

# **OPRA Request**

## **Board of Education of Ridgewood**

***Submitted on 11/10/09 via E-Mail to [jdaviet@ridgewood.k12.nj.us](mailto:jdaviet@ridgewood.k12.nj.us)***

**To the Custodian of Records:** Please accept this as my request for government records. Please note that the Open Public Records Act (OPRA) is not the only basis for my request. I claim entitlement to the records sought under both OPRA and the Common Law right of access.

**Requestor's Name:** John Paff  
**Address:** DO NOT use regular mail either for replying to this request or or sending me the responsive records.  
**Please use e-mail or fax instead.**  
**Phone:** 732-873-1251  
**FAX:** 908-325-0129  
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### **Background:**

In response to a previous request, the Board provided me with redacted versions of its executive session minutes from September 14, 2009, September 21, 2009 and October 5, 2009, all of which are attached your ready reference.

I believe that it would be valuable for the public to know a) the identity of the employee against whom the Board suspended, without pay, effective October 6, 2009 (see p. 6 of the October 5, 2009 executive minutes); b) the conduct of this employee, given that it is "sufficient to warrant dismissal" from the district (Ibid); and c) whether or not the Board ultimately decided to settle with this employee despite Board Member Laurie Goodman's concern that "settlement would cause other staff members to behave badly in order to receive a settlement."

### **Records Request:**

1. If the employee whose name was redacted from "Confidential Item A – Human Resources" is involved in any litigation with the district, a copy of the first three pages of the complaint or other initial filing in that litigation. By "litigation" I mean a complaint filed in either the Superior Court or the Federal District Court, or any contested matter filed before any administrative tribunal.
2. If the conduct of the employee whose name was redacted from "Confidential Item A – Human Resources" is subject of any litigation filed by any person who feels aggrieved or injured by that conduct, a copy of the first three pages of the complaint or other initial filing in that litigation.

3. Any certified tenure charges transmitted to the Commissioner of Education in accordance with "b" of the final "Resolved" of "Certification of Tenure Charges" resolution set forth on pp 5 and 6 of the October 5, 2009 executive session minutes.
4. Any "separation documentation" received by the Board in accordance with "a" of the final "Resolved" of "Certification of Tenure Charges" resolution set forth on pp 5 and 6 of the October 5, 2009 executive session minutes.
5. Any record that shows the name of any employees who were suspended without pay effective October 6, 2009.
6. Minutes of all Board executive sessions held subsequent to October 5, 2009.

Minutes of the Ridgewood Board of Education Committee of the Whole Executive Session held on Monday, September 14, 2009, at 6:30 p.m. at the Education Center.

**Present:** Mr. Joseph Vallerini, President; Mr. Robert Hutton, Vice-President; Ms. Sheila Brogan; Ms. Laurie Goodman; Ms. Michele Lenhard

**Also Present:** Dr. Daniel Fishbein, Superintendent; Mrs. Regina Lemerich Botsford, Assistant Superintendent for Curriculum, Instruction, and Assessment; Mr. Angelo DeSimone, Board Secretary/Assistant Superintendent for Business; Mr. Gary Hall, Manager of Human Resources; Ms. Kerry Huntington, Supervisor of Special Education

**Absent:** None

**I. Motion to go into Executive Session**

Mr. Vallerini moved that the Board go into Executive Session for the purpose of discussing litigation and personnel. Mr. Hutton seconded the motion, which carried by the following roll-call vote:

AYES: Ms. Brogan, Ms. Goodman, Ms. Lenhard, Mr. Hutton, Mr. Vallerini

NAYES: None

**II. Litigation - Special Education**

Ms. Kerry Huntington explained the current situation relevant to [REDACTED] as follows:

- The parents notified the Child Study Team that they would unilaterally place [REDACTED] in a private school for the handicapped: Windsor Academy in New York City.
- The parents placed the child at the school of their choice, as they had previously notified the district.
- The parents have filed due process seeking [REDACTED] they paid for tuition for their child to attend Windsor Academy. Ms. Huntington recommended that the reimbursement be contested.
- The parents had initially agreed to a mediation session, but have since declined.
- The child is currently enrolled at Ridgewood High School in a program specifically designed for [REDACTED] as per [REDACTED] IEP, with parental consent.
- Ms. Huntington feels a settlement is likely. After consulting with Mr. David Rubin, the Board attorney for Special Education, she recommended the Board reimburse the parents up to [REDACTED]

Ms. Huntington left the meeting at 6:52 p.m.

