

**SPECIAL MEETING
MARCH 26, 2018-MINUTES**

**HEMPSTEAD PUBLIC SCHOOLS
BOARD OF EDUCATION
SPECIAL MEETING
MARCH 26, 2018**

MINUTES

The special meeting of the Hempstead Public Schools Board of Education was held in the Acting Superintendent's Office, 185 Peninsula Boulevard, Hempstead, New York 11550. The meeting was called to order at 12:12 P.M. All of the Board Members were present. Trustee Johnson arrived at 12:17 P.M. during executive session.

BOARD MEMBERS PRESENT:

Maribel Touré	President
Gwendolyn Jackson	Vice President
David B. Gates	Trustee
LaMont Johnson	Trustee
Randy Stith	Trustee
Jack Bierwirth	Trustee-Ex-Officio

STAFF MEMBERS PRESENT:

Regina Armstrong	Acting Superintendent of Schools
Rodney Gilmore, Ed. D.	Assistant Superintendent for Human Resources
James Clark	Assistant Superintendent for Secondary C & I
Patricia Wright	District Clerk
Austin Graff	Labor Counsel
Jonathan Scher	Labor Counsel

Trustee Stith moved, seconded by Trustee Jackson to convene to executive session at 12:13 P.M. for the purpose of legal counsel and receive report.

MOTION	YES 4	MOTION CARRIED
To convene to executive session		

Trustee Gates moved, seconded by Trustee Stith to reconvene to open session at 1:05 P.M.

MOTION	YES 5	MOTION CARRIED
To reconvene to open session		

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**HAND CARRY #1
RESOLUTION TO SUSPEND POLICY #2342**

Trustee Stith moved, seconded by Trustee Gates to approve to suspend policy #2342

1. **RESOLVED**, the Board of Education waives policy 2342 requiring the agenda, together with supporting background materials to be distributed to Board members seven days in advance of a Board meeting, and the Board shall permit the consideration of the hand-carry resolutions presented at the March 26, 2018 meeting of the Board; and it is further:

RESOLVED, that the emergency basis for waiving such policy is to address the expiring Administrative Leave of Absence with Pay (hereinafter "ALOAw/Pay") for Employee #4622, since the leave was originally due to expire on March 10, 2018 (60 days from and including January 10, 2018), and then was extended by 22 days until April 1, 2018, but the investigation will not conclude prior to holding an April 30, 2018 rescheduled 50-H hearing of Employee #4622, so the District cannot conclude its investigations prior to April 1, 2018, as had been intended; and

RESOLVED, that the emergency basis for waiving such policy is to further extend the ALOAw/Pay for Employee #4622 through and inclusive of June 1, 2018, so that the District has time to conduct the 50-h hearing and assess it and such other evidence as may be presented to the BOE following the conclusion of the investigations that are and remain pending and not completed regarding Employee #4622, including the need to obtain discovery from Employee #4622 and related entities, prior to period of such ALOAw/Pay expiring for him; and it is further:

RESOLVED, the waiver of policy 2342 is effective only for the hand-carry resolutions considered at the March 26, 2018 meeting.

MOTION	YES 3	MOTION CARRIED
To suspend policy #2342	NO 2 (Trustees Jackson & Touré)	

HAND CARRY #2

**RESOLUTION TO EXTEND LEAVE UNDER POLICY #9520.3
FOR EMPLOYEE #4622**

Trustee Stith moved, seconded by Trustee Gates to approve to extend ALOAw/Pay

2. **RESOLVED**, that the Board of Education extends the placement of Employee #4622 on Administrative Leave of Absence with Pay (hereinafter "ALOAw/Pay") through June 1, 2018; and it is further:

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RESOLVED, that the Board of Education originally placed Employee #4622 on such ALOAw/Pay on January 9, 2018 under the District's ALOAw/Pay Policy (Policy #9520.3), commencing January 10, 2018, for sixty (60) days, which would have expired on March 10, 2018, but then such leave was extended by Board resolution passed on March 1, 2018 for an additional twenty two (22) days, from March 11, 2018 through and inclusive of April 1, 2018, because the District lost time to conduct its investigations for 22 days due to litigation from January 9, 2018 through January 30, 2018, but now such ALOAw/Pay needs to be extended further, despite the prior extension of 22 days, due to EMPLOYEE #4622 failing to sit for his 50-h hearing on March 7, 2018, March 15, 2018 or March 26, 2018, due to his counsel's inability to attend same, and then after the Board passed a resolution on March 19, 2018, directing EMPLOYEE #4622 to attend the 50-h hearing on March 26, 2018 as had been scheduled, so the investigations could be concluded by April 1, 2018, without further extension of his ALOAw/Pay, Employee #4622 contested such directive in Court due to his counsel's scheduling conflicts, and the 50-h hearing was rescheduled to April 30, 2018 by Court Order, which delay is preventing the District from completing its investigations of his involvement in several areas of inquiry, and from gathering information regarding his late filed Notice of Claim (filed January 30, 2018), and which delay necessitates the extension of such ALOAw/Pay for Employee #4622, so that there is no gap in the Board's placement of him on such leave; and it is further

RESOLVED, that Employee #4622 shall continue to receive full pay and all benefits due to him as required by the District's ALOAwPay Policy (Policy #9520.3), while he remains on such Administrative Leave of Absence with Pay; and it is further

RESOLVED, the District Clerk is directed to send a copy of this resolution by email and certified mail, return receipt requested, to Employee #4622, within 24 hours of the adoption of this resolution.

MOTION	YES 3	MOTION CARRIED
To extend ALOAwPay	NO 1 (Trustee Touré)	
	ABS. 1 (Trustee Jackson)	

Trustee Touré for the record; " In my opinion the investigation is being handled to wrong way and every extensions that we do only implies unnecessary expenses on parts of the taxpayers money

Trustee Gates for the record: "The extension of this particular Administrative of Absence was based on Dr. Waronker's in availability of his counsel. It's no based on anyone trying to receive additional information or utilizing or the abuse of taxpayer dollars. It is because the defense counsel is not available."

Trustee Touré on the record: "Dr. Waronker was never called for this investigation before the expiring of his sixty days."

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HAND CARRY #3

**RESOLUTION TO DIRECT EMPLOYEE #4622
TO ATTEND AN INTERNAL DISTRICT INVESTIGATION INTERVIEW,
ON TUESDAY, APRIL 10, 2018, AT 12:00 NOON**

Trustee Stith moved, seconded by Trustee Gates to approve to attend internal district investigation interview

3. **RESOLVED**, that the Board of Education shall send a letter to Employee #4622 and authorizes the Board President or any other Trustee of the Board of Education to sign said letter, directing Employee #4622 to appear for an internal District investigation interview, to be conducted under oath, to be transcribed by a stenographer, to be conducted by the District's Labor Counsel, The Scher Law Firm, LLP, and to be held at the law offices of The Scher Law Firm, LLP, located at 1 Old Country Road, Suite 385, Carle Place, NY 11514, on **Tuesday, April 10, 2018 at 12:00 noon**, which date is one that Employee #4622 is expected to be able to attend while he remains an employee on ALOAw/Pay, and which date was selected precisely because it is a date when his counsel would have been appearing for Employee #4622 in Court for the Initial Conference in the litigation his counsel commenced for Employee #4622, for questioning regarding the matters for which Employee #4622 was placed on ALOAw/Pay pending the conclusion of such investigations, and if Employee #4622 fails to appear for said interview under oath, then it shall be deemed gross insubordination; and it is further

RESOLVED, the District Clerk is directed to send a copy of this resolution by hand delivery, email and certified mail, return receipt requested, to Employee #4622, within 24 hours of the adoption of this resolution.

MOTION
To approve to attend
Internal district
Investigation interview

YES 3
NO 1 (Trustee Jackson)
ABS. 1 (Trustee Touré)

MOTION CARRIED

HAND CARRY # 4

**RESOLUTION RESCINDING THE FEBRUARY 1, 2018 BOARD RESOLUTION
AUTHORIZING THE COMMENCEMENT OF LEGAL ACTION**

Trustee Stith moved, seconded by Trustee Gates to rescind the commencement of legal action

4. **RESOLVED**, the Board hereby rescinds its previously passed resolution on February 1, 2018, by which the Board had authorized Special Counsel, Gerstman, Schwartz and Malito, LLP, to authorize said law firm to commence legal proceedings, for pre-Action disclosure pursuant to NY CPLR §3102(c), or

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Trustee Gates moved, seconded by Trustee Stith to adjourn the meeting at 1:16 P.M.

MOTION
Meeting adjourned

YES 5

MOTION CARRIED

Respectfully submitted:

Patricia Wright
District Clerk