

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ROLANDO LAGUNA : ORDER OF REVOCATION
_____ : DOCKET NO: 1415-262

At its meeting of July 30, 2015, the State Board of Examiners (Board) reviewed information received from the Office of Fiscal Accountability and Compliance (OFAC) regarding Rolando Laguna, a teacher in the Linden School District. OFAC forwarded its July 2015 report titled “Linden Public School District, Linden High School, Alleged HSPA Breach.” OFAC had been asked to investigate Linden High School (LHS) by the Office of Assessments due to a report from the district that a teacher had breached test security during the 2013 High School Proficiency Assessment (HSPA). Laguna was a proctor during that testing year.

In the report, which is incorporated herein by reference, OFAC concluded that Laguna breached test security interfering with and influencing students’ responses by divulging the contents of the secure materials to students. According to OFAC, on the afternoon of the day the MATH portion of the HSPA was administered, Laguna reviewed test items after the assessment and went over test items on the blackboard in his classroom. One student took cell phone photos of two of the problems Laguna reviewed. Laguna admitted to school administrators that he reviewed test questions with his students. He stated that students asked him questions and he showed them how to solve the problems. When the school principal, Antoinette Modrak, interviewed students in Laguna’s two math classes, six of 13 interviewed in his first class stated that Laguna reviewed and explained how to solve the problems from the HSPA test. The students stated that Laguna initiated the conversation. Of the eight students in Laguna’s other class, three mentioned that Laguna discussed the HSPA mathematics problems.

When school administrators discovered Laguna's breach, they relieved him from his duty as a proctor and told him to report to the Science Resource Center while they further investigated the incident. According to witnesses, Laguna did not report directly to the Science Resource Center, but instead, entered another teacher's classroom during the HSPA administration. Laguna approached a student and whispered in the student's ear before leaving the classroom. The student later stated that Laguna told him to stay out of trouble because Laguna was leaving.

In another incident that occurred during the 2013 HSPA testing period, Laguna approached a student he had tutored when he saw her in the hallway. He asked her how the MATH portion of the test went. When she told him that there were some questions on material she did not learn, he told her to go into the stairwell. While in the stairwell, Laguna handed the student an "answer sheet." When the student told Laguna that was cheating, he told her not to worry about it, that "his kids did it." According to the student, Laguna told her to go back to the MATH portion of the test and change her answers. After the second day of testing the student went back to Laguna because she did not feel comfortable and tried to return the paper to him, telling him, "I don't want to do it." Laguna told the student to go back again. After the third day of testing, the student told her parents what had happened and they brought the student to Modrak, who held on to the paper. The paper contained the numbers 13 through 32 with a letter, A-D next to each number. OFAC investigators obtained a video recording from the incident. On the video, Laguna is seen approaching the student in the hallway and then guiding her by the shoulder through a door into the stairwell. Once in the stairwell, Laguna is seen handing the student a piece of paper, talking to the student and pointing to the paper.

Due to Laguna's actions, the district had to administer a MATH make-up exam using an Alternate Test Form.

Laguna currently holds a Teacher of Mathematics Certificate of Eligibility, a Teacher of Mathematics certificate and a Teacher of Bilingual/Bicultural Education Certificate of Eligibility. Upon review of the above information, the Board voted at its meeting of September 17, 2015 to issue Laguna an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Laguna the Order to Show Cause by regular and certified mail on September 21, 2015. The Order provided that Laguna must file an Answer within 30 days. Laguna filed an Answer on October 2, 2015.

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On July 13, 2017, the Administrative Law Judge assigned to the case returned it to the Board after Laguna failed to appear for a scheduled hearing. Pursuant to *N.J.A.C.* 1:1-3.3, the ALJ had provided Laguna with 13 days to submit an explanation for his nonappearance. Laguna did not submit an explanation or otherwise respond to that notice. At its meeting of September 15, 2017, the Board voted not to retransmit the matter to OAL and provided Laguna an additional 15 days to respond before his Answer would be stricken from the record and the allegations in the Order to Show Cause would be deemed admitted. Laguna never responded to the notice. After securing a new address for Laguna, the Board re-sent the notice by regular and certified mail on January 4, 2018. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Laguna did not respond.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on February 20, 2018, the Board sent Laguna a hearing notice by regular and certified mail. Laguna 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 found just cause to take action against his certificates. Laguna was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified mail nor regular mail copies were returned. Once again, Laguna did not respond.

The threshold issue before the Board in this matter is whether Laguna's conduct constitutes conduct unbecoming a certificate holder. Since Laguna did not appear at his hearing, and his Answer was subsequently stricken from the record, at its meeting of May 24, 2018, the Board considered only the allegations in the Order to Show Cause. Moreover, since Laguna is deemed to have failed to file an Answer, the allegations contained in the Order to Show Cause are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Thus, since no material facts related to Laguna's offense were in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.6(h).

The Board must now determine whether Laguna's conduct, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9B-4.4. 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:9B-4.4. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." *Tenure of Sammons*, 1972 *S.L.D.* 302, 321. In this matter, Laguna engaged in conduct that evidences his failure as a role model by breaching test security on a State standardized test. Not only did he

interfere with student responses by reviewing test problems with students, he also provided a student with an “answer sheet” during the testing period and encouraged her to go back and change her answers. Laguna’s actions forced the district to administer a make-up exam. The Board therefore concludes that the only appropriate response to Laguna’s breach is the revocation of his certificates.

Accordingly, on May 24, 2018, the Board voted to revoke Rolando Laguna’s Teacher of Mathematics and Teacher of Bilingual/Bicultural Education Certificates of Eligibility and his Teacher of Mathematics certificate. On this 18th day of June 2018 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Laguna’s certificates be effective immediately. It is further ORDERED that Laguna return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

RRH/MZ/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.