

**MINUTES OF THE PATERSON BOARD OF EDUCATION
SPECIAL MEETING**

August 16, 2021 – 5:00 p.m.
Remote - Zoom

Presiding: Comm. Kenneth Simmons, President

Present:

Ms. Eileen F. Shafer, Superintendent of Schools
Ms. Susana Peron, Deputy Superintendent
Khalifah Shabazz-Charles, Esq., General Counsel
Boris Zaydel, Esq., Board Counsel

Comm. Vincent Arrington
Comm. Emanuel Capers
Comm. Oshin Castillo-Cruz
Comm. Jonathan Hodges

Comm. Dania Martinez
Comm. Manuel Martinez, Vice President
Comm. Nakima Redmon
Comm. Corey Teague

Comm. Simmons read the Open Public Meetings Act:

The New Jersey Open Public Meetings Act was enacted to insure the right of the public to have advance notice of, and to attend the meetings of the Paterson Public School District, as well as other public bodies at which any business affecting the interest of the public is discussed or acted upon.

In accordance with the provisions of this law, the Paterson Public School District has caused notice of this meeting:

**Special Meeting
August 16, 2021 at 5:00 p.m.
Remote - Zoom
90 Delaware Avenue
Paterson, New Jersey**

to be published by having the date, time and place posted in the office of the City Clerk of the City of Paterson, at the entrance of the Paterson Public School offices, on the district's website, and by sending notice of the meeting to the Arab Voice, El Diario, the Italian Voice, the North Jersey Herald & News, and The Record.

DISCUSSION ON THE SUPERINTENDENT SEARCH PROCESS

Comm. Simmons: I want to jump right into this. This is really just a discussion about process and Board options. It appears that there has been some misinformation put out. In an effort to be transparent, I thought that we had discussed this a number of times. I know that we have discussed it in executive session a few times. I know that I've talked to a few Board members at length about the process or making sure the Board has options. I wanted to continue that. I will take responsibility for the interpretation that it hadn't been discussed enough and we will have this conversation again tonight. To be clear, this is for all intents and purposes not completely about the current Superintendent. It is really about the Board's options. We know that the current

Superintendent's contract is coming to an end and the Board at some point has to take action, whether that is to extend the contract or to go out for a search. Either way, the Board has to take action. To make sure that the Board has all of its options on the table, part of that process, just so people are clear, the item that was on the agenda last month was not to go out to search. The item that was on the agenda was to entertain proposals from search firms. If going out to search is the direction that the Board chooses to go in, we are a long way from that process, but to start that process you have to first entertain proposals. Then you still have to hire a firm. Once you hire a firm, you have to put together criteria, form a committee, and go through the process. I wanted to be clear that the item that was on the agenda was not to go out to search. It was only to entertain proposals from search firms. We haven't even gotten to the point where we hire a search firm, so you still have to go through that. I wanted to be transparent. I will open the floor. I think I've explained, but before we move on, is there anyone unclear about what I just spoke about?

Comm. D. Martinez: Mr. President, I just want to restate what you're saying so you understand how I am understanding it, if that's okay.

Comm. Simmons: Sure.

Comm. D. Martinez: What I'm getting that you're saying is that we are not doing the search now, but regardless we still have to vote for a firm to receive proposals. Although we are not looking for a superintendent and let's say we want to keep Superintendent Shafer, we still have to go through this process?

Comm. Simmons: The process is to make sure that the Board keeps all its options on the table. Because you have time constraints, you don't want to be in a situation where let's say the Board decides they want to move in another direction in March, you still have to go out to bid. The bid has to stay out for a certain period of time and after the bids come back you still have to go through a process of selecting and awarding the bid. For all intents and purposes, if you did it that way, you tie the Board's hands and you limit the Board's options. You rush a process realistically.

Comm. Redmon: Excuse me, Mr. President. Comm. Castillo is trying to get into the meeting. She is asking can someone please let her in.

Comm. Simmons: I'm not sure if that answered your question, Comm. Martinez.

Comm. D. Martinez: Not really. I'm going to be very transparent right now and I say this with all due respect. I understand the Board has to be prepared and have our options in the near future. I just want to get an understanding of why we need to be prepared. Are there concerns that have not been addressed? Based on the evaluations that we all witnessed and saw; they were excellent so I don't see how this would be something that would affect us all in the future. Unless there are other concerns that you or other Board members may have that I or other Board members might not be aware of. That's what I'm confused about and that's why I am asking. If this is a process that we have to go to, if legally we have to do this, then I would say okay. I feel like there is more to this, but I may be wrong. That's just how I'm feeling about the situation. I'm not saying that there is or there isn't. I just feel like there should be a better clarification of why we need to go through this whole process.

Comm. Simmons: You're just keeping your options on the table so that you're not in a situation, because anything can happen, where you are forced to rush a process, if that makes any sense. I'm going to go back to the misinformation because there were some

things said specifically about me that I said that I did not say. I did not allude to or imply that this position is being held for someone specific. Again, that's why I said that there was some misinformation.

Comm. Teague: That's the elephant in the room right now.

Comm. Simmons: Right, and so we are going to address it. I did not say that. I've never told anyone that and I wouldn't do that. This is all about making sure that the Board has all of its options on the table. Period! There has been some discussion preliminarily with the Superintendent and this is about a transparent process. I know that the Superintendent would like an extension. I think we discussed this back in probably February of 2020. Or was it after that? The Board was supposed to revisit that.

Comm. Redmon: It was after, Comm. Simmons. It was after. I can probably clarify it. When we sat down as a Board and we restructured the Superintendent's contract, we left it. After that, it was brought back to us to review. We never reviewed it at all. Probably September or October of last year it was brought to our attention.

Comm. Simmons: Okay.

