

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

March 14, 2018 – 6:24 p.m.  
Administrative Offices

Presiding: Comm. Oshin Castillo, President

Present:

Ms. Eileen Shafer, State District Superintendent  
Ms. Susana Peron, Deputy Superintendent  
Robert Murray, Esq., General Counsel

Comm. Vincent Arrington  
Comm. Emanuel Capers  
Comm. Jonathan Hodges  
Comm. Joel Ramirez

Comm. Nakima Redmon, Vice President  
Comm. Flavio Rivera  
Comm. Kenneth Simmons

Absent:

Comm. Manuel Martinez

The Salute to the Flag was led by Comm. Castillo.

Comm. Redmon 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  
March 14, 2018 at 6:00 p.m.  
Administrative Offices  
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.

Comm. Castillo: Good evening. I want to thank you all for being here this evening to join us. We definitely have a lot of great conversations.

## DISCUSSION ON THE 2018-2019 SCHOOL DISTRICT BUDGET

Ms. Shafer: As all of you know, we continue to keep the community and the parents informed about the development of the budget. I'm going to ask if Richard Matthews could come forward and give us an update, not only on the budget, but closing the gap.

Mr. Richard Matthews: Good evening, everybody. Thanks a lot, Ms. Shafer. What I want to do first is start off with some of the items that were requested from the Monday meeting. I left a packet of stuff for you to look at. The first sheet was the 2017-18 consultants. If I can have you just pull out that sheet, we can just run down the list of items and just get some more clarity as to exactly what we have in front of us. Does everybody have that one pager? Real quick, going down the list you have Alan Gray. He's a vendor that we have to use for workmen's compensation that does our audit. The BP Consultants is a true consultant that does the cabinet training on team building, teamwork, and working collaboratively and doing action plans. CHA Consulting is our ESIP vendor. ESIP is our energy savings improvement plan. They've been on the agenda a couple of times for approval. Conner Strong is our insurance broker. Interactive Solutions was the contract manager for the ESIP plan and they're also a vendor. Investigations Unlimited is our risk management. It's a vendor. Karen Kean is a consultant. New Jersey Superintendents Study Council is also a consultant. We have Seton Hall. PowerSchool is a vendor. Standard Solutions is a consultant. Stevens Technology is also a consultant. In terms of the overall \$4.5 million cost, \$4.2 million are vendors. The rest of it is consultants. If you look at the total amount of money for the 2017-18 budget it's \$4.5 million and \$4.2 million are vendors. The others are consultants. Are there any questions?

Ms. Shafer: I just want to make sure that we're all clear. Right now we're spending about \$300,000 in consultants. The rest of these are vendors. They're not consultants.

Mr. Matthews: Thank you. Next, you have the budget by objects for 2018-19. Comm. Capers has asked us to give him a line by line. We thought that this report might be a little bit better than going line by line, which is maybe too many pages. This is about 20 pages. It's by object. There are like nine major objects when you do the budget. If you see the title there...

Comm. Capers: Are we looking at the stipends?

Mr. Matthews: No, that's next. We're doing the budget by object. This is the actual 2018-19 where we are. We lumped everything up into different categories. If you look at the top of the line, object #300, you see \$6,048,413. Right below it are the different categories that make up that number. If you go to object #320, professional educational services, my recommendation is to review this over the weekend and then we can deal with it on Monday in even greater detail. However you want to do it. In my opinion, I think this is a better report than giving you the 400 pages line by line. Do you have a question, Dr. Hodges?

Comm. Hodges: I thought we had talked about the J pages, the actual individual school budgets.

Mr. Matthews: That you will have too. Monday's date was the day to give you the entire line by line budget. This here I think is something that allows you to see clearly what's in the 2018-19 budget. If you still want the line by line, we will give it to you.

Comm. Hodges: I would appreciate that. I do want to get the J pages because as I mentioned to someone that gives you an eye view of what's going on in the schools. That's where the money is supposed to ultimately end up. That's what I want to take a look at to see how they were being financed.

Mr. Matthews: The school budget we gave you the other day included the salaries. We gave you the school budget the other day.

Comm. Capers: Are you still on professional education? Here you have the company Insight for substitute teachers. Is this going into the next budget year?

Mr. Matthews: 2018-19.

Comm. Capers: So it's saying we're renewing the contract?

Mr. Matthews: Yes. This is the number that's in the 2018-19 budget.

Comm. Hodges: In December we were \$220,000 over what we were supposed to be. They had said that they weren't going to be using our...which was the very reason why we didn't choose the lowest bidder. We didn't choose the lowest bidder because they weren't supposed to be using our...

Comm. Simmons: They're actually clocking in through Kronos. That's how they're able to track their substitutes. I believe they weren't supposed to be doing it, but now they are doing it because they have to track them.

Comm. Hodges: The lowest bidder was disqualified for that very same reason. In addition to that, this company in December, and I haven't seen the update, was \$220,000 over what they said they were supposed to be and what we pay. The question then is, why are we going to do this with them next year when there was a lowest bidder who would have given us additional savings over and above \$220,000 that they weren't supposed to be in arrears?

Mr. Matthews: Dr. Hodges, I'm not one to go back in the past...

Comm. Hodges: But I am.

Mr. Matthews: I'm trying to respond.

Comm. Hodges: Go ahead. I apologize.

Mr. Matthews: I wasn't around for that. I wasn't privy to what happened last year in that whole RFQ process. I don't know if Luis wants to speak to it because he was working on some things with Insight.

Comm. Hodges: The reason I'm concerned is because if we're not going to take the lowest bidder, then we should be more responsible about how we pick these folks.

Mr. Luis Rojas: Dr. Hodges, we went through an extensive process. We didn't go with the lowest bidder.

Comm. Hodges: That's right.

Mr. Rojas: This company provided better and more services than the other companies that submitted their applications.

Comm. Hodges: Except that that's not the way it's working out.

Mr. Rojas: It is, and I'll explain why. We have a budget that was over \$7 million. We did a Board resolution last year. We are a little bit over budget because we're using Insight to cover some vacancies that we didn't anticipate earlier on. We haven't hired a few positions on the aide side of the house because we're waiting for a right-sizing of the district. So instead of hiring new aides, we've hired Insight substitutes to cover our aide vacancies at over \$3 million in FTEs that would have been added to the district if positions weren't used in this fashion. So yes, the Insight line goes up, but the FTE at about \$75,000 per person goes down to the district.

Comm. Hodges: That's not my understanding, but okay.

Mr. Rojas: I can give you details. I have it all broken down for you.

Comm. Hodges: I'd appreciate that. No need to dwell on it now. I will come by and speak to you.

Comm. Castillo: Mr. Rojas, is there any way that breakdown can be shared with the rest of the Board? I think the other Commissioners have questions about it as well.

Mr. Rojas: Not a problem. I have it all broken down. It's been done.

Comm. Castillo: If you can just send it out to all of us so we can see.

Mr. Rojas: I'll send it out tomorrow.

Mr. Matthews: What I'm doing is providing you the budget for review. You can go into the nuts and bolts of it over the weekend. If you want to go through the pages now, we can. We thought for transparency that we would give it to you in this fashion. We thought it was a good document that clearly explains where the money is coming from and what are the different subgroups under those categories. We figure you would need some time to look it over being that it's 20 pages. Are there any further questions on the report? The third item was the stipends. Again, these are the stipends for the 2018-19 budget for various different categories, such as nurses, overtime, purchasing, and after-school. Everything is there for your review.

Comm. Capers: Everything in this budget is what you plan to send to the County Superintendent?

