

## New Jersey Commissioner of Education

### Final Decision

In the Matter of Nidia Guerrero, East Newark  
Board of Education, Hudson County

The record of this matter and the October 28, 2025 decision of the School Ethics Commission (SEC) have been reviewed. The SEC found that respondent Nidia Guerrero – a member of the East Newark Board of Education (Board) – violated the School Ethics Act (Act) for failure to timely file complete Disclosure Statements as required by *N.J.S.A. 18A:12-25*, *N.J.S.A. 18A:12-26*, and *N.J.A.C. 6A:28-3.1*. The SEC recommended a penalty of removal for the violation. Alternatively, if respondent filed complete Disclosure Statements before the issuance of the Commissioner’s final decision, the SEC recommended a sanction of a 60-day suspension. The SEC notified the Commissioner on November 3, 2025 that respondent’s Disclosure Statements had been approved. Respondent does not appeal the SEC’s underlying finding of violation pursuant to *N.J.A.C. 6A:4-1 et seq.*, but she has filed exceptions to the recommended penalty.<sup>1</sup>

In her exceptions, respondent argues that a 60-day suspension is an unduly harsh penalty and that the SEC placed disproportionate weight on a prior 30-day suspension related to her board member training requirement, which is unrelated to the current matter. Respondent points to other cases where board members were only suspended for 30 days for violations related to Disclosure Statements. Respondent contends that her short tenure as a new board

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<sup>1</sup> Respondent initially submitted a Notice of Appeal regarding the SEC’s finding of violation, but she later indicated that she was only filing exceptions to the recommended penalty and not pursuing an appeal of the SEC’s determination.

member is a mitigating factor that warrants the imposition of a lesser penalty, characterizing her actions as those of someone still learning the administrative requirements imposed on board members rather than someone engaging in unethical conduct causing serious harm to the public. Respondent notes that she acted promptly to cure the issues with her Disclosure Statements each time she was notified of them.

Upon review, the Commissioner concurs with the penalty recommended by the SEC for respondent's failure to timely honor an obligation placed upon school officials by law. The record reflects that the SEC sent multiple communications to both the Board Secretary and to respondent between July and September 2025, advising that that respondent's filing had been rejected as deficient and that the SEC could issue an Order to Show Cause (OTSC); contrary to respondent's argument that she acted promptly when she received notices of the deficiencies, respondent did not cure the deficiencies or respond to the SEC's communications. The SEC issued its OTSC on September 23, 2025; respondent did not respond to the OTSC or correct the Disclosure Statements. Respondent provides no explanation for her failure to respond to any of these notices. Although a short tenure as a board member may have been a mitigating factor in matters involving other types of misconduct, it is not an excuse for failing to comply with these straightforward requirements, particularly when respondent was repeatedly reminded of her obligations by the SEC.

Furthermore, *N.J.A.C. 6A:28-3.3(c)* provides for an increased penalty when a board member has previously been the subject of an OTSC. There is nothing in that provision limiting it to situations in which the previous OTSC was for the same conduct currently being reviewed, and the Commissioner finds that the prior OTSC for failure to complete board member training

is precisely the type of previous OTSC that *N.J.A.C. 6A:28-3.3* refers to. Respondent's argument that other board members have only been subject to 30-day penalties for Disclosure Statement violations is unavailing, as those board members had not previously been the subject of an OTSC, as respondent was. Nor is it relevant that both OTSCs issued against respondent arose out of failures to comply with the same April 30 deadline, which applies to both the training requirement and the Disclosure Statements. The training and disclosure obligations placed on board members are two separate requirements, and failing to complete both in a timely manner constitutes two separate violations of the Act.

Accordingly, respondent is hereby suspended from the Board for 60 days as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.<sup>2</sup>

  
COMMISSIONER OF EDUCATION

Date of Decision: April 7, 2026

Date of Mailing: April 7, 2026

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<sup>2</sup> 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.: D01-25***  
***Decision for Failure to File Complete Personal/Relative and***  
***Financial Disclosure Statements***

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***I/M/O Nidia Guerrero,***  
**East Newark Board of Education, Hudson 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) at its meeting on September 23, 2025, directing Respondent,<sup>1</sup> a “school official” 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 her in violation of the Act for failing to file complete Personal/Relative and Financial Disclosure Statements (Disclosure Statements) as required by *N.J.S.A.* 18A:12-25, *N.J.S.A.* 18A:12-26, and *N.J.A.C.* 6A:28-3.1.

