

Before the School Ethics Commission
Docket No.: C86-25
Decision on Probable Cause

Jonathan Castro,
Complainant

v.

Kathleen Gesumaria, Christina Punturieri, and Jason Bing,
South Orange-Maplewood Board of Education, Essex County,
Respondents

I. Procedural History

The above-captioned matter arises from a Complaint that was filed with the School Ethics Commission (Commission) on September 29, 2025,¹ by Jonathan Castro (Complainant), alleging that Kathleen Gesumaria (Respondent Gesumaria), Christina Punturieri (Respondent Punturieri), and Jason Bing (Respondent Bing) (collectively Respondents), administrators of the South Orange-Maplewood School District (District), violated the School Ethics Act (Act), *N.J.S.A.* 18A:12-21 *et seq.* More specifically, the Complaint avers that Respondents violated *N.J.S.A.* 18A:12-24(b), *N.J.S.A.* 18A:12-24(c) and *N.J.S.A.* 18A:12-24(d). Respondents filed a Written Statement on November 21, 2025.

The parties were notified by correspondence dated February 17, 2026, that the above-captioned matter would be discussed by the Commission at its meeting on February 24, 2026, to determine whether probable cause exists. Following its discussion on February 24, 2026, the Commission adopted a decision at its meeting on March 24, 2026, finding that the Commission does not have jurisdiction over matters that do not arise under the Act.

II. Summary of the Pleadings

A. *The Complaint*

By way of background, Complainant provides that on December 16, 2024, the South Orange-Maplewood School District (District) “entered into a binding Mediation Agreement [(Agreement)], which required the District to re-evaluate the Complainant’s child . . . to determine [the child’s] continued eligibility for special education and related services.” According to Complainant, despite the Agreement, Respondents “failed to ensure compliance

¹ On September 13, 2025, Complainant filed a deficient Complaint; however, on September 29, 2025, Complainant 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.

with the [A]greement, the law, and the District’s own data.” Thereafter, Complainant maintains “under the ultimate authority of” Respondent Bing (Superintendent), Respondents “unilaterally proceeded with the declassification of [Complainant’s child] and terminated [the child’s] special education services.” Complainant further maintains this “action was taken despite a formal disagreement from [] Complainant challenging the legal validity of the declassification determination and requesting an Independent Educational Evaluation (IEE).” Complainant stated the “failure of these Administrators to enforce the binding legal agreement and uphold the integrity of the evaluation process forms the factual basis for the alleged ethical violations.”

Complainant notes he is aware that the timeline exceeds 180 days; however, asserts that “the ethical and deceitful nature of the Administration’s strategy was explicitly revealed on June 5, 2025, when [Respondent Gesumaria (Assistant Superintendent)] stated in writing that she allowed the critical 15-day deadline to pass because she ‘did not think [Complainant] wanted to pursue an IEE.’” Complainant further notes the “full scope of the conspiracy and the cover-up continued to be discovered and confirmed by subsequent administrative actions” Complainant maintains that the filing date of September 29, 2025, “is timely as it falls within 180 days of the Complainant’s discovery of the coordinated, systemic deception by the Respondents.”

With the above in mind, Complainant asserts the following:

- Count 1, February 12, 2025: All Respondents “failed to prevent or correct the case manager’s action of announcing declassification,” without the “meaningful discussion or the presence of the” teachers. Complainant notes Respondents’ “failure to ensure this critical procedural safeguard was met shows a breakdown in their official duties.” Complainant asserts Respondents violated *N.J.S.A. 18A:12-24(b)*, because they “failed to supervise and/or sanction this unilateral and procedurally deficient declassification announcement,” allowing their “official positions to be used to secure an unwarranted advantage for the district (the declassification) by bypassing mandated team processes.”

- Count 2, January 30, 2025: Complainant maintains that a text message exchange with his child’s teacher confirms that Respondents “permitted a ‘battle’ to occur over the required presence of the special education teacher at the student’s re-evaluation meeting.” Complainant contends Respondents violated *N.J.S.A. 18A:12-24(b)* by failing to supervise the Child Study Team, allowing the use of an official position to secure an unwarranted advantage for the District.

- Count 3, August 23, 2025: Complainant asserts that Respondents violated *N.J.S.A. 18A:12-24(b)*, because they “failed to prevent or correct the coordinated action on this date by their subordinates” and allowed “subordinates to manipulate official records and secure an unwarranted advantage for the [D]istrict.”

- Count 4, January 31, 2025: Complainant maintains that Respondents were responsible for the psychological evaluation report issued on this date and their “failure to prevent or correct the case manager’s misrepresentation of her role” and “failure to ensure the evaluation was

truthful and procedurally sound” violates *N.J.S.A.* 18A:12-24(b) because they allowed their “official position[s] to be used to secure an unwarranted advantage for the [D]istrict.”