Ms. Shabazz-Charles: You are correct. Everything that Comm. Simmons has said about the law and the process is correct. But I always want to be mindful of the fact that you shouldn't have to have that onus all on you. So, I do want to just kind of outline something that Comm. Dania Martinez just spoke about. Your instinct is right about what the requirements are. If right now you decided we want to stay with Superintendent Shafer, then your instinct is correct. Do we even need to do any of this? That part of it is accurate. However, let's say hypothetically right now you decided to extend her contract. But let's say, for example, you didn't come to an agreement. Let's say, for example, she didn't want to. The other side of the coin is if you don't take these steps in the appropriate timelines, and you can all decide what those timelines are, then what will happen is if you don't go out... The purpose of the RFP was to go out to solicit people and firms who were interested in spearheading the search process for a superintendent. You don't have to use them. You could vote on it, award it, and realize you don't need them, and they would never generate any revenue from it, but it does allow for there to be someone that is, for lack of a better word, on standby should you wish to go that route. Everyone does things differently, but that is not atypical either. I'm listening to everyone discuss some of the other personal issues, but just from a legal perspective and representing other boards, it's not atypical to start a process and then you make your decisions as you go through as to what your next steps will be.

Comm. Castillo-Cruz: On the same note, I just want us to be on the same page. I do apologize. I was on my phone trying to get into the meeting. I apologize if I didn't catch anything, but there are two things. We go to RFP's or RFQ's for things we may need, just like we go for engineer of record and pool of attorneys. We vote on things like this all the time to have on hand for if and when it's needed. If it's needed, then that's great. We have a whole pool of attorneys that we don't use that don't generate any revenue. But if there is a case where a specialization is needed, we can pull from that attorney without any issues. We have engineers that don't generate any revenue but are there. If needed, we pull on them. Auditors are there if needed. There is a whole pool of services that most of us have voted on to keep in our books for when we need it. When we talk about this process, it's not new. It was just done differently. The state did searches, such as Superintendent Glascoe and Superintendent Evans. There is one

other superintendent that went through a search firm on the state side when there were state-appointed superintendents, right?

Comm. Hodges: No. That's not accurate, but you can go ahead.

Comm. Castillo-Cruz: There was a search. Not our search.

Comm. Hodges: No. It was our search with the assistance of the state. Those were all our searches.

Comm. Simmons: They were your searches, but ultimately the state made the decision.

Comm. Hodges: No. The state did not make the decision.

Comm. Simmons: Dr. Hodges, the Board made the recommendation, but the state could have done something different.

Comm. Hodges: The state took what the Board did.

Comm. Simmons: That's not what I said. I said the state could have done something different. Ultimately, they were state-appointed superintendents.

Comm. Castillo-Cruz: At the end of the day, we had a special way of working and we are thankful to the state where they took our recommendations and a lot of the things we recommended or pushed through. But the reality is that when you are under a state hold, they can veto, change, and remove. That is the reality. They took our recommendation. We went through the search. It was great. At the end of the day, it was a state superintendent, not a city of Paterson, Board-chosen superintendent. That's the reality. Whether they worked with us or not, it was still their employee at the end of the day. I'm saying all that to say that we have searched for superintendents when they were state-appointed superintendents. This is our first time under local control. We may or may not use the firm. I know in the last superintendent search we did we included the community, which is great. For the first time, I think we can do it independently, if needed. I think that's very important because it's something we have all talked to the community about. Now this is your process. This is the community's process to choose a superintendent or to keep the superintendent. We do that as representation, but we hear from the community as well. I think we can't take that away from them as we are just moving into local control. We have done forums in the past and I think we should do forums in the future. We can't just ultimately say we are going to get a new superintendent or keep the superintendent and we don't give the community that opportunity. That's what a firm does, be able to host some of these forums and have some of these conversations. At the end of the day, it is also a personnel matter. I think those are two very important points that we need to take into account. Our last search for a superintendent took approximately nine and a half months. We haven't even made a decision of what the next steps are. I want to be very clear that this conversation doesn't reflect on what my personal opinion of the Superintendent is, because it shouldn't. This is just about setting a process and a precedent. What happens if we keep the Superintendent on a five-year contract or pick another superintendent on a five-year contract? What happens five years from then? What happens when many of us are not on this Board if we don't create a process moving forward that's going to shape the way the school district operates? This is why we moved into local control, to start creating processes and procedures of what it's going to look like moving forward. It could be changed, but at least we set a precedent that's ours. What are the best practices? This is not about evaluation or my personal

opinion. My evaluation was stated in my evaluation. This is about the process moving forward. I think we owe that to this Board and to this community to establish a process or at least have the opportunity to speak about one. I think we have to have those conversations moving forward because, quite frankly, many members of our community don't even know what to expect. We were under state control for 30 years. Granted, we did have a lot of leeway and the state did take our recommendations, but it wasn't ours. I think that's the first point of that conversation that we really have to talk about. It's not about liking, disliking, or thinking it's a good job or a bad job. I don't think we're there. In my opinion, I think we should dial back just a little bit.

Comm. Hodges: Since you weren't here for those operations and I was, let me tell you how they actually worked. You weren't here for that. I was. The only time the state took control of the superintendent search where they ran it was with Dr. Evans. The Governor decided to put a process in place for Newark and he insisted on doing the same thing here in Paterson. Before that, the Board ran the entire process. We chose the state superintendent. We chose him. We put together the questions. We put together the procedure. We did all of that. The Board did it. The state just stood there and observed. That's all they did. They put people in the process and that's all they did. Those were all our processes. We determined the rounds of questionings. We chose the questions. We did all of that ourselves. The Board did that. You weren't here for that, but that's what happened. The Board did it.

Comm. Castillo-Cruz: Dr. Hodges...

Comm. Hodges: Let me finish! We chose the state superintendent. That was the position that we were choosing. It wasn't that the state didn't choose anything. We did that. That was the only thing that happened. The very first time that they took away Dr. Duroy, they presented us two candidates. We chose from those candidates, but we put together the process to determine what that process was going to be. The Board did that. It was the only district that did that. The only one that did it was us. That's why when you sit there and you tell people that the state chose, that's not what happened. The state did not choose them.

Comm. Simmons: Dr. Hodges, just a point of clarification. No one said that the state chose them.

Comm. Hodges: It wasn't the state's process. It was our process.

Comm. Simmons: She said that. She said the state took the district's recommendation, but at the end of the day they were state-appointed superintendents. They worked for the state.

Comm. Hodges: Okay.

