



No. 18683

The University of the State of New York

The State Education Department

Before the Commissioner

Application of JAMES L. PATTERSON for the removal of Isaiah Santiago as a member of the Board of Education of the City School District of the City of Rochester.

Tiveron Law PLLC, attorneys for petitioner, Steven M. Cohen, Esq., of counsel

Hancock Estabrook LLP, attorneys for respondent, Giancarlo Facciponte, Esq., of counsel

Petitioner seeks the removal of Isaiah Santiago (“respondent”) as a trustee of the Board of Education of the City School District of the City of Rochester (“board”) based on respondent’s alleged use of a racial epithet. The application must be denied.

Following the commencement of this application, I found that petitioner demonstrated sufficient cause to proceed to a hearing. The background of that application and the parties’ contentions are described in an Order to Show Cause issued on November 18, 2025, attached as Appendix A.

Following this order, the assigned hearing officer convened a prehearing conference on December 10, 2025. At the conference, the parties discussed an apology delivered by respondent during a December 9, 2025 meeting of the board. Given its relevance to this application, that apology is reproduced in full below:

When I ran for the Rochester City School Board, my passion was for our students, and today, as a member of the Board, that passion has only grown. As a son of this community, whose seat at this dais

has only been possible because of the multitude of hands that helped put me here, I take my position on the BOE very seriously. I execute my role with a great sense of responsibility, obligation, and purpose on behalf of the community that has placed its faith and trust in me.

In February of this year, a verbal disagreement occurred between myself and fellow Board member James Patterson as we left a public meeting. Before the 2025 School Board elections, Mr. Patterson filed a petition to remove me from office because of that interaction. Though the election has come and gone, the petition remains, and it is now moving toward a hearing in December 2025.

To all members of this community, I want to say clearly and sincerely, that I apologize this situation has continued to serve as a distraction from the heart of our mission: our students. I want to publicly apologize to Mr. Patterson and my fellow board members for the distraction caused by my role in the disagreement between us. I am truly sorry that this incident happened, for the distraction and confusion it may have caused, and I take responsibility for my part in how this distraction began. In the heat of the disagreement, my colleague believes I used an iteration of a word I didn't say, but the heat of a disagreement or a split-second reaction does not excuse any behavior that pulls focus away from the children we are here to serve, and this experience has taught me important truths about how to serve our constituents and community as a professional, while still maintaining the openness and honesty that I value in my communications.

As a young leader, I am still growing. Moments like this challenge me, they humble me, and they push me to become better. Better for our students. Better for our families. Better for the Rochester community that trusted me with this responsibility. I am committed to learning from this experience, moving forward with integrity, and

continuing to serve in a way that honors the people who believe in me.

Our young people don't need division. They need unity, courage, and adults who can come together despite their differences. I believe in Rochester, and I believe in the future of the RCSD. Together, not apart, we can change the path our district is on and build a better future our students deserve.

The hearing officer granted respondent's request to introduce evidence concerning this apology and submit a motion to dismiss the application. Petitioner received an opportunity to respond to both submissions.¹ I take judicial notice that petitioner addressed respondent's apology during a subsequent meeting of the board on December 18, 2025, in which he implied that respondent was insufficiently sincere.

On January 2, 2026, petitioner indicated via email that he was "in the process of securing legal representation ..."² Petitioner identified his current counsel five days later. In an email dated January 9, 2026, the hearing officer informed counsel for petitioner that "[i]f [he] wish[ed] to respond to respondent's request to dismiss the application," he should do so via email by January 21, 2026. Counsel for petitioner did not respond prior to the deadline.³

The hearing officer referred this matter to me to consider whether there remains sufficient evidence to warrant a hearing. Upon review of the record, I have determined that there is not. Respondent has issued a public apology concerning the single incident over which petitioner seeks his removal. The only board member whose removal was upheld by the Commissioner for objectionable speech was, unlike respondent, unrepentant (*Appeals of Gill and Burnett*, 42 Ed Dept Rep 89, Decision No. 14,785 [board member "continue[d] to demonstrate both a lack of remorse or appreciation of the inappropriateness of his conduct and an inability or unwillingness to

¹ I affirm the hearing officer's decision to admit this evidence pursuant to 8 NYCRR 276.5.

² Petitioner previously expressed his intention to secure legal representation during the December 10 prehearing conference.

³ Several days after the deadline, counsel for petitioner submitted a belated notice of appearance and requested additional time to respond on the ground that he had not received respondent's papers. However, counsel for petitioner did not assert that he requested these documents from the hearing officer, counsel for respondent, or his client. As such, the hearing officer declined, to provide counsel for petitioner additional time to respond, a decision which I affirm.

