

New York Education Chief Removes Controversial School Board Member

By Denisa R. Superville on August 17, 2017 2:07 PM

New York state education Commissioner MaryEllen Elia ruled Thursday that controversial Buffalo school board member **Carl Paladino** should be removed from the board.

The commissioner ruled that **Paladino** willfully violated the law by disclosing confidential information related to negotiations between the district and the Buffalo Teachers' Union and that his disclosure warranted his removal from office under state education law.

The ruling followed [five days of hearings in the state capital, Albany, in June](#).



Paladino will be barred from serving in a district office for one year from the date of his removal, according to the department of education.

The recent efforts to oust **Paladino** date to December 2016, [after he made derogatory comments about former President Barack Obama and his wife Michelle Obama](#) to a local paper, the Artvoice.

In a questionnaire published on Dec. 23, **Paladino** said his wishes for 2017 included former President Obama dying from mad cow disease and for the former first lady to "return to being a male" and "let loose" in Zimbabwe.

In an emotionally-charged meeting on Dec. 29, following the article's publication, the school board voted 7-0 to give Paladino an ultimatum to resign within 24 hours or the body would ask the commissioner to remove him. Paladino refused.

The board later voted in January to ask Elia to remove Paladino based the alleged disclosure of confidential information related to negotiations of Buffalo teachers' union contract that were discussed in executive session.

Paladino generally denied the allegations, but argued that the board's decision to oust him was in retaliation for his comments about the Obamas. He also argued that the information was a matter of public interest, not subject to confidentiality, and that his actions were intended to prevent crime or fraud. He also argued that the proceedings infringed on his constitutionally-protected First Amendment rights.

Elia was unpersuaded by Paladino's contention that he acted in good faith and that his disclosure was meant to prevent fraud or crime. She said that Paladino did not prove that the board's action was retaliatory

She also said that the disclosure was willful.

"Respondent's testimony at the hearing concerning such legal responsibilities was evasive and demonstrated a lack of regard and appreciation for his responsibilities as a member of a board of education," according to the decision. "For example, when asked if he was governed by the board's policies, respondent answered: "I'm governed by it to the extent that I don't disagree with it" (Jun. 27, 2017 Tr. p. 297). Respondent further testified that he "may have" been reading the newspaper for a portion of the NYSSBA training, and when asked if he was paying attention during the training testified: "I don't remember the circumstances" (Jun. 27, 2017 Tr. p. 279). Respondent declined to answer whether he was aware of any board policy prohibiting the disclosure of confidential information, testifying that while he was "responsible to be aware of it," he was "[n]ot specifically" aware of such a policy when he wrote the January 5, 2017 Artvoice article (Jun. 27, 2017 Tr. p. 283). Weighing all of the evidence in the record, any suggestion by respondent that he was unfamiliar with a board member's duties is not credible."

The board's petition to the commissioner was among four filed seeking **Paladino's** removal. Elia dismissed the other three.

Paladino and his attorney Dennis Vacco were unavailable for comments when *Education Week* reached out to them by telephone on Thursday afternoon.

In the past, **Paladino** told *Education Week* that he intended to fight the allegations and that the board was targeting him because of his efforts to root out corruption in the district. He had [also said that he had no intention of resigning.](#)

He has a [federal lawsuit pending against the district and the school board](#) alleging that they violated his First Amendment rights by voting to kick him off the board.

Paladino was first elected to the school board in 2013 and was re-elected in 2106. He served as the New York state chairman of President Trump's campaign and is a former gubernatorial candidate.

The New York State Union of Teachers, [NYSUT, which backed one of the petitions to remove Paladino,](#) hailed Elia's decision as the right one.

"There is absolutely no place in public education for someone who flagrantly disregards the rules and spouts disgusting, racially charged ideas that harm students and the teaching environment," the union said in a statement.

The Council of the Great City Schools, which represents nearly 70 of the nation's largest school districts and had [called for Paladino's removal from the board,](#) also expressed gratitude for the commissioner's ruling.

"The New York state education commissioner made the right decision at a time that someone needed to think sensibly about the effects this kind of divisive and hateful language has on our children," Michael Casserly, the group's executive director, said.