Comm. Castillo-Cruz: If I could add one more thing, I was not here for Dr. Glascoe and Dr. Evans, but I was here for our last superintendent search. We were still under state control, and we still had state individuals in part of the conversations. Yes, we set up the process and the questions. However, they were still monitoring every step that we took. At the end of the day, there was always guidance and a recommendation that needed to be followed. Mind you, in the last two years we were already transitioning to local control. I may not have been there in the last 10 years, but I definitely have been here in the last five and I can tell you what that process went to. Although we made a lot of the questions and really envisioned out what we wanted our process to be, the state definitely was there guiding and making sure that things were done in a way that

they believed was correct. I am sure it was the same way for the previous two superintendents because I did live through that last one. Since I have been on the Board about six years now, I did feel what state control was. At the end of the day, they took our recommendation. We appreciate them for that, but it was our recommendation. They could have changed. They could have vetoed. They could have done many things. I just want to make that a point of clarification.

Comm. Teague: I am not questioning the process, but I must be honest. There were some things said to me that would suggest that there was something nefarious going on politically. Even if that's not the case, everyone on this call has to admit there is a lot of stuff that happens in this city that is politically based. Even if this doesn't have anything to do with that, that's the way it was presented to me, that there is something probably nefarious. I had the opportunity to speak with you, Comm. Simmons, afterwards and found out that you spoke to the individual prior to our conversation. I think that's what brought about the confusion and the down vote. I don't think anybody was challenging the position, but there were some comments that were made that would suggest there was something political going on. That's why we are here. That's what happened.

Comm. Simmons: Thank you, Comm. Teague. For me, this is about process. It's about making sure that the Board has all its options on the table. We are far from a search. Even if we want to extend the Superintendent's contract, there is still a process. There is still a conversation that has to take place. There are still negotiations that have to take place. If you are not prepared, those who fail to plan, plan to fail. I don't want to be in that position. I want us to be prepared for whatever direction we want to go in. For people to go around and say that I didn't talk to them, I am just going to say it's a lie. I'm saying that here because I did speak to people who claimed that I didn't speak to them. This was never about holding a position for anyone. As Comm. Castillo said, this is about us establishing a process that can be used going forward. Period! Like I said in the beginning, we are a long way from a search. Even if there is an extension of a contract, we are a long way from negotiations, because that's what it becomes.

Comm. Redmon: Just to add to the whole timeline, the Board President spoke to each and every Board member. Let's just be transparent. Each and every Board member here has had a conversation with the Board President either in committee or outside a committee. He has spoken to all of us about the process and our thoughts about the process. I'm just being transparent. I know I was spoken to about this process. We also talked about this in personnel and governance.

Comm. Simmons: In executive session.

Comm. Redmon: And in executive session. Comm. Simmons, you are actually correct. When those committees started to talk about the process, we also laid out a timeline. You can go back and ask the Board Secretary because it is public knowledge and also available to us. If you go back and look at the Superintendent's contract, if we are going to move forward or if we are going to renew the person, we have to let them know no later than February 30, 2020. If we continue to wait and don't have another option, we put ourselves in a hole and then we cannot move forward. We're not saying this is a process to go for a superintendent or anything. We just wanted to have a firm available to us so we can have them start the process, notify the people that needed to be notified, and actually start off the committee. Again, I remember this being discussed with transparency. We discussed this in at least two committees and a closed session. It's not personal to Ms. Shafer. I wanted that to be clear because it was never personal that we did not like the process. We did her evaluation. It was stated what was going on in the evaluation. That's also public record. Everything we are saying about the

individual that's in the room is public record. We just wanted to make sure we move forward to the process. What I don't like is that when it came back to the table a couple of things Commissioners were told was different. Comm. Teague had approached myself, Comm. Castillo, and Comm. Martinez in saying that he had a conversation with Comm. Simmons. He wanted to get our take on it and to make sure that we knew there was a meeting with other Board members. We told him yes, we knew. I just wanted to make sure it was a transparent process. Every person on this Board has heard about the actual process. It could've been confused and you're thinking that we're moving forward. Comm. Dania Martinez, we went through this process when we started the other superintendent search. In order for us to start the search firm, the process was already put in. As a Board, we had to pick between firms that we initially narrowed down in committee. It was recommended by the committee back to the Board and the Board initially voted on the process to start the firm search. Comm. Castillo and Comm. Hodges are both correct. The state actually outlined our timeframe. They gave us a timeframe. Each time we met as a committee the state made sure this was done by a certain amount of time. Am I right, Comm. Martinez? You also sat on that along with Comm. Castillo. You guys sat on that together with me. Each step of the way was outlined by the state guidelines. Even when it came to the salary of the superintendent, they read through our recommendation to them, they kicked it back to us, and gave us the recommendation to move forward with the actual salary in the process of how to choose. When it came to the matrix and the questions, the Board got a survey and was able to come up with the questions through the survey from each Board member and the public. Those questions went into the actual process to start the superintendent search. After that process, then we created a matrix because the committee was actually formed by that time. The committee decided on how we scored the actual interviewing process. That's what actually happened. This is also on record. If you want to request a process, you can request it through our Board Secretary. She has all the notes and notations of how the process went. I just wanted to make sure we were clear that every Board member here got the same information at the same time. There is nothing that was done in the dark. That's why I think we're all frustrated. It seemed like something was done in the dark at the last minute. I don't understand why. I'm just telling you my personal opinion. It was put on our agenda. Our agendas go out a week in advance. Any Board member who has any questions about anything should have reached back out either to the Board President or the Board Secretary and understand that they didn't get any clarity of any item that's on here. Our agendas go out in enough time, so we can't say that we don't have enough time to review.

Comm. Castillo-Cruz: One more thing I wanted to add and that was the clarification that was made at one point as well. This is a personnel matter right. This is where it gets a little difficult sometimes. It's negotiations. This is not speaking of our current Superintendent. Moving forward let's say there is a salary that the Board expects to pay out, or there is a certain criteria that the Board has a certain expectation. The person who is in the seat gets to negotiate that. If you don't reach an agreement on whatever that negotiation is, those are additional conversations that the Board would have to have and expend on. That's something to make sure that it's on everyone's mind. It's not just as an example of we will renew and that's it. There are attorneys. There is a process. There are negotiations that have to come down. There is anything from pay, vacations, merits, and how things will be conducted in the contract. Regardless of which direction we go into, this is going to be a lengthy process for the Board as a whole. I just want us to keep that in mind as well. Sometimes we think about just a superintendent firm or to get a proposal and it's something that can be done in 30 days. It's really not. Just the negotiation part can take a few months because you have two parties plus attorneys involved. That's also why you need to talk about the length and time in which you begin having those conversations. I just want to be very transparent.