**III. Personnel**

Mr. Hall advised the Board that [REDACTED] was seeking a [REDACTED] separation settlement. Mr. Hall feels the district's position is strong, well documented, and defensible. He reiterated the options discussed at a previous meeting.

Mr. Hutton proposed negotiating a "riskless" settlement starting at [REDACTED] and up to [REDACTED]. [REDACTED] would have to provide a full release to the district.

Ms. Brogan felt that the district should file tenure charges and not settle.

Ms. Goodman wondered if a settlement would cause other staff members to behave badly in order to receive a settlement.

Dr. Fishbein proposed offering [REDACTED] and if [REDACTED] refuses, tenure charges would be filed.

Mr. Hutton agreed with Dr. Fishbein; however, his recommendation was that the [REDACTED] should be reduced semi-monthly, based on salary received.

Ms. Lenhard recommended the offer Dr. Fishbein proposed be extended to September 30, 2009 or the district would file tenure charges.

The consensus was the district would offer [REDACTED], with the contingency that [REDACTED] accepts the settlement by September 30, 2009. If the settlement is not accepted, tenure charges would be presented for approval by the Board at the October 5, 2009 Board meeting.

**IV. Negotiations**

Mr. Vallerini and Mr. Hutton will represent the Board of Education during negotiations. A strategy meeting will be held after the September 21, 2009 Board meeting.

**V. Reconvened Public Meeting and Adjournment**

On a motion made by Mr. Hutton and seconded by Ms. Goodman, the public meeting reconvened at 7:32 p.m., and carried by the following roll-call vote:

AYES: Ms. Brogan, Ms. Goodman, Ms. Lenhard, Mr. Hutton, Mr. Vallerini

NAYES: None

Respectfully submitted,

Angelo DeSimone  
Board Secretary

Minutes of the Ridgewood Board of Education Committee of the Whole Executive Session held on Monday, September 21, 2009, at 8:40 p.m. at the Education Center.

**Present:** Mr. Robert Hutton, Vice-President; Ms. Sheila Brogan; Ms. Laurie Goodman; Ms. Michele Lenhard

**Also Present:** Dr. Daniel Fishbein, Superintendent; Mrs. Regina Lemerich Botsford, Assistant Superintendent for Curriculum, Instruction, and Assessment; Mr. Angelo DeSimone, Board Secretary/Assistant Superintendent for Business; Mr. Gary Hall, Manager of Human Resources

**Absent:** Mr. Joseph Vallerini, President

**I. Motion to go into Executive Session**

Mr. Hutton moved that the Board go into Executive Session for the purpose of discussing personnel. Ms. Brogan seconded the motion, which carried by the following roll-call vote:

AYES: Ms. Brogan, Ms. Goodman, Ms. Lenhard, Mr. Hutton

NAYES: None

ABSENT: Mr. Vallerini

**II. Personnel**

Mr. Hall advised the Board that [REDACTED] had rejected the district's offer of [REDACTED] and has countered with an offer of [REDACTED]

**III. Reconvened Public Meeting and Adjournment**

On a motion made by Mr. Hutton and seconded by Ms. Goodman, the public meeting reconvened and adjourned at 8:55 p.m.

Respectfully submitted,

Angelo DeSimone  
Board Secretary

Minutes of the Ridgewood Board of Education Committee of the Whole Executive Session held on Monday, October 5, 2009, at 7:00 p.m. at the Education Center.

