

New Jersey Commissioner of Education
Final Decision

Debra Kwapniewski,

Complainant,

v.

Ryan Curioni, Lodi Board of Education,
Bergen County,

Respondent.

Synopsis

The School Ethics Commission (SEC) found that respondent Ryan Curioni, a member of the Board of Education of the Borough of Lodi, violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) of the School Ethics Act (Act) for posting content on his blog that attacked the complainant, a tenured teacher in the Lodi Public Schools. Respondent was found to have made deliberate, unnecessary and repeated attacks via social media on the complainant, her qualifications, her salary and her general employment in the school district, violating multiple provisions of the Act. Accordingly, the SEC recommended a penalty of suspension for a period of six months. The Commission's decision was forwarded pursuant to *N.J.S.A.* 18A:12-29 for the Commissioner's final determination on the recommended penalty.

Upon review, the Commissioner concurred with the penalty recommended by the SEC, finding that the severity, willfulness and frequency of respondent's inappropriate conduct warrant a suspension of six months. Accordingly, the respondent was suspended for six months as a school official found to have violated the School Ethics Act.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

January 23, 2020

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v.

Ryan Curioni, Board of Education
of the Borough of Lodi, Bergen County,

Respondent.

The record of this matter and the decision of the School Ethics Commission have been reviewed. The Commission found that respondent violated *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(e), *N.J.S.A.* 18A:12-24.1(g), and *N.J.S.A.* 18A:12-24.1(i) of the School Ethics Act for posting content attacking complainant on his blog, and recommended a six-month suspension. The Commission's decision was forwarded pursuant to *N.J.S.A.* 18A:12-29 for the Commissioner's final determination on the recommended penalty.¹

Respondent filed exceptions to the penalty, arguing that the ALJ accepted false and hearsay testimony from complainant and failed to acknowledge evidence submitted by respondent. Respondent contends that the content he posted was on his personal blog and it is protected by his right to free speech. The exceptions do not include any argument specifically seeking a reduction or elimination of the penalty.

¹ Respondent did not appeal the underlying finding of violations to the Commissioner pursuant to *N.J.A.C.* 6A:4.

Upon review, the Commissioner concurs with the penalty recommended by the Commission. The arguments advanced by respondent in his exceptions, which might be appropriate as part of an appeal of the underlying finding of violations of the School Ethics Act, are not persuasive in the context of the Commissioner's final determination on the recommended penalty. The Commissioner agrees with the Commission that the severity, willfulness, and frequency of respondent's inappropriate conduct warrant a suspension of six months.

Accordingly, respondent shall be suspended for six months as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: January 23, 2020
Date of Mailing: January 24, 2020

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*.