It's my opinion as well that we've had these conversations multiple times. Before April or May we started having the first executive session. It took more than one executive session for this conversation that we've had. For Board members or for individuals to say that they didn't know what was going on, or that they weren't made aware of what the process was, it's because you are not reading your material, you're not participating, or you're not paying attention. These conversations have been had multiple times. These were in minutes. These were had in committee and in executive session. I know it was said in a previous meeting as well that we hold the administration accountable, but we have to hold ourselves accountable as well. This is not a pie-in-the-sky conversation. We have been having this for about three months already. It gets to the point where we have to make a decision of what we are going to do and what is the best option for the district, our children, and our community. I apologize, Mr. President, but I really don't have time for the nonsense. We are here to get work done, not to have multiple meetings on the same subject with no progression and having the same exact conversation over a three-month time span. We should do whatever it is that needs to be done to move forward so we can get to the business of our kids.

Comm. Teague: With all due respect, I take exception to that. I have video of before Ms. Shafer was even voted in as Superintendent. They were at Hamilton & Ward clapping and applauding her being selected. So, let's not do that. We're paying attention, but as I said, something was brought to us. I hope the person would speak up because this conversation is surrounding this Commissioner. I hope he would speak up because that's what was brought to us and that's how we got here. Let's keep it there. Nobody is not paying attention. We're just trying to figure out what's going on and why this person brought this to us when he spoke to the President.

Comm. Castillo-Cruz: Comm. Teague, it was not towards you, but if you feel it was then that's a different conversation. You have been productive in all of the meetings and conversations. I don't know why you would think that would be anything against you when we've had great conversations in the meetings. You have participated greatly. I have a child who is apparently in all of our meetings now too. There is just some follow-up that sometimes isn't done. We have had great conversations, Comm. Teague. That's all I'm going to say.

Comm. Teague: Absolutely.

Comm. M. Martinez: Comm. Teague, you did bring up something that merits repeating. We are all adults. We all know what happened. Several Board members got a call from another Board member and gave them information that was contrary to what was actually shared. If that Board member wanted to share that information with them privately, I would invite that Board member to share that information publicly. I'm not trying to call anybody out by name, but the floor is yours.

Comm. Simmons: In the words of Bryant Gumbel, let's move on.

Comm. M. Martinez: Just for clarity, this is what happened. The Board President and Vice President had conversations with members of this Board about the process. Another Board member, who is currently on the call, had sidebar conversations with other Board members telling them something completely different and that's where a lot of this confusion was birthed from. I would ask if those side conversations were being had in private and we're a transparent Board, have the conversation publicly. Now we're quiet.

Comm. D. Martinez: I just want to clarify so that we're public with the community. I don't recall having a conversation with you, Mr. President, regarding the process. I remember us having an executive session about us soon starting the process of looking for an RFP. That was just one conversation that we all discussed. We talked about the evaluations, when they were going to come out, and when we had to have them completed. The process for me was never explained. Comm. Castillo-Cruz is correct. If we don't understand something, it is our responsibility to reach out to the President or the Board Secretary to get clarification of these things. I agree 100%. When I did get a call from a Commissioner stating that this was going to be on the agenda in a couple of weeks, I had a loss in my family. At that time, it wasn't something that I could research. All I took from that item on the agenda was that we were going to start the process to look for a firm. I thought why are we looking for a firm if we have not had a discussion that we were looking for another superintendent or that Superintendent Shafer had done a horrible job? That's how I took it. I've heard about the political comments that have been stated. It hasn't only been mentioned in these types of conversations. It has been said in the past. I just want to clarify I'm not that type of Board member. I do my research and I do go by data, and I understand that this is a process. Unfortunately, I just don't agree that we should look for a firm at this moment. That's just my personal opinion. Maybe this is something that I need to discuss further in private with the President. I just don't agree with this process. It just doesn't make sense to me.

Comm. Capers: For one, this part of the whole conversation should have started here. We should have had an executive session first about what's about to be put on the agenda. Right now, we're having a civil conversation with all Board members. We're discussing the proposal of the superintendent search and not just putting it on the agenda.

Comm. Simmons: I have to correct you first because this wasn't a proposal for the search. This was an RFP to obtain a proposal. You and I had this discussion.

Comm. Castillo-Cruz: And it was in executive session.

Comm. Simmons: And it was in executive session.

Comm. Capers: I wasn't in executive session.

Comm. Simmons: Yes, you were. We discussed it in executive session more than once. You and I met for breakfast, and we talked about this for about two hours.

Comm. Capers: In 'other items.' This was months ago.

Comm. Simmons: We talked about this for about two hours.

Comm. Capers: Okay. This was months ago. I didn't know it was coming up. We should have had this executive session first and talked as a Board.

Comm. Simmons: We did.

Comm. Capers: I wasn't here, sir.

Comm. Simmons: Yes, you were. It's just like you didn't complete the Superintendent's evaluation because you were suspended.

Comm. Capers: Correct.

Comm. Simmons: No, you were not.

Comm. Capers: That's not fair.

Comm. Simmons: You weren't suspended when it was time to complete the evaluation.

Comm. Capers: I wasn't suspended when it was time to complete the evaluation, but I wasn't here. That's why I didn't do it.

Comm. Simmons: But you're telling people you didn't complete it because you were. You didn't complete it because you chose not to.

Comm. Capers: I chose not to because I was suspended. How do I give the Superintendent an accurate evaluation when I'm not on the Board? That's doesn't make any sense.

Comm. Simmons: It's better to say I chose not to.

Comm. Capers: That's the point.

Comm. Simmons: What you're telling people is you were suspended so you didn't do it.

Comm. Capers: This is not even the issue. This should have come first.

Comm. Simmons: It did. I don't know how many times... We discussed this in executive session more than once. You were there. On top of the executive session, you and I talked about this for at least two hours. For you to go around and tell people that you were unaware is just a bold-faced lie.

Comm. Capers: That this was coming up on the agenda and we didn't have a recent conversation about it?

Comm. Simmons: You got the agenda two weeks prior.

Comm. Capers: Okay.

Comm. Simmons: You were unaware why?