Mr. Matthews: This is the appropriations as of today. Once we get our numbers we will be sitting down and giving you a balanced budget on Monday. We're waiting for our revenue numbers to come in tomorrow. We also have to close this gap here of \$33 million. Our intent is to submit to you guys on Monday a balanced budget. We asked about some of the things that we should be able to cut. As we go through this report by object, there's not a lot of room to cut. As I go through the closing of the gap there are some things there for us to consider. When you see the \$472 million in appropriations, this is where it comes from. This is what's in the budget right now. The budget changes literally every day. We get new initiatives every day. We still have some stuff that's not in the budget right now that we have on the side that we're trying to see what our

revenue numbers are going to be to figure out how to get them into the budget. As of March 14, this is where we are today. It changes daily.

Comm. Castillo: I was expecting this, but for us to go through it a little bit. Not to a 600-page extent. We will take it home and review it, but for us to clearly see where things were going and even have suggestions.

Mr. Matthews: I have a summary page of this right here in the presentation. I have it summarized. Do you want me to go through it?

Comm. Hodges: I thought you were saying that you wanted to go through it in a more comprehensive manner, because that's certainly what I want, not really a summary. That's what I heard the President say.

Comm. Castillo: It was. It's what we were expecting coming in today. We were going to go through it and we would have a clear view on where things are going. If not, we could have gotten it delivered to our houses and came back on Monday.

Comm. Hodges: Did the state announce its numbers at all today?

Mr. Matthews: No.

Comm. Hodges: Tomorrow.

Comm. Castillo: It's supposed to be announced tomorrow, but I don't think it will really be available tomorrow. The Governor gave his report, his speech. The Department of Education is getting an increase. Our exact numbers we won't have until...

Comm. Hodges: That's what I was looking for. How much was that increase that they received? That's the question.

Comm. Castillo: It was about \$239 million. We would just have to see what our slice of that pie would look like. Hopefully by tomorrow afternoon or Friday morning we will know.

Mr. Matthews: Correct. The software is down all day tomorrow into late afternoon. We won't have our numbers until late afternoon tomorrow.

Comm. Hodges: Did anybody call them? If you have \$239 million there should be some phone calls going out to somebody.

Comm. Castillo: We tried.

Comm. Capers: I do have a question for the Superintendent. In this budget here, #512, I thought we were going to try to pilot the transportation for our sports and field trips. On page 7, #512, it says JFK transportation and I guess Eastside is in here as well. I thought we were going to try to pilot this, but I see vendor contract.

Ms. Shafer: The only sports we can pilot are those that would be able to fit on the bus. You wouldn't be able to do your football and baseball. We were looking more at golf, bowling, and tennis because of the number of students.

Comm. Castillo: If no one has any immediate questions, I have a suggestion. Why don't we table this conversation until Monday while we read through this report? I think

we all need to look at the numbers so that we can come back on Monday with some actual questions and we can review it over. Clearly, we expected something a little different, but working with what we have let's take this home, go through the items that need a vote, go through our committees and the public portion, and call it a day until Monday. I think that presentation is almost the same one we got on Monday, correct?

Mr. Matthews: Yes, it is.

Comm. Capers: Yes, we do need time to really look over this. Is anybody going to be available if we do have questions?

Comm. Castillo: From here to Monday?

Comm. Capers: Yes. Everybody is waiting for Thursday to get the magic numbers.

Comm. Castillo: If you have any questions on any line items as is, you guys are here 8:00 to 4:30?

Mr. Matthews: No. 6:15 to about 6:00 at night.

Comm. Capers: Do we go straight to you, Mr. Matthews?

Ms. Shafer: Let me just say this. We're going to get the numbers late tomorrow and then put that all together.

Mr. Matthews: We're working the weekend, Friday, Saturday, and Sunday. We're working around the clock on the weekend.

Ms. Shafer: Mr. Matthews, when would you want the Board to come in and talk to you about it if they had questions? You need to get this together as well. You need to give us a timeframe between now and the weekend.

Mr. Matthews: We're expecting to be done on Sunday evening. On Monday's meeting we would be able to speak to the numbers. We're going to still be short on Monday because we're going to have some outstanding issues. If there are any questions in between, we're here to answer questions. We have a team of five people. Between the five of us we will get the answer to you. You can call us.

Comm. Capers: Can we go to Mr. Matthews directly? Are we going to go through Ms. Powell or the Superintendent? What is the process of asking questions?

Comm. Castillo: It usually goes through Ms. Powell, but since this is the budget, I think we should call them. There's a lot going on for the next few days. If you have a question, email them.

Mr. Matthews: I would suggest an email. You will have an answer that day or within 24 hours.

Comm. Castillo: We want to make sure that we get the full report on Monday so that we can have all questions. If there are any immediate questions, then give him a call or shoot him an email. Or just reserve everything we have until Monday so that we can get adequate information with the numbers that are in and the full report. That way we're not going on back and forth on things that can possibly change from here to then.

Comm. Capers: Let me understand what you're saying. I just like to follow process here. What you're telling me is if I have any questions about the budget direct all my questions to Mr. Matthews through email.

Mr. Matthews: You can call me.

Comm. Capers: I'm just trying to follow the process.

Comm. Redmon: We went through this last year where we waited until the last minute. I was looking for extensive review where we could sit back down, go line by line, and find out what was going on. We haven't gotten this. You could have told us this on Monday when we were here. We could have just adjusted our time. Not to you, Mr. Matthews, because you did explain to us that you were waiting for numbers and you were trying to figure out. I think the Board is feeling some sort of way because we're here day in and day out and we're still getting the same answers over and over. The way it's being presented to us is making us frustrated. I think for the next budget hearings we have to start much earlier and break it down in smaller sessions so we can see the budget in real time. Instead of meeting with just finance once a month, meet with the entire Board at least once or twice a month to let us know what the budgetary items are going to look like. So, when we get to the budgetary process we understand what we're looking at. Right now we have so many questions because it's thrown at us in one big lump sum. We're breaking it down and we can understand what we're actually looking at. When it's time for you to go through your budgetary process, we will all be caught up and we won't have to keep meeting day after day, week after week, and asking the same questions.

Comm. Simmons: I'm going to ask my questions now. You don't have to answer them now, but when you come back on Monday. We've seen the presentation and I know that there are some things that we have to consider. For me, I need to know what the plan looks like if the things that we have to consider don't pass. What is the plan after that point if that happens? Secondly, with the book lease deal, that \$10 or \$12 million that's supposed to come in, what is that money going to cover? It's a one-time infusion of cash. Is it like a bond measure where we're purchasing equipment or something like that? What is that money going to be used for?

Mr. Matthews: They're taking those notes back there.

Comm. Simmons: Along the lines of what Comm. Redmon said, I think it's just the way it's being presented.

Mr. Matthews: And how are we going to pay for it too?

Comm. Simmons: Yes. It's kind of frustrating for me. I would have been okay with seeing the worst-case scenario. After we get our numbers and they're plugged in, then it's a good situation. For me, I would prefer to see the worst-case scenario, not if we get this or do that. They're ifs and they big ifs.

Mr. Matthews: If you look at the numbers that we've given you, I think worst case scenario is flat-funding. That's the worst case scenario. That's it right there. \$57 million is worst case scenario. Optimistically, it's \$33 million. We've been giving this same slide out since February 2. Worst case is flat-funding.

Comm. Simmons: In that case, what's the plan if we're flat-funded? We'll still be short. How do we deal with that? We talked about the book lease. If we didn't do the things

that were suggested we would have to cut 120. I want to know what that looks like. Is it positions that are open? It is retirements? Are those things included in that 120? That's it.

Comm. Rivera: I don't want to beat a dead horse, but this meeting is counterproductive in a way. I'm looking at this closing the gap number. We had discussions in finance and even here about considering the bank cap for \$5 million to close the \$33 million gap. We're not raising the tax levy for the taxpayers of Paterson \$5 million. Let's not even put it there. I don't know how the Board feels. I don't feel that we should put that there. Just like I said from the beginning, we should start putting our budget together without contemplating the \$10 million. That way we know that we have to try. I'm not saying you haven't tried hard to make reductions. When I say reductions, let me clarify. Cost saving measures to try to reduce what we have. We have three items that have to-be-determined numbers. Could we have a timeline of when we're going to get those? For example, I understand two of them are health benefits. We had a presentation at the last finance meeting and we didn't have those numbers. I understand that things take time to get done, but do we have a timeline of when we're going to get those numbers?

