463-25
SEC Dkt. No. T03-25
Agency Dkt. No. 8-7/25A

New Jersey Commissioner of Education

Final Decision

In the Matter of Douglas Cusato,
Westwood Regional Board of Education, Bergen County

This matter involves an appeal of a School Ethics Commission (Commission) decision determining that appellant Douglas Cusato (appellant), while a member of the Westwood Regional Board of Education (Board), violated N.J.S.A. 18A:12-33 of the School Ethics Act (Act) by failing to comply with the training mandate.

In November 2023, appellant was elected to the Board for a term of office beginning January 5, 2023, and ending December 31, 2025. Board members are required to complete training on school district governance in both the second and third years of their term. N.J.S.A. 18A:12-33(a); N.J.A.C. 6A:28-4.1(b). The record reflects that appellant was required to complete the Governance 2 training by December 31, 2024. Appellant does not dispute that he failed to complete the training by the initial deadline. Moreover, he does not dispute that he failed to complete it prior to the Commission's final deadline of May 13, 2025, or at any point thereafter.

In adjudicating appeals from decisions of the Commission, the Commissioner must "ascertain whether the decision is supported by sufficient credible evidence in the record and shall not disturb the decision unless the appellant has demonstrated that [the Commission] acted in a manner that was arbitrary, capricious, or contrary to law." N.J.A.C. 6A:4-4.1(a). Upon a comprehensive review of the record, the Commissioner finds that the Commission's decision is supported by sufficient credible

evidence, and that appellant has not established that the Commission acted in a manner that was arbitrary, capricious, or contrary to law.

The record overwhelmingly supports the Commission's decision. Appellant asserts that his appeal "is simple" in that he "didn't take the training because the training is a philosophical concept (not sole truth as positioned)." He also claims that the training "goes against sincerely held moral and religious beliefs" that he maintains "as a Catholic" and "a higher achieving individual." He essentially takes the position that he should be exempt from the mandated training requirement for personal reasons. However, N.J.S.A. 18A:12-33 does not provide for such an exemption, and none of his assertions establish that the Commission acted in a manner that was arbitrary, capricious, or contrary to law.

The Commissioner also concurs with the Commission regarding the sanction imposed. Pursuant to N.J.A.C. 6A:28-4.3(d), "unless good cause is shown, the Commission shall recommend that a board member or trustee who fails to complete training after the Commission issues its decision, and after the Commissioner issues a final decision, be removed from the board member's or trustee's position." The record reflects that appellant received multiple targeted email messages reminding him about the training requirement. He had ample opportunity to complete the training but has persistently refused to do so for personal reasons.

Accordingly, appellant is hereby removed as a school board member found to have violated N.J.S.A. 18A:12-33 of the School Ethics Act.

IT IS SO ORDERED.[1]

COMMISSIONER OF EDUCATION

Date of Decision: September 26, 2025
Date of Mailing: September 29, 2025

[1] This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.

Before the School Ethics Commission
Docket No.: T03-25
Decision for Failure to Complete Mandatory Training Requirement in a Timely Manner

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***I/M/O Douglas Cusato*,**
Westwood Regional Board of Education, Bergen County

I. Procedural History

This matter arises from an Order to Show Cause (OTSC) that was issued by the School Ethics Commission (Commission) in connection with the above-captioned matter at its meeting on May 20, 2025, directing Douglas Cusato (Respondent), a "board member" as defined in *N.J.S.A.* 18A:12-23 of the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.*, to show cause as to why the Commission should not find Respondent in violation of the Act, for failing to complete training as required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1.

In the OTSC that was served on May 20, 2025, the Commission notified Respondent that he had twenty (20) days to respond to the OTSC. Respondent was further advised that failure to respond would be deemed an admission of the facts set forth in the OTSC, and the Commission may take action on a summary basis, in accordance with *N.J.A.C.* 6A:28-1.6(c).

II. Analysis

The Act was enacted by the New Jersey State Legislature to ensure and preserve public confidence in members of local boards of education and local school administrators. *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1 require every board member to complete a training program prepared and offered by the New Jersey School Boards Association (NJSBA).

Respondent is a member of the Westwood Regional Board of Education, located in Bergen County. As a result of his position as a board of education member, and in accordance with *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1, Respondent is required to complete a mandated training program on an annual basis. For convenience and ease, the training is offered online so any board member may complete it at any time, from anywhere. According to NJSBA, Respondent was required to complete the Governance 2 training program by December 31, 2024.

On or about March 17, 2025, the NJSBA provided the Commission with the names of those board of education members who failed to complete mandated training by December 31, 2024, and the list provided included Respondent. Prior to that time, multiple communications about mandated training were sent to Respondent from the NJSBA through a variety of means, including targeted e-mail messages on November 6, 2024, January 6, 2025, February 24, 2025, March 17, 2025, and May 12, 2025, as well as postings in *School Board Notes* on 25 occasions. Notwithstanding all of these communications, Respondent did not complete mandated training.

As a final warning, the Commission's staff sent e-mails to Respondent dated April 11, 2025, and April 25, 2025, advising Respondent that the Commission required completion of the training by May 13,

2025, to avoid the issuance of an OTSC for non-compliance. Again, notwithstanding this correspondence, Respondent did not complete the required training. As a result, an OTSC was issued by the Commission at its meeting on May 20, 2025.