Comm. Capers: I was unaware of what was going on. Like I said, this should have come first in terms of having a conversation.

Comm. Simmons: We had the conversation.

Comm. Capers: I wasn't there, sir.

Comm. Simmons: You were there.

Comm. Capers: I wasn't.

Comm. M. Martinez: There are Board minutes and attendance.

Comm. Capers: Please send it to me and refresh my memory.

Comm. Simmons: You were in the executive session. You and I had the conversation.

Comm. Capers: I wasn't in there.

Comm. Simmons: You and I had the conversation for at least two hours.

Comm. Capers: Not around this topic. It was around another topic.

Comm. Simmons: What?

Comm. Castillo-Cruz: You just mentioned at the beginning of your discussion that it was about this and other topics.

Comm. Capers: Yes. That's what we met about when I first returned back to the Board.

Comm. Castillo-Cruz: So, you had the conversation with the Board President.

Comm. Capers: We didn't have a Board discussion around what we were trying to do.

Comm. Simmons: Yes, we did.

Comm. Capers: We didn't.

Comm. Simmons: Let's move on.

Comm. Redmon: I'm being patient. We can have this discussion for about another hour. Nobody wants to own up to what they do.

Comm. Capers: Own up to what? Just be clear. Own up to what?

Comm. Redmon: I'm going to go back to the actual process. Ms. Shabazz, can you explain to the Commissioners that were here that in order for us to discuss this we had to go through personnel and governance. We asked for an executive session so it could be brought to the entire Board because it is a personnel issue. Is that a correct process?

Ms. Shabazz-Charles: For this specific process I just want to be sure because I didn't hear the very beginning of your question.

Comm. Redmon: Yes, I'm asking about this specific question. The Commissioner was saying this process was not discussed with the entire Board. I just wanted to make sure we're following the correct process. I want to focus on the process.

Ms. Shabazz-Charles: The process for going out for a superintendent, whether you renegotiate the contract of your current Superintendent or whether you want to entertain other potential candidates, obviously the Board should have a discussion about that. You can't do it blind. You have a discussion about what your goals are. Based on that discussion, you move forward accordingly. In this situation, we've had some committee discussions. We've had discussions in executive session. The RFP was prepared as directed and was placed on the agenda. At this point, every Board member has their voice to vote as they see fit. I think you guys are having a great conversation, the ones that need to be had, but I don't want to blur what the law is. The law is very simple. The Board needs to make a decision on the direction they would like to go in. They

don't have to make that today. If you want to entertain keeping the current Superintendent, that doesn't negate the fact that her contract requires that by February 1 she must be given a notice of non-renewal if we have not reached an agreement. If you fail to provide that to her by that date, her contract in its current form is automatically her new contract. I've heard other Commissioners say that, but I wanted to get on record what is important here. You can decide you want to keep the Superintendent. That's one piece of the issue. Even in doing that, we will have to negotiate. If we don't get to that by February 1, then the contract is as it's been. For this process we discussed it in committees and executive session. But for any process in general the date that you are focused on is February 1. We have to know what needs to be done prior to that date. Obviously, if there's a decision to see other candidates, if you're waiting until February 1 to do so, then now you've limited your search capabilities between February and the expiration, which is June. That's not a legal thing. That's a practical thing. But I want you to be very clear. February 1 is the date that is the most important and the rest of it is about the Board making a decision on the best way to move forward understanding that date matters.

Comm. Redmon: Thank you, Ms. Shabazz. That's what I wanted to make sure we have on record and that all Board members have the information that was provided to us through committee. Thank you.

Comm. M. Martinez: That's what I was about to say. Thank you for bringing that out so eloquently and clearly, Ms. Shabazz.

Ms. Shabazz-Charles: No problem.

Comm. Simmons: At this point, it's a simple question. Does the Board want to make sure it has all of its options in the table? It's a simple question.

Comm. Teague: Yup.

Comm. Redmon: My answer is yes.

Comm. Castillo-Cruz: Yes.

Comm. Simmons: If there was a vote today, we'd be back in the same position.

Comm. Castillo-Cruz: I'm looking through my items here. One of the earliest conversations we had about this topic was February 17, 2021. I'm looking through my notes for the executive sessions, which obviously are available to everyone. That is the first time we started this conversation, February 17, 2021, in an executive session. You stated that the Superintendent's contract would expire in 2022 and the Board will be developing a scope of work. An RFP for a consultant to handle the superintendent search will be advertised to begin the process for the Board now under local control. This is on those minutes and that's when the Board had agreed to the scope of work.

Comm. Capers: I wasn't there in February 2021.

Comm. Simmons: That was the first one.

Comm. Castillo-Cruz: I said that was the first one. These are minutes available. They're on the drive and you can look up minutes available. At that time is when the Board had agreed to create the scope of work for an RFP. As I find additional ones, I will be announcing them. These are minutes available for the Board.

Comm. Simmons: Let's be clear. Again, this is about the process. I'm not sure how many other ways to say it. Even if we decide that we are going to extend the Superintendent's contract, we have to have a negotiation. If we're not and we don't do anything at all, you heard what General Counsel just said. It is automatically renewed in its current state, which is a four-year contract at this point. We can wait and not do anything. Or we can establish a process that helps us begin to have discussions around which way the Board wants to go. But we have to be prepared either way regardless of the direction. Does anyone else have anything they want to add around this discussion?

Comm. D. Martinez: Does the Superintendent want to say anything about what is being discussed?

Comm. Redmon: She can't say anything.

Comm. D. Martinez: Okay.

Comm. Redmon: This is a proper process. She's actually in the meeting because she was notified that we would be discussing this matter. That's the reason why we're having it in public portion. She was notified. We're just having a process. Once we include her, another process starts. Right now, we're just discussing the process. We're not talking to her personally about the position. We're just talking about the process.

Comm. Capers: As Comm. Castillo-Cruz mentioned about those minutes, on February 1, 2021, I was not in that executive session.

Comm. Simmons: That was just the first meeting.

Comm. Capers: I wasn't there.

Comm. Simmons: Sir, I'm not going to go back and forth with you because you and I had a conversation. Nothing changes the fact that you and I had a two-hour conversation.

Comm. Capers: Along with that amongst other things.