Mr. Matthews: We have the numbers.

Comm. Rivera: We do, but they're not here.

Mr. Matthews: We can't put them there. We'll discuss it in executive session on Monday. We have the numbers.

Comm. Rivera: I understand why maybe they may not be able to be there, but at least the Board needs to have those figures. We need to understand at least what we're contemplating.

Mr. Matthews: You'll have them on Friday.

Comm. Rivera: \$5 million seems like a little, but when your actual levy is only \$41 million and you're going to increase it to possibly \$46 million in one shot, that's a problem. I'll leave it at that. I'm not going to prolong it.

Comm. Castillo: While we're here, the information that we received in executive session, Ms. Powell, if we can forward it to Comm. Rivera so he has what we received in Monday's meeting and also what we will be receiving Friday.

Mr. Matthews: Is that it?

Comm. Castillo: Are there any other questions?

## **PUBLIC COMMENTS**

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

Mr. Michael Taylor: How are you doing, Mr. Arrington? I know I spoke to you yesterday pertaining to the situation about my daughter and the coach at Eastside. I have my daughter right here with me. Her name is Mary Taylor. She goes to International. I'm a proud proactive Parent of the Year. Would you like to speak? You don't want to? I



understand that. My daughter doesn't want to tell the situation of how the Eastside High School coach publicly humiliated her in front of the team by kicking her off the team. My daughter is special education. She has an IEP. It was her second year playing Eastside. She shouldn't have to try out for the team. I'm sorry I have to say special education because I have to let this be known. My daughter didn't want me to say special education right now. The coach humiliated my daughter. She needs to be fired ASAP. My daughter was crying. I didn't appreciate it. The whole Board is going to be held accountable. That coach is coaching that team and she is not a good coach for the girls, meaning that she is turning girls away that need to be on that team. I got sidetracked, but I'm specifically speaking upon the teacher violating my daughter's special education rights pertaining to confidentiality and I don't appreciate that. That's the bottom line. If she were to know that my daughter was special education, she wouldn't have embarrassed my daughter in front of the whole team. That coach needs to be removed. I'm not stopping until she is removed. Would you like to tell them how you feel? Everybody is being held accountable. I know we got new Commissioners on the Board. You guys have seen a lot of wickedness going on. You're the President of the Board. You're a female. I want to know how you feel about Mr. Martinez still being on the Board and with sex charges. I don't appreciate that you guys neglect the fact that you don't teach my daughter. You guys gave her unearned grades and try to make it seem like I was just speaking upon something like I didn't know what I was talking about. The bottom line that I'm speaking about right now today is that I don't appreciate that coach embarrassing and humiliating my daughter. I need some answers right now about what you guys are going to do. Somebody is going to look into it. Mr. Anthony told me that wasn't right what she did. I spoke to you, Ms. Shafer, about the situation. The whole team is the witnesses. The whole Eastside team is the witnesses. Security guard Shaw and Officer Billy all witnessed the coach belittling my daughter. Not only my daughter, five other girls got excluded from the team also. That coach doesn't care about the girls. She's not from Paterson. She's from San Diego. She doesn't want the other coaches that coach Paterson Girls softball league to coach because she's willing to kick them to the street, kick them to the curb. The eligibility process doesn't go how she's working it. She kicked the girls off the team instead of helping them.

Comm. Castillo: Mr. Taylor...

Mr. Taylor: I'm not stopping with this situation. I'm waiting for results from ELC. Ya'll be lying to me all the time. I need some understanding. Are you going to investigate it properly or not? I won't even waste my time anymore.

Comm. Castillo: Mr. Taylor, let Superintendent Shafer respond and she'll give you an answer.

Ms. Shafer: First, let me say thank you for coming. I have been going back and forth with Mr. Taylor. We had a meeting scheduled for today and he declined to come.

Mr. Taylor: I declined because my daughter was hesitant to speak about the situation. As you see, I can't tell you the situation because my daughter has to interject on how the teacher humiliated her and the things she said. I didn't want to bring her. I drove past here and Ms. Coy asked me why I kept coming by myself. I said Mary is in the car and she said bring her in. Then I had to put her on the spot and ask her if she wanted to talk about it. I knew she didn't want to talk about it. I just wanted to show you the effect that it had on my daughter what the coach did. She has to go.

Ms. Shafer: We were going to have a meeting today. We didn't have the meeting, but we do have an investigation going on. We're getting statements from all the girls who

were there when this alleged situation took place, including Mary and security. Everybody who was there will be giving us a statement for us to go through. Once we get all the information, if you want to come in and meet, we'll be more than happy to share that with you.

Mr. Taylor: Everybody got to be there. The coach herself has to be there and the assistant coach. I was begging her not to talk academics in public pertaining to my daughter. If she would have checked my daughter's grades last year and she would have seen my daughter's special education IEP, she would not have done that. That was intentional and it came from Dr. Castro and Mr. Field. They all conspired against my daughter because last month Dr. Castro tried to get my daughter into Silk City. They have my daughter under psychiatric evaluation and everything. They conspired against my daughter because they couldn't get her out of Silk City. So she tried to get her off the team.

Comm. Castillo: Mr. Taylor, we want to do the best thing for your daughter.

Mr. Taylor: No, because every time I come up here I get nothing but lies ever since from Dr. Evans. Mr. Glisson broke down everything to me...

Mr. Shafer: Mr. Taylor, with all due respect please don't call names.

Mr. Taylor: No, I'm calling names. Do you know why?

Ms. Shafer: You cannot call names.

Mr. Taylor: Do you know why I'm calling names? Because the ones who wronged my daughter are going to be held accountable. I'm saying names because the good teachers have to be recognized and the bad teachers have to be exposed. It's as simple as that. They keep hiding under tenure. It takes a parent like me to let everybody know they're giving the kids unearned grades.

Comm. Castillo: Mr. Taylor, we want to make sure...

Mr. Taylor: You have a lot of wickedness going on with these kids. The reason I stay at it is because you're affecting kids with all your wicked decisions. You guys don't have to say nothing, but I will always hold you accountable because you do wickedness. Mr. Arrington, I'm glad you agree with me. You know that coach is wrong and I hold you guys accountable.

Comm. Castillo: Mr. Taylor, thank you. We do appreciate you coming.

Mr. Taylor: I say what I have to say. I don't care. Bottom line, this is my daughter. You have to stop doing what you're doing to these kids. You guys are worse than the people on the street because you are lying and you're worse than the people on the street. Now let me see your investigation. You know special education isn't supposed to be talked about in public and everything. I'm the bad father?

Comm. Castillo: Absolutely not, Mr. Taylor. We appreciate you coming and being a great parent.

Mr. Taylor: She has to go. All you have to go. All you are going to be held accountable. You all have that pervert Martinez on the Board. Do you know what I'm going to do?

Comm. Castillo: Mr. Taylor, we cannot have these conversations.

Ms. Shafer: Shut it off. Teneish, call the next speaker, please.

Ms. Raquel Soto: Good evening everyone. I would like to know who the responsible party is that is training the general education teachers on how to modify class assignments for special education children in their inclusion classes. Is there a platform or curriculum that is being used by the district to modify general classes? I really feel that this is a systematic issue. There needs to be more work and exchange with general education teachers and special education support. I'm going to use my son as an example. He's been getting assignments from social studies. They're not being modified. His IEP is concrete clear. It says modification extended time. I'm tired of emailing the principal. I haven't been at the microphone for a while, but I need this to be rectified. Thank you.