In the OTSC that was served on September 23, 2025, the Commission notified Respondent that she 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. By virtue of *N.J.S.A.* 18A:12-23.1, the breadth of the Act was expanded to include charter school trustees and administrators.

Pursuant to *N.J.S.A.* 18A:12-25, *N.J.S.A.* 18A:12-26, and *N.J.A.C.* 6A:28-3.1(a), all school officials must file, on forms prescribed by the Commission, Disclosure Statements with their local board secretaries or charter school designees, and must do so on or before April 30th of each year. In addition, all newly elected board members or board members appointed to fill vacancies, newly appointed members of a board of trustees of a charter school, and administrators appointed to fill a vacancy must file their Disclosure Statements within thirty (30) days of appointment or taking office. *N.J.A.C.* 6A:28-3.1(c), *N.J.A.C.* 6A:28-3.1(d), *N.J.A.C.* 6A:28-3.1(e), and *N.J.A.C.* 6A:28-3.1(f).

When it is determined that a school official’s otherwise timely filed Disclosure Statements are incorrect or incomplete, the filing shall be returned to the school official, and she shall have twenty (20) days from receipt of the returned filing to correct and/or complete the Disclosure Statements, and to resubmit them to the local board secretary or charter school designee. *N.J.A.C.* 6A:28-3.4(a), *N.J.A.C.* 6A:28-3.4(b). At the expiration of twenty (20) days, or upon receipt of a filing which continues to fail to provide the information required by *N.J.S.A.* 18A:12-25 and/or *N.J.S.A.* 18A:12-26, the Commission shall issue an Order to Show Cause, directing the school official to show cause as to why the Commission should not impose a sanction. *N.J.A.C.* 6A:28-3.4(c). If the school official fails to submit a response within twenty (20) days, or if school official fails to properly file, “the Commission may regard the school official’s incomplete filing as a failure to

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<sup>1</sup> On June 17, 2025, Respondent was issued a 30-day Suspension for failing to complete mandatory training (T15-25). On August 8, 2025, the Commissioner of Education issued a decision that concurred, and therefore, Respondent was subsequently suspended for 30 days.

file, and the Commission shall proceed in accordance with *N.J.A.C. 6A:28-3.3*.” *N.J.A.C. 6A:28-3.4(d)*. As set forth in *N.J.A.C. 6A:28-3.3(a)*, failure to timely file the required Disclosure Statements “shall constitute a violation of the Act, and may result in the reprimand, censure, suspension, or removal of a school official.”

With the above in mind, Respondent is a returning school official and, therefore, was required to file complete Disclosure Statements by April 30, 2025. Although Respondent filed Disclosure Statements on May 8, 2025, after the required deadline, her filing was rejected. Even though Respondent received reminders as further detailed below, Respondent failed to file complete Disclosure Statements.

More specifically, throughout the months of July through September, the Commission’s staff sent repeated messages to the Board Secretary advising that Respondent had not yet filed Disclosure Statements. The electronic correspondence to the Board Secretary further advised that if Respondent failed to file Disclosure Statements, the Commission had the authority to issue an OTSC, find Respondent in violation of the Act, and recommend a penalty up to and including removal for non-compliance.

In addition, by electronic correspondence dated August 14, 2025, and September 9, 2025, Respondent was reminded that she did not file complete Disclosure Statements. Respondent was further advised that continued failure to file complete Disclosure Statements would result in the Commission issuing an OTSC, and recommending a penalty, up to and including removal.

When Respondent failed to file complete Disclosure Statements as required by *N.J.S.A. 18A:12-25*, *N.J.S.A. 18A:12-26*, and *N.J.A.C. 6A:28-3.1*, an OTSC was issued by the Commission at its meeting on September 23, 2025. After having been served with the OTSC, Respondent still failed to file complete Disclosure Statements, or to otherwise respond to the OTSC.

### III. Decision/Penalty Recommendation

Based on the record as set forth above, and at its meeting on October 28, 2025, the Commission found that Respondent violated *N.J.S.A. 18A:12-25*, *N.J.S.A. 18A:12-26*, and *N.J.A.C. 6A:28-3.1* because she did not file complete Disclosure Statements. In addition, in June 2025, Respondent was issued a 30-day suspension for failing to complete her required training.