**Present:** Mr. Joseph Vallerini, President; Mr. Robert Hutton, Vice-President; Ms. Sheila Brogan; Ms. Laurie Goodman; Ms. Michele Lenhard

**Also Present:** Dr. Daniel Fishbein, Superintendent; Mrs. Regina Lemerich Botsford, Assistant Superintendent for Curriculum, Instruction, and Assessment; Mr. Angelo DeSimone, Board Secretary/Assistant Superintendent for Business; Mr. Gary Hall, Manager of Human Resources; Mr. Jeffrey Merlino, Board Attorney

**Absent:** None

**I. Motion to go into Executive Session**

Mr. Vallerini moved that the Board go into Executive Session for the purpose of discussing personnel. Ms. Brogan seconded the motion, which carried by the following roll-call vote:

AYES: Ms. Brogan, Ms. Goodman, Ms. Lenhard, Mr. Hutton

NAYES: None

ABSENT: Mr. Vallerini

**II. Personnel**

Mr. Merlino discussed the status of the tenure charge notification process with [REDACTED] and [REDACTED] attorney. It is his recommendation that the Board vote on the certification of tenure charges tonight; and, if they are certified, that the filing of the charges with the Commissioner of Education be delayed until 12:00 noon on October 9, 2009, so that the Board attorney has the opportunity to receive the separation documents necessary for the Board of Education to accept [REDACTED] resignation.

Absent the receipt of the separation documents, the charges will be filed with the Commissioner of Education.

**III. Confidential Item**

**A. HUMAN RESOURCES**

**i. Certification of Tenure Charges**

WHEREAS, tenure charges against [REDACTED] have been filed with the Secretary of the Board by Dr. Daniel Fishbein, Superintendent of Schools, charging unbecoming conduct and other just cause; and

WHEREAS, a copy of the sworn charges and a sworn statement of evidence have been presented to the Board for consideration; and

WHEREAS, no sworn response to the charges has been filed with the Board by [REDACTED] and [REDACTED]

WHEREAS, ongoing discussions between the Board and [REDACTED] through their attorneys, may result in [REDACTED] resignation from employment in the near future; and

WHEREAS, the Board has reviewed and considered the sworn charges and statement of evidence (including accompanying exhibits); now therefore be it

RESOLVED, that the Board hereby determines, based upon the foregoing review and consideration, that there is probable cause to credit the evidence in support of the charges of unbecoming conduct and other just cause; and be it further

RESOLVED, that the Board hereby determines that the charges, if credited, are sufficient to warrant [REDACTED] dismissal as an employee of the district; and be it further

RESOLVED, that the Board hereby suspends [REDACTED] from [REDACTED] district employment, without pay, effective October 6, 2009, pursuant to N.J.S.A. 18A:6-14; and be it further

RESOLVED, that the Superintendent is authorized and directed to hold the certified tenure charges until 12:00 noon on Friday, October 9, 2009 pending receipt of documentation supporting [REDACTED] immediate separation from district employment, and:

- a. In the event the district receives adequate separation documentation by 12:00 noon on Friday, October 9, 2009, the Superintendent is further authorized and directed to hold the certified tenure charges until the next Board meeting when the Board's certification of the tenure charges will be rescinded upon its acceptance and approval of the separation documentation; or
- b. In the event the district does not receive adequate separation documentation by 12:00 noon on Friday, October 9, 2009, the Superintendent is authorized and directed to transmit the certified tenure charges to the Commissioner of Education by Tuesday, October 13, 2009.

Mr. Hutton moved approval of Confidential Item A – Human Resources.

Ms. Brogan seconded the motion, which carried by the following roll-call vote:

AYES: Ms. Brogan, Ms. Goodman, Ms. Lenhard, Mr. Hutton, Mr. Vallerini

NAYES: None

**IV. Reconvened Public Meeting**

On a motion made by Mr. Hutton and seconded by Ms. Goodman, the public meeting reconvened at 7:20 p.m.

Respectfully submitted,

Angelo DeSimone  
Board Secretary