Ms. Marcella Simadiris: Praise the lord everybody. First, I want to thank you, Comm. Capers, for the other night when you brought to attention the fact that administrators and teachers who are the ones that are in direct contact with the children are always forced to step up and provide services when there are vacancies in our building. I really appreciate you for bringing that to attention. Sometimes it comes to the point where our evaluations aren't impacted, both administrators and teachers. I haven't done enough research, but I really would like to see how the evaluation process takes place for those in positions like directors and people of that nature. I looked at a lot of the job descriptions of directors, especially over climate and culture. Some of the responsibilities that I see listed under those descriptions are not occurring in my building. I don't know if they're occurring in other buildings. I don't know. One of the things that I suggested in some of the conversations I've had with you, Ms. Shafer and some of your cabinet members, I have shared the document with you all too. I don't know if you've been getting it yet. Comm. Arrington, I have an issue with you, but I know the other Commissioners have gotten it at one point. It kind of outlines some of my concerns. You provided some responses. Some of them are very big, but I did provide a rebuttal. I've never really gotten a response from you on some of those issues. One of them is action research. I think there should be some serious action research going on in this district, especially with regard to opportunities. The other night I brought out the fact that field trips are very important and they're getting denied, it seems, lately. I don't know if it's because of the student's behavior, but I think always putting the blame on the children isn't effective. If our kids aren't behaving, maybe there should be more support. I don't know, but the children are lacking opportunities. When I come up here I'm coming, not so much to get anybody in trouble. It's not to get anybody in trouble. It's so that you can help these children. I've even gone to the point to bring my beautiful daughter so she can tell you all about the experiences she had with field trips.

Ms. Nancy Marie Jones: Hey guys. My name is Nancy Marie Jones. I'm fifteen years old. I'm a sophomore at Montclair High School. I've been in Montclair Public Schools my whole entire life. I've lived there my whole life. I went to Renaissance Middle School for my high school. We went to field trips every week. Every Friday our school day was two hours shorter about and we went on field trips and overnight trips. We went to New York all the time. It was a part of my schedule. When we went on field trips we would have community service where we would still go on field trips just helping other people. If you were having financial problems, it was covered for you, even overnight trips where they were like two to three days long. We were taking transportation down and staying in hotels. It was all covered for you. My mom has been working in the Paterson schools since longer than I've been alive. I was going to

her schools when I was younger. I've seen the way the children act and obviously there's something missing. They don't have what I had. They didn't have that bonding experience that I had. I know that most of the relationships I had were formed over these field trips and all the time I was spending with these people that were my friends. Sorry if I'm talking fast. Like I was saying, it's just a part of the bonding experience. I know a lot of the students I've experience with my mother are not getting the same treatments that I got. Even just the way they act might be because of not having fun in school because you're not enjoying your experience. I've always loved going to school and it was because of the people I was around. It was because of my teachers. The schools that I went to made it enjoyable. I was always on field trips and it was always fun for me. Thank you.

Mr. Joshua Cuevas: Hello. How are you doing guys today? I actually have a couple of questions and a couple of situations. School No. 27's roof has caved in in the bathroom. There are feces all over the bathroom, everywhere. On top of that, I've reported staircases being broken. I've talked about the garbage not being cleaned. I've talked about the sidewalks having debris everywhere. I've brought my children with me today so they can explain to you what's going on. He is the one that notified me of the roof being open where water is leaking through now. What else? On top of that, my oldest son has a learning disability. I've been asking for services to be done for my son. Nothing has been done. On top of that, I've shown my face here several times and have asked you guys to fix the overcrowding of the schools. You guys have still done nothing. Nothing! Your time is coming up to be reelected soon. It's time for you people to wake up because these people are not doing their job. It's time for you to wake up and vote right. I've asked several times. Oh, congratulations, Ms. Shafer. I know the Vancheri Family. They're across the street from me. They speak highly of you. I've been here several times. I know Dr. Campbell was the IT person who was normally with us I guess. I don't know what's going on with that. I've asked whoever the IT person is to do address verification on the kids. I've explained to you that there are single family homes with four families in them. Taking my eldest son, where I pay \$9,000 in taxes, from School No. 27 to ship him over to the east side of PC is unacceptable. I have been fighting of this for quite some time now. Something needs to be done. Enough is enough. I appreciate you. You definitely fight for our kids. I stand behind you 100%. But the rest of you, Mr. Martinez, Mr. Flavio, it's time to get rid of them. What's going on with this A1 Elegant? Are we done with the contract with them ever since the indictment with his guy? Or are we still paying him? Are we still funding his company? Are we still paying him \$8.5 million for the bus services? Because you and Khaliq, I know you guys are buddies. You, Khaliq, and Martinez are buddies. Your man has fraudulent activities and I don't stand behind that. I'm here for Paterson, for my children, and for the children's children. I'm not here to put anything on my resumé and move up the ladders. I'm here for the children. The rest of you are here to put things on your resumé and move up the chain, just like your boy Chris Irving did. It's time to wake up, Paterson. It's time to wake up. You want to fight for your kids? Then wake up.

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

## **RESOLUTIONS FOR A VOTE:**

## **Resolution No. 1**

Whereas, The District is a State-Operated School District which has a need for Outside Legal Counsel; and

Whereas, pursuant to the Public School Contracts Law, N.J.S.A. 18A; 18A-1 et seq., legal services constitute “professional services,” and N.J.S.A. 18A; 18A-5(a) (1) permits the awarding of a contract for professional services without the requirement of public bidding; and

Whereas, the State District Superintendent has the authority to award contracts for professional services and to enter into contractual relationships on behalf of the District; and

Whereas, awarding this contract is in line with the “Brighter Futures Strategic Plan 2014-2019”, priority 4 – “Efficient and Responsive Operations”, Goal 3 – “Increase responsibility for performance”; now

Therefore, Be It Resolved that the following firm be reappointed as Outside Legal Counsel for the District, pursuant to the terms of a Professional Services Agreement, through June 30, 2018:

Robert Murray, LLC  
621 Shrewsbury Avenue  
Shrewsbury, NJ 07702  
Not to Exceed \$200,000.00

**It was moved by Comm. Redmon, seconded by Comm. Ramirez that Resolution No. 1 be adopted.**

Comm. Hodges: With all due respect to my good friend and learned council, Mr. Murray, I'm a little concerned because I don't know what the overall legal budget is, has been, whether it's continuing the same, whether it's getting better, or whether it's stabilizing. I have no idea what that situation is. In view of our current budgetary concerns, anything that's coming before me is going to be questioned as I think you've already noticed. I'm not picking on him in particular, though perhaps I should. I think that we need to have a better understanding of legal. Is our current approach...

Comm. Castillo: Working?

Comm. Hodges: Yes, exactly. What do we look like in terms of our expenditures over the next few years? I cannot vote on any of this without having a better understanding of what that context is.

Comm. Castillo: Before you go, Comm. Capers, it's the question that we had asked. Between Mr. Murray and Mr. Matthews, they're going to give us a list of the difference between what we had prior to the system that we have now, if it's working or not. From what I've been told, it is. I've asked for a report to be submitted to the Board so we can see and determine exactly where we stand in the budget for this year and also what we have had in prior years, as opposed to where we are now.

Comm. Hodges: When I see that report, I would be more than happy to vote.

Comm. Castillo: I think I should have said that prior to even starting. A lot of these resolution items are for litigation occurring right now. Or they're in the process or things are going on. Mr. Murray, please correct me in my terminology.