To date, there is no dispute that Respondent did not complete his required training by December 31, 2024, and did not complete the training prior to the Commission's final deadline of May 13, 2025, and therefore, the Commission issued an OTSC at its meeting on May 20, 2025. After having been served with the OTSC, Respondent responded to the Commission's OTSC as to why he did not complete training by December 31, 2024. More specifically, Respondent stated, among other things, "I refuse to expose my well tuned focused mind and conscious to the bull crap training that I know to be miserably flawed." Moreover, Respondent also failed to complete training as required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1.

III. Decision/Penalty Recommendation

N.J.A.C. 6A:28-4.2(d) provides that school board members and charter school trustees who fail to comply with their training mandate shall be considered in violation of *N.J.S.A.* 18A:12-33. Based on the record as set forth above, at its meeting on June 17, 2025, the Commission found that Respondent violated *N.J.S.A.* 18A:12-33. Respondent received repeated notifications of his training requirement, and had ample opportunity to complete the mandated training in a timely fashion; nonetheless, Respondent failed to complete training as required.

Where a violation of the Act is found by the Commission, it may recommend to the Commissioner of Education that a penalty be imposed. The recommended penalty can include a reprimand, censure, suspension or removal of the school official. *N.J.A.C.* 6A:28-9.11. Specifically, unless good cause is shown or the school official previously has been the subject of an OTSC, "the Commission shall recommend that a board member or trustee who completes training after the Commission issues its decision, but before the Commissioner issues a final decision, receives a suspension for 30 days." *N.J.A.C.* 6A:28-4.3(c). However, "the Commission will recommend this penalty only if the board member or the trustee provides to the [NJSBA] and the Commission written notice before the Commissioner issues a final decision." *Ibid.* If the board member or trustee fails to complete training as of the date the Commissioner issues its final decision, the Commission will recommend removal of the board member or trustee from his or her position. *N.J.A.C.* 6A:28-4.3(d).

For the reasons set forth above, the Commission recommends that the Commissioner of Education impose a penalty of **removal**, with such removal to become effective immediately upon issuance of the Commissioner of Education's decision.

Pursuant to *N.J.S.A.* 18A:12-29(c), this decision shall be forwarded to the Commissioner of Education for review of the Commission's recommended penalty. Respondent may either: 1) file exceptions to the recommended sanction; 2) file an appeal of the Commission's finding of a violation; or 3) file both exceptions to the recommended sanction together with an appeal of the finding of a violation.

Parties taking exception to the recommended sanction of the Commission but *not disputing* the Commission's finding of a violation may file, within **thirteen (13) days** from the date the Commission's decision is forwarded to the Commissioner, written exceptions regarding the recommended penalty to the Commissioner. The forwarding date shall be the mailing date to the parties, as indicated below. Such exceptions must be forwarded to: Commissioner of Education, c/o Bureau of Controversies and Disputes, P.O. Box 500, Trenton, New Jersey 08625, marked "Attention: Comments on Ethics Commission

Sanction." as well as to (ControversiesDisputesFilings@doe.nj.gov). A copy must also be sent to the Commission (school.ethics@doe.nj.gov) and all other parties.

Parties seeking to appeal the Commission's finding of violation *must* file an appeal pursuant to the standards set forth at *N.J.A.C.* 6A:4:1 *et seq.* within **thirty (30) days** of the filing date of the decision from which the appeal is taken. The filing date shall be three (3) days after the date of mailing to the parties, as shown below. In such cases, the Commissioner's review of the Commission's recommended sanction will be deferred and incorporated into the Commissioner's review of the finding of violation on appeal. Where a notice of appeal has been filed on or before the due date for exceptions to the Commission's recommended sanction (thirteen (13) days from the date the decision is mailed by the Commission), exceptions need not be filed by that date, but may be incorporated into the appellant's briefs on appeal.

Robert W. Bender, Chairperson

Mailing Date: June 17, 2025

Resolution Adopting Decision for Failure to Complete Mandatory Training Requirement in a Timely Manner
Docket No.: T03-25

Whereas, Douglas Cusato (Respondent) is a "board member" as defined in *N.J.S.A.* 18A:12-23 of the School Ethics Act (Act); and

Whereas, as a board member, Respondent is required to complete a training program prepared and offered by the New Jersey School Boards Association (NJSBA) on an annual basis; and

Whereas, Respondent failed to complete his training program by December 31, 2024; and

Whereas, at its meeting on May 20, 2025, the School Ethics Commission (Commission) issued an Order to Show Cause (OTSC) directing Respondent to show cause as to why he failed to complete his mandatory training by December 31, 2024, as required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1; and

Whereas, after having been served with the OTSC, Respondent submitted a response to the Commission's OTSC as to why he did not complete training by December 31, 2024, and also refused to complete training as required by *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1; and

Whereas, at its meeting on June 17, 2025, the Commission found that Respondent violated *N.J.S.A.* 18A:12-33 and *N.J.A.C.* 6A:28-4.1 by failing to complete the training requirement he was obligated to complete; and

Whereas, at its meeting on June 17, 2025, the Commission recommended that the Commissioner of Education impose a penalty of removal, with such removal to become effective immediately upon issuance of a final decision by the Commissioner of Education.

Whereas, at its meeting on June 17, 2025, the Commission agreed that the within decision accurately memorializes its findings and recommendations; and

Now Therefore Be It Resolved, that the Commission hereby adopts the within decision and directs its staff to notify all parties to this action of the decision.

Robert W. Bender
Robert W. Bender, Chairperson

I certify that the within Resolution was duly adopted
by the School Ethics Commission at its public meeting
on June 17, 2025.

Dana Jones
School Ethics Commission