, 2019, Administrative Law Judge (ALJ) Edward J. Delanoy issued an Initial Decision in the case. *In the Matter of the Certificates of Melvin Cummings, Maria Azzaro, and Priscilla Dawson (Consolidated)*, Dkt. No. EDE 6297-07, EDE 6464-07, and EDE 6463-07 (Initial Decision, September 12, 2019).

After reviewing the record and rendering credibility assessments of witnesses, ALJ Delanoy found that “Cummings’ conduct was inappropriate and irresponsible. By his actions and poor judgment, Cummings breached his obligations as an administrator/principal/counselor and failed to exhibit the exemplary behavior that is mandated by his important position.” (Initial Decision, slip op. at 78.) He also found that the “mitigating evidence is greatly outweighed by the gravity of Cummings’ failures.” *Id.* at p. 79. ALJ Delanoy concluded that a 180-day suspension of Cummings’ certificates is appropriate. *Id.*

ALJ Delanoy also found that no proof was presented to demonstrate Dawson improperly accessed the computer systems for any reasons. The allegations in the OSC were not proven. The transcripts were unreliable and contained inaccurate information and mistakes. *Id.* at p. 72. Accordingly, ALJ Delanoy found that the Board failed to prove that Dawson committed conduct unbecoming. As such no action on her certificates is warranted.

ALJ Delanoy also found that the Board did not prove that Azzaro had the authority to alter student records. Accordingly, the claim is not supported by evidence and cannot demonstrate that Azzaro attempted to cover up problems at Sherman. He therefore concluded that no action should be taken on Azzaro’s certificates.

Exceptions were filed by the Deputy Attorney General assigned to the case. Reply exceptions were filed by counsel for Azzaro and Dawson. Cummings did not file Reply Exceptions. All exceptions and reply exceptions were reviewed by the Board.

The Board must now determine whether to adopt, modify, or reject the Initial Decision in this matter. At its meeting of January 23, 2020, the Board reviewed the Initial Decision and Exceptions. After

full and fair consideration of the Decision and submissions, the Board voted to adopt the Initial Decision. There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings.

The ultimate issue in this matter is the nature and degree of knowledge as to the alteration of student records at Sherman. As noted above, ALJ Delanoy found that there was no proof presented that either Azzaro or Dawson had access to, or actually altered, student records, nor was there evidence that such action was covered up. ALJ Delanoy did, however, find that Cummings exhibited poor judgment by “giving up on any attempts to remedy problems that his students or teachers faced, and he was so uninvolved with Sherman that he did not realize the number and seriousness of the problems at Sherman.” *Id.* at p. 78. Thus, because the evidentiary review is germane to the ALJ’s determination, the Board, therefore, agrees with his conclusion that the Order to Show Cause must be dismissed and no action taken against Azzaro and Dawson; Cummings should receive a 180 day suspension of his educator certificates.

Accordingly, on January 23, 2020, the Board voted to adopt the Initial Decision and ordered the dismissal of the Orders to Show Cause issued to Azzaro and Dawson. On this 28<sup>th</sup> day of February 2020, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that the Orders to Show Cause issued to Maria Azzaro and Priscilla Dawson are hereby dismissed, effective immediately. It is also ORDERED that Cummings’ Teacher of Elementary School certificate, Supervisor certificate, Principal Certificate of Eligibility, School Administrator Certificate of Eligibility, and Principal certificate be suspended for a period of 180 days, effective immediately.

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Rani Singh, Secretary  
State Board of Examiners

RS/KAG/th

**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.