Mr. Murray: The way the budgeting of the law department has been, previous to the past two and half years the Board was not funding with Ms. Pollack the contracts. What the Board was doing was granting a sum of money to the general counsel and it was running in the order of magnitude of about \$900,000. Then, without further action to the Board, because the contracts did not have maximums in them, the monies that were then allocated in the first place to the general counsel for outside attorneys was then dispensed in the discretion of the then general counsel who is a salaried employee. That was changed. It's changed where you get the contracts and the contracts have maximums in them. They cannot be exceeded until and unless you increase the maximum. The state in the past had wanted maximums where there would be a coming back to the Board for review. That was the philosophy of Mr. Mark Kramer. As you may remember, he was the auditor. He was here previously. But that's the practice. With respect to the firms that you have before you tonight, Ms. Barto, a sharp increase exists with the special education litigation. Ms. Barto at this point has continued representing the district, even though her funds are not there. If not approved, she can't be paid and frankly she's in the middle of a whole series of cases. With respect to Mark Blunder, the Apruzzese McDermott Firm, their firm does a substantial amount of litigation. Some of the insurance defense, which Blunder does a lot of, is actually paid through the insurance fund, which is a separate amount, but they also do the tenure cases. They're kind of the firm in transition. The members who have been on the Board since I started as general counsel may recall that I came to the Board with recommendations of law firms. Right up through committee to the Board. The intention was to expand the number of firms and that's been ongoing. The firm of Florio Perrucci came into the picture. They were one of the firms retained. Lester Taylor is the lead partner there. Arianna Moray is also an attorney from that firm and they're doing tenure cases as well as civil litigation. It was the intention that Mr. Blunder's firm would gradually move strictly to the legal defense and Superior Court, Federal District Court on cases involving whistleblower, race discrimination, age discrimination, and sex discrimination, the Ladd cases as it's commonly called. By the way, his record I think is 7-0 at this point. For the first time we're going to have a settlement the next meeting for Blunder, but he's been winning cases, and some of them are now on appeal. His firm also came in to provide additional support in real estate. He, along with John Abdelhadi, have been doing the work on the sale of the properties. Their firm also worked on the lease on Broadway which was a pretty substantial project. They have at this point reached also their maximum and they're in the middle of certain cases. That's principally the work of Arianna Moray. She's currently defending the TEPCO case. In fact, we didn't make copies because it was a two-inch thick document that they filed in court. That's the case where there was a dispute with a contractor concerning whether or not the district was paid back the proper amount for the hospitalization program we covered for the employees. We expected, I believe, the number was \$750,000 and they have \$250,000. Additionally, there's a dispute concerning the equipment that they claim that we have to pay in the value of that. That's a case going on in the Superior Court and they have a number of other matters as well. With respect to general counsel, I think the Board is pretty familiar with the cases that I've done for the Board in addition to all the general work. I have also included the grievance arbitration cases. We just had the very significant one concerning the increment case. Prior to that, for over 20 years we never lost a case. The increment payment case is an important case. We're going to have to appeal that case. I'll be talking to the Board about that on Monday. The last time we had that case, the union litigated with us. Before PERC we lost the first round then, too. We appealed and we won and that was the end of that case. These are the

cases that I've been doing for you and continue to do for you. As you know, I'm always quick to remind everyone that I'm very proud to represent Paterson because this is where I was born and raised, right here in South Paterson, 48 Gould Avenue. St. George's is my parish. In this building I got my first job because this was the A&P Company, eastern headquarters. That was a little while ago. John Abdelhadi is doing a superb job. He is working with us on some individual cases. Last year he actually did a certain amount of work and he didn't submit a bill. He'll probably submit it when we complete the real estate. I've increased Mr. Abdelhadi because I had him at a very low figure. When you put together all the numbers that you have in these resolutions, they total up to where they would have been last year with the exception as follows, which is more Mr. Abdelahdi because he did not have money before. That's \$30,000 more. Also, the Florio Perrucci, I'm going to estimate that that might be \$50,000. How does this stack up with respect to the prior year? The way this stacks up to the prior year, as I best recall, there was an administration study done that showed that in cash costs the district spent \$400,000 less last year than when you had the full-time employees and you had outside lawyers. That number will probably be more like to \$250,000 as an estimate at this point in time. It is not expected that any of these contracts would be extended to any greater amount. In fact, absolutely there are no more costs.

Comm. Hodges: In terms that Mr. Murray would understand, that was perfectly expositive but not dispositive to my way of thinking. It doesn't address my overall issue.

Mr. Murray: Let me address that. We're constantly looking and working with Superintendent Shafer, the President of the Board, and also, very importantly, the governance committee and ultimately the fiscal committee on alternative ways to even streamline further. There's not an end product, meaning, can we improve? The answer is we keep looking at it. The first thing we did do, and I commend to the Board and I think the record is there, you changed, because ultimately it was your decision, the lawyers across the board. You went from groups that did not report to you. Those members who were on the Board for some time will know that previously the lawyers did not report to the Board. The lawyers are now accountable to the Board and the lawyers that represent you, and I would say that the fees are eminently reasonable. I'm not speaking of mine because I can't and I'm not going to speak about mine. You'll make your own judgements about me. I'll advise as far as the others. I think they're eminently reasonable and they win. For example, we just had a major victory that Fran Barto tried in Superior Court. That was a case where there was an extraordinary amount of information requested of Cheryl Coy's group and we were moving mountains in litigation for this particular group. We were supplying it. There were timelines to do it within the statute for complying with OPRA. We were doing everything reasonable. We got sued anyway and Fran won the case.

Comm. Castillo: To answer Dr. Hodges' question and for the full Board to get a better understanding out of exactly what all that means, I think just seeing the report, where we were, where we are, and where we're moving into and if it's sustainable with the budget that we have. I know a lot of these things are litigations that are being worked on now. I've spoken to Mr. Matthews to have a report as soon as possible because this is definitely information that we need to have moving into the next budget.

Comm. Capers: Thank you, counsel, for that extensive report. I think you've been doing a great job for our district, being there for Board members, taking our calls, and things like that. My question is for the Superintendent. Who selects the lawyers? How do they get selected? What's the process? Are we going to enter into a contract with this lawyer? Why this firm? Who chooses that selection process? Before I vote on this, I would like to see a performance review on everyone up here, Resolutions 1

through 4. How many cases did we win? I'd like to see it in writing before I vote. I'm not saying that he's lying or anything else like that. I would just like to see in writing how many cases each lawyer won and settled on. Like Dr. Hodges said, is this where we're going? Is this saving us money? I just need to see some type of writing before I vote on it. Thank you. I don't know who can answer the question on how the lawyers are selected.

Comm. Castillo: We're in the middle of a vote.

Comm. Capers: It's discussion.

Comm. Hodges: It's discussion.

Comm. Castillo: Can I finish my question? There was a question involved. Mr. Murray, can we have the whole conversation on the procedural before the vote? That's what Comm. Capers is asking.

Mr. Murray: Yes. I'd be happy to answer the questions. As the President has mentioned, the funding is important in the present sense because the cases are ongoing. Some of the lawyers are totally out of funds. If the funding were not to happen, they would not be able to be paid.

Comm. Capers: Which numbers are you talking about in terms of we have to pay the lawyers because they're working right now?

Mr. Murray: At this point, the only firm that has perhaps not exceeded but is close is Florio Perrucci. The other firms all have varying amounts that are beyond. If there's no approval, they'll never be paid.

Comm. Castillo: They're all working.

Comm. Capers: Except No. 4.

Comm. Castillo: No, he's working. He just hasn't exceeded that amount yet but he's close to.

Mr. Murray: Florio Perrucci did not have as many cases assigned to it in the period of July, August, and September as the other firms did. They all had the same maxes, by the way. Barto, Florio Perrucci, and Apruzzese McDermott all had the same base number, which was \$125,000.

Comm. Capers: Who selects the lawyers? How do the law firms get selected?

Mr. Murray: The Board did an RFQ and the firms largely responded to it. Some of the firms did some work for us previously. It came to the attention of the Board. Fran Barto, for example, worked on the Onyx Williams case. She came to the attention of the Board. She was brought to the governance committee. Apruzzese McDermott I had recommended because there were very poor results in the Ladd cases. The insurance defense had brought that firm to the governance committee. Florio Perrucci responded to an RFQ. Frankly, I represented the Board here in Paterson doing labor for a considerable amount of time. They all come to the Board. They all go through the governance committee.

