

***Before the School Ethics Commission***  
***Docket No.: C04-26***  
***Decision on Probable Cause***

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**Todd and Colleen Neikirk,**  
***Complainants***

v.

**Richard Colangelo,**  
**Henry Hudson Regional Board of Education, Monmouth County,**  
***Respondent***

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**I. Procedural History**

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on January 14, 2026,<sup>1</sup> by Todd and Colleen Neikirk (Complainants), alleging that Richard Colangelo (Respondent), a member of the Henry Hudson Regional Board of Education (Board), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint avers that Respondent violated *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(j) of the Code of Ethics for School Board Members (Code). Respondent filed a Written Statement on February 9, 2026.

The parties were notified by correspondence dated May 19, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on May 26, 2026, to determine whether probable cause exists. Following its discussion on May 26, 2026, the Commission adopted a decision at its meeting on June 23, 2026, finding the Commission does not have jurisdiction over the allegations in the Complaint as they do not arise under the Act, and administratively dismissing the above-captioned matter in accordance with its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(1).

**II. Summary of the Pleadings**

**A. *The Complaint***

According to Complainants, at Board meetings on June 11 and July 16, 2025, Respondent, the Board President, “encouraged parents to file state complaints [with the Office of Special Education (OSE) within the New Jersey Department of Education (NJDOE)], yet took no

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<sup>1</sup> On January 7, 2026, Complainants filed a deficient Complaint; however, on January 14, 2026, Complainants cured all defects and filed an Amended Complaint that was deemed compliant with the requirements detailed in *N.J.A.C.* 6A:28-6.3.

action when those complaints resulted in substantiated findings of noncompliance and misrepresentation.” Complainants note that “[p]rior to and during the state investigation, parents provided explicit written warnings to administrators and district counsel cautioning against submitting false or misleading information to the NJDOE” and “[t]hese warnings were ignored, placing the Board on notice of deliberate misconduct.”

Thereafter, Complainants note the NJDOE, OSE, “issued findings documenting district noncompliance and identifying material discrepancies between what administrators reported and what actually occurred, including deliberate misrepresentation to the state.” Per Complainants, at a Board meeting on December 17, 2025, in executive session, the Board reviewed “complaints concerning the superintendent, who had been documented as complicit in the misconduct.” Complainants assert that Respondent and the Board “allowed the superintendent, [], to participate, giving her an unwarranted advantage, preventing impartial review, and further undermining Board oversight.”

Complainants maintain that on December 18, 2025, Respondent issued a statement noting the Board had reviewed the legal findings with Board counsel, a corrective action plan was not required, and the Board supported the administration, including those administrators who were found in violation. Complainants note this “constituted a knowing ratification of misconduct,” and they filed an Open Public Records Act (OPRA) request “seeking records related to the Board’s review of administrative misconduct,” and the December 17 executive session minutes.

Complainants assert that despite having knowledge of the NJDOE findings, parental warnings and evidence of misconduct, Respondent chose to protect the administration “at the expense of student rights.” Complainants further assert his “conduct created a suppressive effect on parental advocacy, discouraged reporting of misconduct, and eroded public confidence in Board governance.”

With the above in mind Complainants contend the following:

Count 1 – Respondent violated *N.J.S.A.* 18A:12-24.1(a) because he “knowingly ignored substantiated findings of district noncompliance and misrepresentation by administrators.” “By failing to act he abdicated his duty to uphold lawful governance and ensure ethical administration.”

Count 2 – Respondent violated *N.J.S.A.* 18A:12-24.1(c) because instead of “exercising independent judgment and oversight, [Respondent] deferred entirely to administrators and legal counsel, ratifying misconduct without inquiry or corrective action.” Respondent’s actions “demonstrate a willful abdication of the independent oversight required of a Board member.”

Count 3 – Respondent violated *N.J.S.A.* 18A:12-24.1(f) by “shielding administrators from accountability and permitting the superintendent implicated in misconduct to participate in a closed executive session reviewing her own complaints, [Respondent] misused his position to confer an unwarranted advantage, prioritizing administrative protection over student welfare and public trust.”

Count 4 – Respondent violated *N.J.S.A.* 18A:12-24.1(j) because despite “credible allegations and evidence of misconduct,” Respondent “failed to refer matters for proper Board review or corrective action.” Respondent’s “inaction prevented accountability, allowed ongoing misconduct, and violated the rights of a vulnerable student.”

Count 5 – Respondent violated *N.J.S.A.* 18A:12-24.1(a), *N.J.S.A.* 18A:12-24.1(c), *N.J.S.A.* 18A:12-24.1(f) and *N.J.S.A.* 18A:12-24.1(j) because he allowed the Superintendent, who was “implicated in misconduct,” to attend the December 17 closed session meeting when her misconduct was being discussed. Respondent “undermined governance, abdicated oversight, conferred an unwarranted advantage, and prevented the Board from acting on serious matters.”

### **B. *Written Statement and Allegation of Frivolous Filing***

In his Written Statement, Respondent denies the entirety of the Complaint. According to Respondent, this matter “appears to stem from” Complainants’ dissatisfaction with their child’s Individualized Education Program (IEP), specifically “the assignment of a new paraprofessional for their child, various training and shadowing requirements [], and the impossibility of performance by the District to implement such shadowing requirements on the final two half-days of school.” Respondent maintains the results of Complainants’ complaint to the OSE, yielded, in part that “shadowing did not occur because it was not possible,” and because the District “was able to turnkey the information that would have been obtained through shadowing through the BCBA’s [Board Certified Behavior Analyst],” a corrective action plan was not necessary. Respondent further maintains the investigative report also noted that the District was “compliant with law.” Respondent notes following the results of the investigative report, the Board and administration met in closed session to discuss the outcome. Respondent asserts Complainants’ “dissatisfaction does not” support Code violations and the Complaint does not provide any evidence to support the claims.