Comm. M. Martinez: Correct. By stating that, you're agreeing to what he is saying. You did have that conversation amongst other things, but you had the conversation.

Comm. Capers: Months ago.

Comm. M. Martinez: Excellent. It was months ago, and the agenda was released two weeks ago. Why is this confusing? You had the conversation three months ago. The conversation was had. That's the point. Period!

Comm. Castillo-Cruz: Comm. Capers, whether we do or don't agree, that's a separate conversation. We're all entitled to our opinion. We were all elected by the community to represent them, and we do so with the community's guidance. We owe it to the community to make sure we have all the information we need to do our jobs as Board members. If we're not in a meeting, whether it's one or several, we do have minutes available on the shared drive within reach of all Board members. It is our responsibility as elected individuals who want to take this seat and who want to serve to look up

minutes and information. Obviously, there are circumstances in life that make it a little bit difficult, but if it's for an extended period of time it's our job to do our homework or to ask the questions. In my opinion, saying "I didn't know" when the information is available is not the best response to give. The community expects us to do our homework. Saying, "I didn't know because I didn't read information available to me" cannot change the conversation of the Board, the people that participated, read up, and looked for information. I'm still trying to navigate because this is a lot of information, but we have been engaged. I just wanted to make sure that is available.

Comm. Capers: It's not there.

Comm. Simmons: The agendas are there.

Comm. Castillo-Cruz: And we all have information from our Board Secretary, who is phenomenal and who can update us on any information that we request.

Comm. Simmons: It's amazing how the information is not there, but the information was there for you to spread misinformation.

Comm. Capers: Spreading what information exactly?

Comm. Simmons: A point of clarification, this is a public meeting. If she would like to, the Superintendent does have an opportunity to speak.

Ms. Shafer: Good evening, Board Commissioners, staff, and the Paterson community. My team and I are trying very hard to open schools and get our children back in and we're going to continue to do that. I'm going to continue to lead this district until my contract ends or I'm notified by the Board differently. For me, I've been committed to this district. I will continue to be committed to do what's right for the children in Paterson. Thank you.

Comm. Simmons: Thank you, Madam Superintendent.

PUBLIC COMMENTS

It was moved by Comm. Redmon, seconded by Comm. Teague that the Public Comments portion of the meeting be opened. On roll call all members voted in the affirmative. The motion carried.

Ms. Rosie Grant: Good evening, Commissioners, Madam Superintendent, staff, and community. Thank you for this opportunity to speak. I want to start by thanking legal for that clarification. Although I knew the law, I was beginning to get confused. If you as the Board have in fact had conversation about the search process in executive session, then the Sunshine Law may have been broken. A search process is neither legal nor personnel. I just wanted to state that for the record. Moving on, when you release an RFP, it states intent. It's no longer we're thinking about it. You're hiring a firm. How can you release an RFP before deciding if you want to keep the current Superintendent or not? Before you hire a search firm, you should be deciding whether or not you will renew the Superintendent's contract. Because the law says February 15, it does not mean you have to wait until then. I think one decision needs to be made before the other. My belief is that it's highly disrespectful to hire a search firm without clearly indicating to the current Superintendent whether or not you intend to continue her contract. In her position, when you start searching, I would too if I were the superintendent. Ms. Shafer, I thank you for your commitment to this district for getting

schools open and for staying until the end of your contract. Thank you, ladies and gentlemen.

It was moved by Comm. Redmon, seconded by Comm. M. Martinez that the Public Comments portion of the meeting be closed.

Comm. Hodges: I just want to say that I agree 100% with what Ms. Grant just stated.

On roll call all members voted in the affirmative. The motion carried.

DISCUSSION ON THE SUPERINTENDENT SEARCH PROCESS

Comm. Simmons: I just want to reiterate this. The RFP means we are going to entertain proposals. As I stated in the beginning, we are a long way from a search. We would still have to hire a firm, but we wanted to get one step out of the way because you still have time limits around an RFP process. We know that we have experienced issues with these timeframes. That's what that was about, to at least get that process out of the way. We would still have to come back to begin to have conversations about what we want to do and then whether or not we wanted to hire a firm. And then we would have to make a decision on hiring a firm. Again, what does this Board want to do?

Comm. M. Martinez: The whole premise of this conversation and prior ones is exactly what you've been alluding to, the notion of having the options available to us when the time is needed as opposed to having time not in our favor. It's about having the options and going through the process to allow for us to have that flexibility and those options. That's it. It's simple. There's nothing more really to read into it.

Comm. Capers: Are you asking what direction we should go in next?

Comm. Simmons: Yes.

Comm. Capers: For the record so everyone understands and is clear, the reason why I voted no to the first RFP is that we are a city and district that needs consistency in leadership. Right now, we're coming back in the fall from one of the worst pandemics ever. We need consistency in our leadership. We used to have the Board support in terms of coming back in the fall and making sure that we support her and her efforts. Secondly, we're going through a high school restructuring that is going to be major and detrimental, and this leadership needs to stay in place. My suggestion is to extend her for one more year.

Comm. Simmons: That still requires a process.

Comm. Capers: You're asking what direction we should go in. I'm giving you an answer. I just want to make it clear why I voted the way I voted the last time. We need consistency in leadership. I understand there needs to be a process. There needs to be a negotiation period. I get all that, but that's my opinion of what direction we need to go in.

Comm. Simmons: What happens when there is a vote, and we end up in a situation like the last meeting?

Comm. Capers: I'm not understanding your question, a vote in terms of extending her one more year?

Comm. Simmons: Yes.

Comm. Capers: We have to cross that bridge when we get there, if we get there.