Comm. Castillo: They all go through the Board for a vote.



Comm. Hodges: To my larger point, we've been in meetings very recently and counsel was there where the complaint was all of a sudden we're up against a timeline and we're asked to vote, one very recently. There were other issues where we've had other contracts that we were up against the wall on and people want us to act on it. I'm very uncomfortable with that. I think the larger point I want to make is that we should not be in this position, particularly when we're facing the kinds of budgetary constraints that we're up against. That to me is extremely problematic. The administration has to give us some time. What if we said no? What if the Board said absolutely not? Then we're legally compromised. We don't have any other options. We have no time to make any other measures. These things should have been discussed in great detail with the legal committee, just as the other issues should have been discussed in great detail with the fiscal committee to vet out so that we can have a more comprehensive discussion. Those things have not happened to the degree that I'm concerned about. When it comes to other contracts that I have mentioned we're in this bind. I'm not picking on the counsel in particular. I made the same point Monday night and last week as well and I'm going to continue to make that point until we're finally on a road to doing things differently. If you're under the gun wherever you're forced to vote, then you're going to make the wrong vote sometimes.

Comm. Castillo: Just to clarify, this was actually supposed to be voted on and was sent out on the agenda a few weeks ago. Because of some situations it didn't end up on the actual night of the vote. We did get this information almost a month ago on the amounts and the attorneys. These are also attorneys that have been coming in front of the Board meetings every time there's litigation telling us if they won, lost, what's going on, and the process. We actually have seen all of these people here, if I'm not mistaken. It's duly noted. The report has already been asked for. It's something that we're waiting to get here, but this information we have had for over a month.

Comm. Capers: Just because I've seen the lawyers and they came to talk to us doesn't mean I know their record.

Comm. Hodges: Or that we have an understanding of what's happening overall in our legal department or some of the other departments. That's the real issue.

Comm. Castillo: Completely agree.

Comm. Rivera: Dr. Hodges, later on I'm going to present the minutes. We did have a brief discussion regarding the legal situation we had before compared to what we have now. There were some numbers that we could compare. We needed the up-to-date numbers. We needed it for this time period to see. It just shifted. We also had a discussion, not just about the monetary. Let's say if the current arrangement right now is saving us \$200,000 but the services are not better, then we should contemplate having a hybrid, the possibility of bringing lawyers in-house. An operation this big we should have lawyers in-house.

Comm. Hodges: That's the discussion that we should have.

Comm. Rivera: You do. It's in the minutes, Dr. Hodges. I agree with you 100%. What I'm saying is that's not the intent. It's not on the agenda today. This is a special meeting. I'm talking about the arrangement in regards to the legal department. Those are just contract not-to-exceed amounts. Let me just assure you if the Board decides to bring in any attorneys to serve the functions that some of those contracts, because those just have amounts not to exceed. We're only obligated to pay whatever services

they have provided. For example, if we award some of these contracts here that say not to exceed \$75,000 and we decide within the next week or two to bring a lawyer in-house to provide, one of them that you mentioned before was special education services. If we decide to bring a lawyer in-house to provide those services and other services, someone employed by us, we're not obligated to pay that attorney the \$75,000 that's there. We don't have to pay them that. You look a little confused, Comm. Capers.

Comm. Capers: I'm listening.

Comm. Rivera: The contract is just giving leeway. A job needs to be performed, but the district cannot stop with their legal obligation to litigate these cases. We can't just close the door and say we're not going to litigate anymore. We have to have that discussion as a Board and we are having the discussion. It's just not to the extent. We still need the information before we discuss it as a Board. We initiated the discussion in committee. We're to the point that we need updated information in order to continue the discussion.

Comm. Capers: Like you said, it's not to exceed. This says \$75,000, but if I'm a law firm can I put in for a check for \$75,000?

Comm. Rivera: No. They have billable hours. They have to justify the work that they did and how much time they put into it. It's supposed to be reviewed by our corporation counsel and by our business office.

Comm. Capers: Let's say the law firm says, "I think I'll put enough man hours for \$75,000..."

Comm. Rivera: They'll go to jail.

Comm. Capers: I get that. Who justifies...?

Comm. Castillo: Just so we can get a clearer understanding because we're all coming in for questions at the same time, our law office is a little complex because of all the types of attorneys that we have and the different litigations and functions. Mr. Murray will give a small overview, but for everyone we should have a more in-depth discussion in executive session or to visit Mr. Murray to make sure we understand what exactly the law department does. That way we're on the same page. I think we have to do our due diligence in that area, especially if we haven't been on the Board for as long of a time. I think it's complex. Even if he gives an overview, there are still going to be questions that you will have at the end of it, so I think a more in-depth discussion.

Comm. Capers: Are we still voting on this tonight?

Comm. Castillo: Yes.

Comm. Ramirez: This is for work that's mostly already been performed. We owe them this money. We're voting to pay them.

Mr. Murray: We owe money to different firms and you're in the middle of litigation. Every firm on here is in the middle of major litigation defending you.

Comm. Castillo: We have to pay for services rendered.

Mr. Murray: Any time you wish to change counsel, under the rules of professional conduct, and I put it in the contracts, the Board has the sole and absolute discretion to terminate a lawyer at a moment's notice. I bring up all the lawyers before the committees and if there's a desire to change, you have the total power to do it at any time.

Comm. Hodges: These are the reasons why you just don't have discussions about the resolutions on the agenda. Previously you stopped me from bringing up an issue in a particular category. You have a discussion about the area at the workshop meeting. I'm not going to put us in legal jeopardy. I'm being put in a situation where I can't support these. I have a budget we're trying to manage and I don't know what the impact of where we are with our legal department. The only way I can bring it to the table is to raise these issues, which is unfortunate. All I'm saying to you is as part of our budget workup there has to be this kind of discussion around legal of where we're going with the costs. That has to be brought up in a comprehensive manner, as well as some of the other things that we talked about. We can't discuss it here now, but it's not happening. That's what I'm saying. I'm making that point, which is why I raised the issue in the first place.

Comm. Castillo: Absolutely, Dr. Hodges. Like we said, it's bringing things to the entire Board. The conversation was had in governance and the conversation was had in finance for a report to be made for the entire Board to have so everyone can be on the same page while the decision is being made. I think that's the important part on bringing it all. We have been listening. It's a discussion for the entire Board, but you also have to have the proper material in order for us to have a thorough discussion.

Comm. Hodges: And to vote.

Comm. Castillo: And to vote, of course. That's a different story.

Comm. Rivera: Dr. Hodges, as stated in the minutes, the report was provided to us. When the legal department was dissolved, it had a comparison of like two years after. There was actually a reduction in cost. It just shifted. The reason we didn't bring it here, and it states it in the minutes, is that I was told we were going to have it tomorrow. That's what it says in the minutes here. It was provided to us, but the last column needed to be updated, which is for this budget year that we're on right now. We needed to get an idea of where we are up to this point. Yes, you will get a report tomorrow. It's supposed to be presented to finance, the updated report. At least you can get a comparison of the two years after the department was dissolved. Those numbers are created by our business office.

Comm. Hodges: I thought I saw numbers that were somewhat different than that. I recently asked the question. I'm not going to belabor the point tonight. I've made my point already.

Comm. Rivera: You used to be in finance at one time yourself, Dr. Hodges. The reports we used to get were not comparing apples to apples. They were comparing apples to oranges. I asked them to actually grab the actual physical department that we had when it was in-house, include the fringe benefits and everything else, and compare it to the structure that we have now. That's the report they submitted. In my opinion, it's one of the better reports that we have seen. We can actually compare apples to apples. Before it was just everywhere.

Comm. Hodges: When I see it.

Comm. Rivera: You'll see it tomorrow.