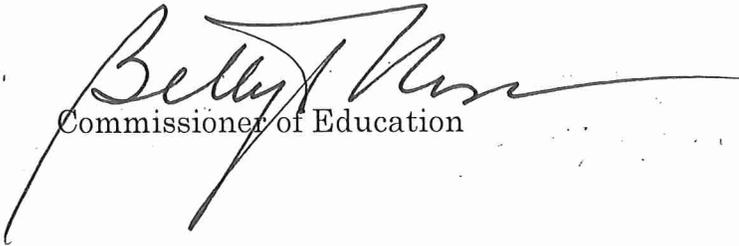
conduct himself with civility and decency”)].⁴ Respondent, by contrast, has assumed responsibility for his conduct and apologized. Additionally, there is no evidence in the record that respondent has engaged in any other objectionable conduct following commencement of this application (*see id.* [removal warranted “where a trustee engage[d] in a pattern of inappropriate, antagonistic and offensive conduct that interfere[d] with the board’s ability to function”]). Thus, despite ample opportunity, petitioner has not presented sufficient evidence to justify continuation of this application seeking respondent’s removal based upon his use of inappropriate language on a single occasion.

In light of this determination, I need not address the parties’ remaining contentions.

THE APPLICATION IS DENIED.



IN WITNESS WHEREOF, I, Betty A. Rosa, Commissioner of Education of the State of New York, for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 1st day of February 2026.


Commissioner of Education

⁴ The Commissioner has, on numerous occasions, declined to remove board members for a single instance of intemperate or inappropriate speech. *See e.g. Application of Lyons-Birsner and Birsner*, 57 Ed Dept Rep, Decision No. 17,160; *Application of the Bd. of Educ. of the Lawrence Union Free Sch. Dist.*, 39 *id.* 523, Decision No. 14,299; *Application of O'Mara*, 37 *id.* 122, Decision No. 13,819.

Appendix A

In the Matter

ORDER TO SHOW CAUSE

of the

Application of James L. Patterson for the removal of Isaiah Santiago as a member of the Board of Education of the City School District of the City of Rochester.

Hancock Estabrook LLP, attorneys for respondent, Giancarlo Facciponte, Esq., of counsel

By application pursuant to Education Law § 306, petitioner seeks an order removing Isaiah Santiago (“respondent”) from office as a member of the Board of Education of the City School District of the City of Rochester (“board”) based on his use of a racial epithet. I find that petitioner has demonstrated sufficient cause to proceed to a hearing.

Petitioner and respondent both serve on the Board of Education of the City School District of the City of Rochester. On the evening of February 3, 2025, the board members met at the board’s central administrative office to interview candidates for the position of superintendent of schools. Petitioner alleges that, *en route* to a conference room, he and respondent began to argue. Petitioner alleges that respondent called him “the n-word” multiple times. Petitioner has submitted statements from two witnesses, each of whom heard respondent refer to petitioner as such. In an answer and affirmation, respondent summarily denies the allegations.

The Commissioner of Education is empowered to remove a school board member from office pursuant to Education Law § 306 when it is proven to her or his satisfaction that the board member has engaged in a willful violation or neglect of duty under the Education Law or has willfully disobeyed a decision, order, rule or regulation of the Board of Regents or Commissioner of Education. While “an isolated intemperate remark generally is not grounds for removal,” the record contains allegations and evidence suggesting that respondent intentionally directed a racial slur toward petitioner while the board was conducting official business (*Appeals of Gill and Burnett*, 42 Ed Dept Rep 89, Decision No. 14,785). This

distinguishes the instant application from prior provocations deemed insufficient for removal and warrants a hearing (*Application of Gabryel*, 44 Ed Dept Rep 239, Decision No. 15,159 [removal not warranted where a board member used profanity in an email and/or executive session]; *Appeal of Lilly*, 43 *id.* 459, Decision No. 15,050 [removal not warranted where a board member alleged a colleague obtained his seat “due to BS, disinformation, derogatory statements, innuendos, and [by] the seat of [his] pants”]; *Matter of the Application of the Bd. of Educ. of the W. Babylon Union Free Sch. Dist.*, 21 *id.* 41, Decision No. 10,592 [removal not warranted where, in executive session, a board member “used vulgar language and allegedly made threats against the life of at least one fellow board member”]). The fact that petitioner may have behaved poorly, as alleged in respondent’s answer, is irrelevant as each “board member has a duty to proceed with constructive discussions aimed at achieving the best possible governance of the school district” (*Appeal of Williams*, 61 Ed Dept Rep, Decision No. 18,116). “This duty is not contingent upon, or subject to, the good behavior of others” (*id.*).

As such, petitioner has presented sufficient evidence that a reasonable factfinder could find that respondent engaged in willful violation of law or neglect of law within the meaning of Education Law § 306. Because removal may be ordered only “after a hearing at which the school officer shall have the right of representation by counsel,” such hearing shall be convened as directed below (Education Law § 306 [1]).

NOW THEREFORE, pursuant to Education Law §§ 306 and 2559,

IT IS ORDERED that the parties appear before Daniel Morton-Bentley, Counsel & Deputy Commissioner to the State Education Department, as my designated hearing officer, in Room 217 in the State Education Building, in the City of Albany, State of New York, on Thursday, December 18, 2025 at 9:00 a.m., for a hearing and to show cause why Isaiah Santiago should or should not be removed from office as a member of the Board of Education of the City School District of the City of Rochester on account of the alleged remarks described in the verified petition.