- Count 5, February 13, 2025: Complainant asserts Respondents violated *N.J.S.A.* 18A:12-24(d), because they “failed to uphold the law” and relied “on a flawed and procedurally deficient re-evaluation and subsequent declassification,” which demonstrates that they “undertook official action that reasonably could be expected to prejudice their independence of judgement.”

- Count 6, August 15, 2025: Complainant contends Respondents are responsible for the District’s records, and their failure to prevent the deletion of a “consent agreement” from the portal, after its legitimacy was formally questioned is an ethical failure in their duties. Complainant further contends this failure and their manipulation of official records to evade accountability is a violation of *N.J.S.A.* 18A:12-24(b), because they used their official positions to secure an unwarranted advantage for the District.

- Count 7, February 13, 2025: Complainant maintains Respondents took private action in their official capacities when they coordinated “institutional sabotage, malicious compliance, and procedural manipulation” of his child’s special education services in violation of *N.J.S.A.* 18A:12-24(b). Complainant further maintains Respondents used their official positions to secure an unwarranted advantage for the District, namely “avoiding costs and liability.”

- Count 8, February 1, 2025: Complainant contends Respondents violated *N.J.S.A.* 18A:12-24(c), because they “coordinated administrative action and subsequent declassification, despite documentation supporting special education needs,” and this “demonstrates a direct or indirect financial motive that impaired the Respondents’ objectivity and independence of judgment.”

B. *Written Statement*

Respondents state the Agreement “speaks for itself” and they deny that “Complainant’s characterization of [the Agreement] is complete and/or accurate.” Respondents further deny that they were parties to the Agreement and note that the Agreement “explicitly states that the mediation process was confidential and may not be used as evidence in any subsequent proceeding.” Respondents further note Complainant has “breached that confidentiality by submitting the” Agreement to the Commission. Respondents maintain that the District’s evaluations speak for themselves, deny that Complainant’s characterization of the evaluation is complete and/or accurate, deny that they failed to comply or adhere to any law and deny any allegations of wrongdoing.

As to Complainant’s justification for exceeding the 180 day timeline, Respondents deny “any ethical violation or coordinated bad intent,” “any procedural violation, any deceitful nature, any unauthorized legal judgment, or any obstruction of Complainant’s rights” and deny all allegations of wrongdoing. Respondents assert that the Complaint is untimely.

Respondents further deny any “conspiracy, cover-up or deletion/manipulation/retroactive submission of records,” and any “coordinated or systemic deception.” Respondents maintain Complainant is displeased with the determination regarding his child and instead of filing an appropriate appeal/complaint with the appropriate entity he filed a complaint with the Commission who, according to Respondents, “lacks subject matter jurisdiction over Complainant’s allegations.”

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)*.

With the jurisdiction of the Commission in mind, to the extent that Complainant seeks a determination from the Commission that Respondents may have violated any agreements or Board/District policies, the Commission advises that such determinations fall beyond the scope, authority, and jurisdiction of the Commission. Although Complainant may be able to pursue a cause of action(s) in the appropriate tribunal, the Commission is not the appropriate entity to adjudicate those claims. Accordingly, those claims are dismissed.

In accordance with *N.J.S.A. 18A:6-9*, the New Jersey Department of Education, Office of Controversies and Disputes, assists the Commissioner of Education in using the process established by the Administrative Procedure Act to hear and decide disputes that arise under the State school laws. In addition, the Office of Special Education handles disputes involving special education laws, including the regulations regarding IEEs, *N.J.A.C. 6A:14*, and the federal Individuals with Disabilities Education Act of 2004 (IDEA 2004).

Accordingly, Complainant was able to pursue a cause of action in the appropriate tribunal. However, the Commission is not the appropriate entity to adjudicate these claims, and as such, the Complaint is dismissed due to the lack of jurisdiction by the Commission.²

² As the Commission has determined there is no jurisdiction, the Commission will not address the timeliness argument.

IV. Decision

In accordance with *N.J.S.A.* 18A:12-29(b), and for the reasons detailed herein, the Commission hereby notifies Complainant and Respondents that as the Commission does not have jurisdiction over matters that do not arise under the Act, the Commission dismisses the above-captioned matter.

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.

Robert W. Bender, Chairperson

Mailing Date: March 24, 2026

***Resolution Adopting Decision
in Connection with C86-25***

Whereas, at its meeting on February 24, 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 February 24, 2026, the Commission discussed finding that it did not have jurisdiction over the facts and circumstances presented in the Complaint, and therefore, dismissing the above-captioned matter; and

Whereas, at its meeting on March 24, 2026, the Commission reviewed and voted to approve the within decision as accurately memorializing its actions/findings from its meeting on February 24, 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.

Robert W. Bender, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on March 24, 2026.

Brigid C. Martens, Director
School Ethics Commission