**On roll call all members voted in the affirmative, except Comm. Capers who abstained and Comm. Hodges who voted no. The motion carried.**

**Paterson Board of Education  
Standing Abstentions**

Comm. Capers

- 4<sup>th</sup> and Inches
- Westside Park Group

Comm. Castillo

- Passaic County
- Scholastic (Transportation)

Comm. Hodges

- Pertaining to himself
- Jumpstart
- City of Paterson

Comm. Martinez

- New Jersey Community Development Corporation (NJCDC)

Comm. Redmon

- Historic Preservation of the City of Paterson

Comm. Rivera

- Passaic County
- Private Industry Council (PIC)
- Workforce Investment Board (WIB)
- Community Charter School of Paterson

**Resolution No. 2**

Whereas, the Paterson Public School District (the "District") has current and emergent legal needs for which it requires legal services from outside counsel;

Whereas, legal services are exempt from advertising and bidding requirements under the "professional services" exception to the Public School Contracts Law in N.J.S.A. 18A:18A-5a(1);

Whereas, the District hereby retained several law firms and now wishes to retain the firm of Apruzzese, McDermott, Mastro & Murphy, P.C.; and

Whereas, retaining the firm of Apruzzese, McDermott, Mastro & Murphy, P.C. at the hourly rate of \$160.00 for all attorneys and \$80 for paralegals will serve the best interests of the District.

Now, Therefore, Be It Resolved That, the District approves entering into a contract with Apruzzese, McDermott, Mastro & Murphy, P.C. until June 30, 2018 at the hourly rate of \$160.00 for all attorneys and \$80 for paralegals, for an annual cost not to exceed seventy-five thousand dollars (\$75,000.00) during the 2017-2018 fiscal year.

**It was moved by Comm. Redmon, seconded by Comm. Ramirez that Resolution No. 2 be adopted. On roll call all members voted in the affirmative, except Comm. Capers who abstained and Comm. Hodges who voted no. The motion carried.**

**Paterson Board of Education  
Standing Abstentions**

Comm. Capers

- 4<sup>th</sup> and Inches
- Westside Park Group

Comm. Castillo

- Passaic County
- Scholastic (Transportation)

Comm. Hodges

- Pertaining to himself
- Jumpstart
- City of Paterson

Comm. Martinez

- New Jersey Community Development Corporation (NJCDC)

Comm. Redmon

- Historic Preservation of the City of Paterson

Comm. Rivera

- Passaic County
- Private Industry Council (PIC)
- Workforce Investment Board (WIB)
- Community Charter School of Paterson

**Resolution No. 3**

Whereas, The District is a State-Operated School District which has a need for Outside Legal Counsel; and

Whereas, pursuant to the Public School Contracts Law, N.J.S.A. 18A: 18A-1 et seq., legal services constitute “professional services,” and N.J.S.A. 18A: 18A-5(a)(1) permits the awarding of a contract for professional services without the requirements of public bidding; and

Whereas, the State District Superintendent has the authority to award contracts for professional services and to enter into contractual relationships on behalf of the District; and

Whereas, awarding this contract is in line with the “Bright Futures Strategic Plan 2014-2019”, priority 4 – “Efficient and Responsive Operations”, Goal 3 – “Increase responsibility for performance”; now

Therefore, Be It Resolved that the following firm be reappointed as Special Legal Counsel, pursuant to the terms of a Professional Services Agreement, for the period through June 30, 2018:

Barto & Barto LLC  
15 Warren Street  
Hackensack, New Jersey 07601  
Not to Exceed \$75,000.00

**It was moved by Comm. Redmon, seconded by Comm. Ramirez that Resolution No. 3 be adopted. On roll call all members voted in the affirmative, except Comm. Capers who abstained and Comm. Hodges who voted no. The motion carried.**

**Paterson Board of Education  
Standing Abstentions**

Comm. Capers

- 4<sup>th</sup> and Inches
- Westside Park Group

Comm. Castillo

- Passaic County
- Scholastic (Transportation)

Comm. Hodges

- Pertaining to himself
- Jumpstart
- City of Paterson

Comm. Martinez

- New Jersey Community Development Corporation (NJCDC)

Comm. Redmon

- Historic Preservation of the City of Paterson

Comm. Rivera

- Passaic County
- Private Industry Council (PIC)
- Workforce Investment Board (WIB)
- Community Charter School of Paterson

**Resolution No. 4**

Whereas, The District is a State-Operated School District which has a need for Outside Legal Counsel; and

Whereas, pursuant to the Public School Contracts Law, N.J.S.A. 18A: 18A-1 et seq., legal services constitute “professional services,” and N.J.S.A. 18A: 18A-5(a)(1) permits the awarding of a contract for professional services without the requirements of public bidding; and

Whereas, the State District Superintendent has the authority to award contracts for professional services and to enter into contractual relationships on behalf of the District; and

Whereas, awarding this contract is in line with the “Bright Futures Strategic Plan 2014-2019”, priority 4 – “Efficient and Responsive Operations”, Goal 3 – “Increase responsibility for performance”; now

Therefore, Be It Resolved that the following firm be reappointed as Special Legal Counsel for the District, pursuant to the terms of a Professional Services Agreement, for the period through June 30, 2018:

Florio, Perrucci Steinhardt & Fader, LLC.  
218 Route 17 North, Suite 300  
Rochelle Park, New Jersey 07662  
Not to Exceed \$75,000.00

**It was moved by Comm. Redmon, seconded by Comm. Ramirez that Resolution No. 4 be adopted. On roll call all members voted in the affirmative, except Comm. Capers and Comm. Hodges who voted no. The motion carried.**

### **Paterson Board of Education Standing Abstentions**

Comm. Capers

- 4<sup>th</sup> and Inches
- Westside Park Group

Comm. Castillo

- Passaic County
- Scholastic (Transportation)

Comm. Hodges

- Pertaining to himself
- Jumpstart
- City of Paterson

Comm. Martinez

- New Jersey Community Development Corporation (NJCDC)

Comm. Redmon

- Historic Preservation of the City of Paterson

Comm. Rivera

- Passaic County
- Private Industry Council (PIC)
- Workforce Investment Board (WIB)
- Community Charter School of Paterson

### **Resolution No. 5**

Whereas, the Paterson Public School District (the “District”) has current and emergent legal needs for which it requires outside counsel; and

Whereas, the procurement of legal services from special counsel is exempt from advertising and bidding requirements under the “professional services” exception to the Public School Contracts Law in N.J.S.A. 18A:18A-5a(1); and

Whereas, the procurement of legal services form special counsel is in line with the Bright Futures Strategic Plan 2014-2019, Priority IV: Efficient and Responsive Operations, Goal 2: Customer Service Focus.

Now, Therefore, Be It Resolved that the following firms be appointed as Special Counsel for the District, pursuant to the terms of a Professional Services Agreement, through June 30, 2018. In accordance with RFQ-902-17:

The firm of Abdelhadi & Associates, LLC, at a rate of \$160 per hour, not to exceed \$30,000 for real estate matters.

The Law Offices of Abdelhadi and Associates  
970 Main Street, Suite #1  
Paterson, NJ 07503

**It was moved by Comm. Redmon, seconded by Comm. Ramirez that Resolution No. 5 be adopted. On roll call all members voted in the affirmative, except Comm. Capers and Comm. Hodges who voted no. The motion carried.**

**Paterson Board of Education  
Standing Abstentions**

Comm. Capers

- 4<sup>th</sup> and Inches
- Westside Park Group

Comm. Castillo

- Passaic County
- Scholastic (Transportation)

Comm. Hodges

- Pertaining to himself
- Jumpstart
- City of Paterson

Comm. Martinez

- New Jersey Community Development Corporation (NJCDC)

Comm. Redmon

- Historic Preservation of the City of Paterson

Comm. Rivera

- Passaic County
- Private Industry Council (PIC)
- Workforce Investment Board (WIB)
- Community Charter School of Paterson

**GENERAL BUSINESS**

**Items Requiring a Vote**



## ***Instruction and Program***

Comm. Castillo: I&P met on February 5 at 5:30 p.m. Commissioners present were myself, Comm. Martinez, Comm. Capers, and Comm. Ramirez. There was a presentation about the retention and summer school given by Assistant Superintendent Warren on Monday. We had a lengthy discussion on that. We were updated on the field trip locations and the update for that. The Penn Relays are on April 26-28. All the information is there for the students attending the event with chaperones and transportation. We also are working on a grant for \$150,000 with PF Partnership. They will be working with a few of our schools. You have the minutes and the presentation attached to this as well just in case you went here at the last meeting or if you needed more information on that. Are there any questions?