Comm. Castillo-Cruz: I want to make one clarification. I don't speak for all Board members, but from conversations I can say that I speak for quite a few. I want to make it abundantly clear that I understand how difficult this conversation is, mostly for the person sitting on the seat right now. I get it. There are two things that I don't want to intertwine. I think that besides this conversation we have stood by this administration through this COVID pandemic. We have worked alongside the administration, and we continue to support them in opening the school buildings and making sure that our students are ready in September. That being said, I think that we are not doing our jobs if we don't establish a process. Comm. Capers alluded to an example of a one-year contract. Even that conversation requires what the process would be. If the contract automatically extends for four years, now we're having a different conversation. We still have to have a conversation whether it's four, two, or one year. This is all part of evolving conversations that we need to have. Just by the recent conversations, we have all established that a process needs to be created of what our next steps as a Board will be. Being part of the Board during the last superintendent search, as many of you have also been, we do know it's a difficult conversation whether it's the search or just the negotiation part alone. There are two different parts and they're both very extensive and complicated. I say we move on because it's the best for the Board and the community to have all of our options open. It's better to have the options and not use them than to wish we had done something differently. I'm available for that. Since I've been on this Board, we have kicked ourselves many times for going a route and then trying to say we should have done 'B' instead of 'A' and we locked ourselves in. I think that's what the Board President is saying. We have had these conversations way too often. I'm not saying that this is what's happening right now, but we've started a process thinking that we were going to go down one path and ended up saying we should have done it differently or gone a different path and could no longer do that. I think this opens up for ample dialogue. We involve the community. Everything is put on the table what our options may be. This is my personal opinion. I think we owe it to the community to have an open dialogue for them to have their input. If the community says it is the best option to renew for seven years, then we have that option. If we're going to be transparent, we need to be transparent all the way and not tell the community they only have this option and not the other. That's just my personal opinion and it doesn't take into account my personal opinion of what the administration and its leader has done. Sometimes I have to separate what I personally think may be a poor or great job from the overall picture. If you're going to be inclusive, then we really have to be inclusive and add everything on the table.

Comm. Capers: I agree with Comm. Castillo. I wish we would have had these conversations prior to putting it on the Board agenda like we had before. Now we're saying we want to get the community's support. We had the community's support. They know Eileen. They've known Eileen for the last 30 years. Everybody knows what the current Superintendent brings to the table, what she has done, and where she's going. It's up to the nine of us since we know what this administration is really working on and what it really takes to get it done. Just to reiterate why I voted no; we need consistency right now. We don't even know what the fall is going to look like. People are testing positive left and right. We're going to have to have shutdowns. We don't know.

Comm. Castillo-Cruz: I don't mean to interrupt, but let's be mindful of the date. The current Superintendent's contract ends June 2022.

Comm. Capers: I understand that.

Comm. Castillo-Cruz: Comm. Capers, there are more people here than just you. Because it can get a little confusing, I just want to make sure that the community who's watching understands that we're not saying the Superintendent is leaving in the fall. By no means! The contract we're talking about ends in June of 2022 after the entire school year ends.

Comm. Capers: The community also has to understand, and I'm not saying that the Superintendent will do this, I'm just talking about anybody, but when someone knows they're leaving a job, what do they tend to do? I'm not saying Ms. Shafer would do this. They tend to take all their vacation and sick time, so you have to consider those things as well.

Comm. M. Martinez: Again, you're conflating two different things. No one is leaving the job.

Comm. Capers: We don't know what the fall will look like. We need consistency right now. We're moving in the right direction. This administration is getting financial support that they never had before. We're getting things done and we just need consistency. I'm not saying go another three to five years. Let's take one step at a time. Let's move forward and extend her one more year. That's the only reason why I voted the way I did in the last meeting.

Comm. Castillo-Cruz: Comm. Capers, let's establish the process of what one more year would look like.

Comm. M. Martinez: Hold on. We're conflating two different things. It's being painted right now that if we vote to go out for an RFP that somehow Ms. Shafer is going to be out of a job. No.

Comm. Capers: Nobody is saying that.

Comm. M. Martinez: You're saying that we need consistency. She's still under contract.

Comm. Capers: We need consistency in another year and in the next upcoming fall. You're in education so you should know.

Comm. M. Martinez: I know, but you're making it seem like if we vote for this RFP she's going to be out of a job.

Comm. Capers: You're taking it that way. I didn't say that.

Comm. M. Martinez: Let's move on. We're just spinning our wheels. Let's go.

Comm. Hodges: Why don't we codify a process so we can all look at that and put down the timelines, dates, where we're going to go, and what we're going to do? The first step should be whether or not we want to change superintendents. That's number one. Once we have made a decision, we can go from there. Put it all down in writing. Put the process together. We can all vote on the process and then there's no discussion.

We don't have to go back and forth. Everything will be prescribed and there's no confusion. You talked to me. You didn't talk to me. You said this. You didn't say that. It's all in writing and we voted on it. That's what the Board should have done and then we wouldn't have to linger with all this.

Comm. Teague: I agree.

Comm. M. Martinez: Just to put a bow on this meeting, if there are any final statements. Dr. Hodges, I appreciate your sentiments you just shared with us right now. Does anyone else have any final statements they'd like to share?

Comm. Simmons: I guess at some point I'll speak with General Counsel, and we will have a conversation. I don't know if we're going to have to schedule an executive session.

Comm. Castillo-Cruz: Dr. Hodges made a great point. Do you mind repeating it to the Board President?

Comm. Hodges: All I said was the first step should be making a formal decision on the part of the Board as to whether or not we're going to keep the Superintendent or engage in a search. After you've made that decision, then you can go ahead and put together a process to address what the next steps are going to be once the Board has charted its course as a full Board. That's what you're going to have to do and you won't have this confusion. The steps will be sequenced, and the timelines can be established by the Board's making a decision about what their decision is going to be about the Superintendent. You don't have to have these arguments, discussions, misstatements, or whatever it is that's going on.

Comm. Simmons: Dr. Hodges, I'll reach out to you. It will be later this week.

Comm. Hodges: Reach out to me?

Comm. Simmons: Yes, you made the comment. I'm going to reach out to you to have a further conversation about charting the course.

Comm. Hodges: Since I can't reach you by phone...

Comm. Simmons: I've been calling you nonstop.

Comm. Hodges: I'm unable to reach you by phone when I call you, sir, which is why I've stopped doing it.

Comm. M. Martinez: I really do love and appreciate this group. I mean that sincerely. I really do.

Comm. Simmons: Me too. Does anyone else have anything to add before we proceed to close?

OTHER BUSINESS

Comm. Castillo-Cruz: I still like this Board better than other boards. Sorry. How do we move forward? When do we move forward? What have we gotten out of this meeting as our next steps? I just don't want to have another executive session and we're all talking about the same thing.

