

181-24R  
Agency Dkt. No. 1-1/24A  
SEC Dkt. No. T17-23

## **New Jersey Commissioner of Education**

### **Final Decision**

In the Matter of Christopher Defilippis,  
Ringwood Board of Education,  
Passaic County.

This matter involves an appeal of the School Ethics Commission's (SEC) December 19, 2023 determination that appellant, Christopher Defilippis – a member of the Ringwood Board of Education (Board) – violated the School Ethics Act (Act) for failure to timely complete board member training in accordance with *N.J.S.A. 18A:12-33* and *N.J.A.C. 6A:28-4.1*. The SEC notified appellant that if he did not complete the training by November 17, 2023, an Order to Show Cause (OTSC) would be issued. The SEC found that appellant completed the training after November 17, 2023 but prior to its December 19, 2023 decision. The SEC recommended a penalty of censure for the violation. Appellant appealed the SEC's determination, challenging both the finding of a violation and the recommended penalty.

In his appeal to the Commissioner, appellant argues that he completed his training before the November 17, 2024 deadline set by the SEC, but that fact was not properly recorded in the system of the New Jersey School Boards Association (NJSBA) due to technical difficulties. Respondent further states that he attempted to rectify the error with the NJSBA and provides multiple emails documenting those attempts. Respondent contends that the NJSBA reported inaccurate information to the SEC, stating that respondent completed the training on November 21, 2023 – after the deadline – rather than on or before November 16, 2023 – before

the deadline. A screenshot submitted by respondent shows a submission date of November 16, 2023.

In opposition, the SEC argues that its decision was not arbitrary, capricious, or unreasonable. The SEC notes that although it indicated to appellant that it would issue an OTSC if he did not complete the training by November 17, 2023, the statutory deadline for completion was December 31, 2022. The SEC contends that it is undisputed that appellant did not complete the required training by December 31, 2022. The SEC also argues that appellant's alleged technical difficulties do not provide an excuse when he only attempted to address those issues on November 16, 2024, despite having been warned of the impending OTSC on October 24, 2023. The SEC also disputes appellant's claim that his email exchanges with the NJSBA confirmed that he had completed the training as of November 16, 2023.

Upon a comprehensive review of the record, the Commissioner is constrained to remand this matter to the SEC. Pursuant to *N.J.A.C. 6A:4-2.5(a)(i)*, the SEC must certify the record and provide a copy to the Commissioner. None of the documents provided by appellant in support of his argument that he completed training prior to November 17, 2023, were a part of the record of the proceedings before the SEC. Appellant was aware that the SEC had issued an OTSC, but nonetheless failed to provide the SEC with the screenshot allegedly showing his completion of the training on November 16, 2023, so that it could be fully and fairly considered by the SEC when issuing its decision. The Commissioner cannot conclude that the SEC's decision was arbitrary, capricious, or unreasonable when it relied on all of the information that it possessed at the time.

However, pursuant to *N.J.A.C. 6A:4-2.5(c)*, if it appears that evidence unadduced in the proceedings before the SEC may be material to the issues on appeal, the Commissioner may

order, in his own discretion, that the SEC make additional findings of fact. Here, the screenshot allegedly showing that appellant completed the training on November 16, 2023 may be material. Accordingly, the Commissioner remands this matter to the SEC for further consideration, consistent with this opinion. In doing so, the Commissioner does not make any findings or reach any conclusions regarding the accuracy of the screenshot presented by appellant or the effect it may have on the SEC's decision on remand.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to be 'L. A.', is centered on the page.

ACTING COMMISSIONER OF EDUCATION

Date of Decision: May 6, 2024

Date of Mailing: May 8, 2024

***Before the School Ethics Commission***  
***Docket No.: T17-23***  
***Decision for Failure to Complete Mandatory Training***  
***Requirement in a Timely Manner***

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***I/M/O Christopher Defilippis,***  
**Ringwood Board of Education, Passaic County**

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**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 November 28, 2023, directing Christopher Defilippis (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 November 28, 2023, 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 Ringwood Board of Education, located in Passaic 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 II<sup>1</sup> training program by December 31, 2022.

On or about September 19, 2023, the NJSBA provided the Commission with the names of those board of education members who failed to complete mandated training by December 31, 2022, 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 March 17, 2023, and May 8, 2023, as well as postings in *School Board*

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<sup>1</sup> While NJSBA initially indicated that Respondent did not complete his Governance IV, it was clarified after the issuance of the Order to Show Cause that Respondent was required to complete Governance II by December 31, 2022.

*Notes* on 12 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 October 24, 2023, and November 15, 2023, advising Respondent that the Commission required completion of the training by November 17, 2023, 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 November 28, 2023.

To date, there is no dispute that Respondent did not complete his required training by December 31, 2022, and did not complete the training prior to the Commission's final deadline of November 17, 2023, and therefore, the Commission issued an OTSC at its meeting on November 28, 2023. After having been served with the OTSC, Respondent notified the Commission on November 29, 2023, that he completed his training requirement on November 21, 2023. Further, Respondent did not respond to the Commission's OTSC as to why he did not complete training by December 31, 2022, 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 December 19, 2023, 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 issuance of an Order to Show Cause, but before the Commission issues its decision, receives a censure." *N.J.A.C.* 6A:28-4.3(b). For the reasons set forth above, the Commission recommends that the Commissioner of Education impose a penalty of **censure**.

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](mailto:ControversiesDisputesFilings@doe.nj.gov)). A copy must also be sent to the Commission ([school.ethics@doe.nj.gov](mailto: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.

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Robert W. Bender, Chairperson

Mailing Date: December 19, 2023

***Resolution Adopting Decision for Failure to Complete Mandatory  
Training Requirement in a Timely Manner  
Docket No.: T17-23***

*Whereas*, Christopher Defilippis (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, 2022; and

*Whereas*, at its meeting on November 28, 2023, 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, 2022, 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 completed his training requirement, but did not respond to the Commission’s OTSC as to why he did not complete training by December 31, 2022; and

*Whereas*, at its meeting on December 19, 2023, 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 December 19, 2023, the Commission recommended that the Commissioner of Education impose a penalty of censure on Respondent; and

*Whereas*, at its meeting on December 19, 2023, 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.

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Robert W. Bender, Chairperson

I certify that the within Resolution was duly adopted by the School Ethics Commission at its public meeting on December 19, 2023.

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Brigid C. Martens, Director  
School Ethics Commission