Where a violation of the Act is found by the Commission, it may recommend to the Commissioner of Education that a penalty be imposed on the school official. The recommended penalty can include a reprimand, censure, suspension or removal of the school official. *N.J.A.C. 6A:28-3.3(a)*; *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 school official who completes and files the disclosure statements after the Commission issues a decision, but before the Commissioner issues a final decision, receives a suspension for 30 days.” *N.J.A.C. 6A:28-3.3(d)*. However, “the Commission will only recommend this penalty if the school official notifies the Commission, in writing, that the school official successfully completed and filed the disclosure statements before the Commissioner issues a final decision.” *N.J.A.C. 6A:28-3.3(d)*. If the school official has not filed the disclosure statements as of the date the Commissioner issues its final decision, the Commission will recommend removal of the school official from his or her position. *N.J.A.C. 6A:28-3.3(e)*.


For the reasons set forth above, and given that Respondent was previously the subject of an OTSC and a 30-day suspension was imposed, the Commission recommends that the Commissioner of Education impose a penalty of **removal**, with such removal to become effective immediately upon adoption by the Commissioner of Education. However, if Respondent files Disclosure Statements before the Commissioner of Education adopts a final decision, then the Commission recommends that the Commissioner of Education, in lieu of removal, impose a **sixty (60) day suspension**, with such suspension to become effective immediately

upon adoption by the Commissioner of Education, provided the school official provides written notice that the disclosure statement has been completed and filed.

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 penalty 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 brief on appeal.



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Robert W. Bender, Chairperson

Mailing Date: October 28, 2025

**Resolution Adopting Decision for Failure to File Complete Personal/Relative and  
Financial Disclosure Statements  
Docket No.: D01-25**

**Whereas**, Respondent is a “school official,” as defined in *N.J.S.A.* 18A:12-23 of the School Ethics Act (Act); and

**Whereas**, as a school official, Respondent was required to file Personal/Relative and Financial Disclosure Statements (Disclosure Statements) by April 30, 2025; and

**Whereas**, Respondent failed to file complete Disclosure Statements within the statutorily required timeframe; and

**Whereas**, at its meeting on September 23, 2025, the School Ethics Commission (Commission) issued an Order to Show Cause (OTSC) directing Respondent to show cause why she failed to file complete Disclosure Statements as required by *N.J.S.A.* 18A:12-25, *N.J.S.A.* 18A:12-26, and *N.J.A.C.* 6A:28-3.1; and

**Whereas**, Respondent failed to file complete Disclosure Statements following issuance of the OTSC; and

**Whereas**, Respondent failed to file a response to the OTSC; and

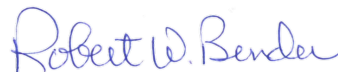
**Whereas**, at its meeting on October 28, 2025, the Commission found that Respondent violated *N.J.S.A.* 18A:12-25, *N.J.S.A.* 18A:12-26, and *N.J.A.C.* 6A:28-3.1 by failing to file complete Disclosure Statements; and

**Whereas**, Respondent has previously been issued a 30-day Suspension for failing to complete mandatory training; and

**Whereas**, at its meeting on October 28, 2025, the Commission recommended that the Commissioner of Education impose a penalty of removal, with such removal to become effective immediately upon adoption by the Commissioner of Education. However, if Respondent files complete Disclosure Statements before the Commissioner of Education adopts a final decision, then the Commission recommends that the Commissioner of Education, in lieu of removal, impose a sixty (60) day suspension, with such suspension to become effective immediately upon adoption by the Commissioner of Education, provided the school official provides written notice that the disclosure statement has been completed and filed; and

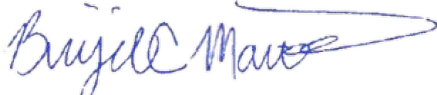
**Whereas**, at its meeting on October 28, 2025, the Commission agreed that the within decision accurately memorializes its findings and recommendations; and

**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.



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Robert W. Bender, Chairperson

I hereby certify that the within Resolution was duly adopted by the School Ethics Commission at its meeting on October 28, 2025.



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Brigid C. Martens, Director  
School Ethics Commission