As to Count 1, Respondent denies the allegations and notes that Complainants have not provided the required final decision of a court or administrative agency demonstrating that Respondent failed to enforce all laws.

Regarding Count 2, Respondent denies the claims and maintains Complainants have not provided any evidence to demonstrate that Respondent “took official action to effectuate policies/plans without consultation.” Nor is there any evidence to demonstrate that Respondent “acted in a manner unrelated to his duties.”

As to Count 3, Respondent also denies these allegations and argues that Complainants fail “to allege any facts which would contravene the above regulatory provision.” Per Respondent, “[n]o facts have been alleged that Respondent took action at the behest of a special interest group . . . nor have any facts been alleged that [Respondent] received a personal benefit, or a benefit for his family or friends.”

Regarding Count 4, Respondent denies the allegations and contends the “factual allegations made by [Complainants] do not, in any sense, even suggest that [Respondent] acted

on or attempted to resolve a complaint brought by Complainants prior to referral to the [Chief School Administrator (CSA)], or at a time and place other than at a Board meeting.”

Finally, as to Count 5, Respondent also denies the allegations and notes Board policy dictates that the Superintendent be present in executive session. Moreover, Respondent argues the allegations “are nonsensical in light of the documents provided by Complainant[s].” Respondent reaffirms the Superintendent was not “implicated in misconduct,” and the fact that Complainants “repeatedly make this claim – under certification as true in-fact – is both insulting and borderline libelous/defamatory.”

### **III. Analysis**

This matter is before the Commission for a determination of probable cause pursuant to *N.J.A.C. 6A:28-9.7*. A finding of probable cause is not an adjudication on the merits but, rather, an initial review whereupon the Commission makes a preliminary determination as to whether the matter should proceed to an adjudication on the merits, or whether further review is not warranted. Pursuant to *N.J.A.C. 6A:28-9.7(a)*, probable cause “shall be found when the facts and circumstances presented in the complaint and written statement would lead a reasonable person to believe that the Act has been violated.”

#### ***Jurisdiction of the Commission***

In reviewing the allegations in this matter, the Commission notes that its authority is limited to enforcing the Act, *N.J.S.A. 18A:12-21 et seq.*, a set of minimum ethical standards by which all school officials must abide. In this regard, the Commission has jurisdiction only over matters arising under the Act, and it may not receive, hear, or consider any matter that does not arise under the Act, *N.J.A.C. 6A:28-1.4(a)*.

At its essence, the Complaint seeks a determination from the Commission that Respondent has not taken action after receiving “actual notice of substantiated findings issued by the [OSE]” which documented “district noncompliance,”<sup>2</sup> and has, therefore, violated the Act. The Commission notes that it does not have jurisdiction over whether the District or Respondent complied with the findings of the OSE matter and/or any Corrective Action Plan, if any, that was established. If a party disagrees with the outcome of an OSE matter, they may file an appeal with the Superior Court of New Jersey Appellate Division. Additionally, a party should contact the OSE if he/she believes a District is in non-compliance with any findings. However, the Commission is not the appropriate entity to adjudicate these claims.

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<sup>2</sup> The Commission notes that the Complaint Investigation Report issued by the Office of Special Education on November 20, 2025, found that for one issue the “district [was] determined to be noncompliant. However, no further corrective action [was] required since the district was able to turnkey the information that would have been obtained through shadowing through the BCBAs.” For a second issue, “the district [was] determined to be compliant.”

Accordingly, as the Commission is authorized, in accordance with *N.J.A.C.* 6A:28-9.2(a)(1), to administratively dismiss a complaint for lack of jurisdiction pursuant to *N.J.A.C.* 6A:28-1.4, the Commission finds that the Complaint should be dismissed.

#### **IV. Decision**

Based on the foregoing, and pursuant to its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(1), the Commission administratively dismisses the above-captioned matter for lack of jurisdiction pursuant to *N.J.A.C.* 6A:28-1.4.

The within decision is a final decision of an administrative agency and, therefore, it is appealable only to the Superior Court-Appellate Division. *See, New Jersey Court Rule 2:2-3(a).* Under *New Jersey Court Rule 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.

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Robert W. Bender, Chairperson

Mailing Date: June 23, 2026

***Resolution Adopting Decision  
in Connection with C04-06***

***Whereas***, at its meeting on May 26, 2026, the School Ethics Commission (Commission) considered the Complaint and the Written Statement submitted in connection with the above-referenced matter; and

***Whereas***, at its meeting on May 26, 2026, the Commission discussed administratively dismissing the above-captioned matter in accordance with its authority as set forth in *N.J.A.C.* 6A:28-9.2(a)(1) due to lack of jurisdiction pursuant to *N.J.A.C.* 6A:28-1.4, as the allegations in the Complaint do not arise under the Act; and

***Whereas***, at its meeting on June 23, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on May 26, 2026; and

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

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Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on June 23, 2026.

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Brigid C. Martens, Director  
School Ethics Commission