Ms. Shabazz-Charles: Like any personnel-related matter, this should start in personnel. Then the personnel committee brings forth whatever their recommendation is. Usually it's done in executive session, although it doesn't have to be. Obviously, we're talking about someone's employment so Rice notices go out and the Superintendent would have a decision. In either event, it gets discussed with the entire Board and a decision is made via vote. That's really the process. It's not complicated.

Comm. Castillo-Cruz: We did all that already. It did go through committee and executive session. Do we just go for the vote? Or do we repeat all this again?

Ms. Shabazz-Charles: To answer that question legally, things can just be put on the agenda for a vote. From a personal standpoint and Board comradery, if it requires a further discussion, then so be it. At the end of the day, it should start in personnel, make its way to the full Board for discussion, and then a vote is taken based on what the direction is. If step one is soliciting firms who can do the search, then that's the first item you vote on. If the decision is made to just put it on the floor whether or not you're going to non-renew, that doesn't mean you can't change that. You can decide that. It just has to be done by February 1. Like everyone has alluded to, these are tough conversations. At the end of the day, the process is quite simple. I just don't want to confuse the two.

Comm. Hodges: That's why I suggested the first step should be deciding what you want to do with the Superintendent and then the process just flows from there.

Comm. Capers: I agreed to that.

Comm. Simmons: Never mind.

Comm. Capers: On Dr. Hodges' proposal?

Comm. Simmons: No, never mind.

Ms. Shabazz-Charles: Dr. Hodges, I get what you're saying. It makes sense, but the decision does not have to be made about whether or not you want to keep the Superintendent. You could decide that we want to just see other candidates and she still come out as the person that you want to select. I don't want it to seem like if you decide to go for RFP for a search firm that definitely means that the Superintendent is out. It doesn't mean that. I see how people can infer that, but it doesn't mean that. For the community and people who are on this Zoom call, I don't want people to think that the first step means that you cannot later decide to renew her contract. All those things are always on the table until this Board made a decision to elect and vote on someone else. You could even issue the notice to not renew her on February 1 and still decide you've changed your mind. There really isn't any opportunity that you can't go back and say you believe Ms. Shafer is the best person for this job.

Comm. Simmons: Hence having all options on the table.

Comm. Hodges: I didn't mean to imply that. I just thought that was a starting point since that seems to be where there's a breaking point in this process. Again, even if you decide that you do want to look for other candidates, it doesn't mean the Superintendent couldn't apply and be one of them. That's always been a part of the process. But if you don't expect to look for a new Superintendent, then the process is very well-defined. Then it becomes a task of deciding what you want to see as part of

the new contract. It's up to you what you want to do. At least put a well-defined process together in writing, have the Board vote on it and we can move forward. That's all I'm saying.

Comm. Simmons: Dr. Hodges, I think that's what committees have done, which is why you see an RFP process come forward. To General Counsel's point, that doesn't mean that the Superintendent is out. Even if you go out for RFP and you receive bids, you are still a long way from deciding whether or not to hire a firm. Even as she alluded to before, you can hire a firm and not use it. If the Board has the discussion and decides to move in another direction, not having some of this stuff done preliminarily ties your hands as it relates to the timeline.

Comm. Castillo-Cruz: I don't think that was the intention and I think that's why there was a little of the back-and-forth. I don't think the Board is ready by any means to decide if we are going to go in a different direction or renew. I think that's what's creating a little bit of the back-and-forth. Most people on the Board aren't necessarily ready to make that decision, or perhaps others may be. That is a further conversation that we need to have on what the intention is, even more so now after the clarification from Madam Corporation Counsel. I think we should move forward with the RFP. It's there if needed, just like you have the auditors and the engineers. If we decide we want to extend or move in a different direction, we can have those conversations openly and then make the decision. If we say we want to renew for two years, then the person would have to decide if they want to stay for that amount of time. If the answer is yes, then that's great. If the answer is no, then we might have to go out for a firm anyway. I'm not saying this is the situation, but you have to start thinking of all the variables. My recommendation is to set up an executive session or another special meeting where we can have the conversation of where we want to go. But I think we should move forward on the RFP because now we're creating conclusions of what the entire Board may want and what the person given the opportunity may want. If the person chooses to not be here for one year or five years, then we would still have to go out anyway. Why don't we just check that box off and then have open conversations of what this is going to look like moving forward. That's just my recommendation. Let's get that done and then we can concentrate on which direction we want to go into.

Comm. Simmons: Your recommendation is to put the resolution on the agenda?

Comm. Castillo-Cruz: Yes.

Comm. Simmons: Any other recommendations? I heard Dr. Hodges. Is there anyone else?

Comm. Teague: It sounds good to me. From what I've gathered, we're just doing this to make sure there's a safety measure in place. Just like anything else, if you wait until the last minute, they hold you over a barrel or they charge you triple the prices because they know you're in a crunch. I get it.

Comm. M. Martinez: I support the notion of moving forward. Put it on the agenda and let the votes be what they will.

Comm. Simmons: I know that the Superintendent has expressed interest in an extension. Again, everything is on the table, and we have a transparent process.

Comm. Redmon: I don't know if you heard me, but I was trying to say that I support the recommendation.

Comm. Simmons: Okay. I didn't hear you. We will schedule an executive session relatively soon so that we can begin to discuss those options, an extension or if the Board wants to move in another direction. If so, we will be working on what that process looks like. Does anyone else have anything to add for the good and the welfare before we close?

Comm. Hodges: Is Mr. Capers still trying to get in?

Comm. Simmons: He wasn't in the waiting room. Boris, is he still not in the waiting room?

Mr. Zaydel: Still not in the waiting room.

Comm. Hodges: Corey, did you text him?

Comm. Teague: I texted him and he's saying it's not letting him into the waiting room. It says 'waiting.'

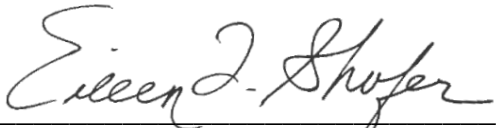
Comm. Simmons: It means his service area is probably bad.

Comm. Teague: He says we can continue.

ADJOURNMENT

It was moved by Comm. Redmon, seconded by Comm. Teague that the meeting be adjourned. On roll call all members voted in the affirmative. The motion carried.

The meeting was adjourned at 6:37 p.m.



Ms. Eileen F. Shafer, M.Ed.
Superintendent of Schools