Comm. Hodges: I do apologize. I had a list of questions I came with. Unfortunately, I don't have them here. I think in terms of I&P, I wanted to make sure that the chaperoning was scheduled carefully. I think I had some other questions on a sheet, but I left it at home.

Comm. Castillo: They have all the chaperone times and everything that was needed. When you get the sheet, if you can just forward us the questions we will make sure to get you all the answers.

Comm. Capers: Do they have a coach bus going to Philadelphia and not a school bus so they can get there on time?

Comm. Castillo: I'm not sure what type of bus. I know they have transportation available to the students.

## ***Operations***

Comm. Redmon: Operations met tonight. Our report will be presented at the next Board meeting.

Comm. Hodges: There are some of these transportation reimbursements that seem to be already in place. We seem to be making reimbursements and some of them had a form that says the delay was because of x, y, and z. Others did not. I was trying to figure out what was the difference between the ones that didn't have the form and the others that did, all of whom started in January. There wasn't an announcement as to why we were doing this now. I can't tell you which ones in particular because I didn't bring the sheet. If they began in January, then they all should have a discussion that says we are doing this now after the fact and we're asking you to vote on it because of x, y, and z. Not just two or the things. It should be because this happened.

Comm. Capers: My question is posed to Madam Superintendent. I did bring this up in our committee meeting tonight. I think we do have to do something. I know you have been doing a great job with finding these bus companies. The violations as we stand are over \$100,000. Some of these bus companies we keep awarding new contracts to. One of the bus companies had three times in a row no CDL and those different things. We keep awarding them contracts so there's something we have to do on whatever level to really fix this. I'm baffled by the number of violations these bus companies have and we're giving them more of our business.

Mr. Murray: I understand. Unfortunately, Capt. Smith is not here this evening as I look at the audience. But I do know from the record of Capt. Smith and Ms. Vainieri that they

have been very aggressive with respect to penalties. Some of the highest penalties have been imposed. In fact, Ms. Vainieri actually started imposing penalties prior to her tenure some three years ago. It wasn't as much. The details can be best given when one or both of them will be here and answer questions.

Comm. Capers: We did talk about it. Ms. Vainieri was in our committee meeting. I just brought it up and I'm going to be very hard pressed on this. One of these bus companies on this agenda has a lot of violations of late pickups, no CDL. Their fines are in the \$20,000 to \$30,000 range and we keep awarding them routes. I just have a big issue with that. I know they're winning bids, but we have to put some type of stipulations in place here. I'm very moved by your speech of letting strangers into our house. I was very moved by it.

Ms. Shafer: I'm so glad to hear that. Thank you so much.

Comm. Capers: With these bus drivers making these types of moves and having these recurring violations, another company that's up here too a couple of weeks ago the teacher sent me the pictures and videos. The wipers were non-operational. It was raining and the bus driver pulled over to clean the window with a squeegee and continued driving. These buses are really out of control and we keep awarding some of these same contracts.

Mr. Murray: Depending on the violation they can be eliminated from the bid process. But there are also procedures to impose penalties and we've have imposed some pretty sharp penalties. The specifics about the case I can't comment on. We really need to have Capt. Smith and Ms. Vainieri answer individually. We've had litigation, frankly. Not as much as some of the others, but we've had a number of cases that have been in court where we have been aggressive about it in terms of the action based on Smith and Vainieri. We will have to wait for them to come to the next meeting.

Comm. Castillo: I have a question for you, Comm. Capers. As the Chair of Operations, can you have that report created and submitted to the Board and see where we stand on litigations, violations, and the whole nine? Are there other companies that can sustain the routes that we have in the City of Paterson? As the Chair, in your next meeting can you have that information provided for us?

Comm. Capers: That's fair.

Comm. Simmons: I do have a question and I think counsel has answered it. For companies that we are constantly fining, are we able to set a threshold where we classify them as habitual offenders and exclude them from the bid process?

Mr. Murray: Again, the answer is yes and we have taken that action with certain carriers where they have been habitual violators. Clearly, we have to follow the bid laws, but I think Ms. Vainieri and Capt. Smith can better give you the names and the actual events. The answer is yes, they can.

Comm. Rivera: I have seen the bids that come into the district and there are not too many companies that are putting in bids. My recommendation is we already started fining these people. We have to lead by example. If we catch a driver without a license, let's cancel the routes. We can cancel any routes. Hit them in the pocket. If you catch a company with certain violations, see if you can cancel that route. Getting rid of the whole company, we already have experience with other things like vendors not wanting to do business with the district. If they don't correct it, then we get rid of any

company that continues to violate any of our agreements. Hit them in the pocket. Cancel those routes. Cancel multiple routes if you have to and watch them stop. If they don't have the drivers, they shouldn't put a bid. That's the bottom line.

Comm. Hodges: I would like to see what that criteria would look like so that the Board can understand what that process would be. Then we can make sure that it's being followed appropriately. That's number one. Number two, to address the remarks of Mr. Rivera, the concern that I have is that one violation is too much when the lives of children are at risk. I'm additionally echoing the words of the Superintendent of Schools. When we have repeated episodes that suggests to me a willful disregard of our children and that has to be stopped. These are precious cargo and if a business person does not understand that we take our children's lives seriously, and not have wipers in a rainstorm when you're on the highway, I don't know how you do that. It doesn't stop raining. You wiping the windows down doesn't save anything. That's what scares me. We're having accidents and proceeding through and you don't know if the kid was injured on the bus. I'm looking at all these things and I'm saying why doesn't it register to people that this is not going to be tolerated? Until it begins to register that it's not going to be tolerated, it will be tolerated and they will just write it off as the cost of business and that's unacceptable. When some child gets seriously hurt then it's too late because we will have the place filled with people wanting to know why we didn't do something more.

Comm. Rivera: We're basically saying similar things, Dr. Hodges. What I'm saying is you have to establish a process. Just like one time the Board was contemplating cancelling 37 routes, but we were advised by counsel that they could have taken us to court and we would have lost. I understand they are precious lives. I have kids myself. But we have to follow a process. If it's something major, then you get rid of the company.

Comm. Hodges: That's what I asked for. I asked for the process.

Comm. Rivera: We're saying the same thing basically. You just elaborated a little bit more. We have to also hit them with imposing penalties right now and if they're repeat offenders, then we cancel the routes.

Comm. Hodges: If you state that if there are three incidents then you will know longer do business with the district, then I think that sends the message.

Comm. Capers: Just so the Board knows, from last year we were up to \$71,000 in violation fines. This year, and it's only March, we're at over \$100,000 in violations and fines. It keeps increasing. It's like these fines are not working. As Mr. Rivera said, we have to hit these guys where it hurts. I'm looking at one of these right now. On the same day and the same company, I see three different buses with no CDL. It's just like me not driving with a license or anything else like that. These violations are just alarming to me. Then we keep giving them routes and coming up for a vote. Enough is enough on my end.

Ms. Shafer: We just hired two inspectors. You're going to see the fines really go up. I heard that we have some drivers without CDL. I want every single driver checked out. We got calls last week. People were calling the Spanish newspaper and the radio station because we were asking for licenses. Those were folks who didn't have it. You will see the fines go up. I also told them I want all the fines for July 1 increased because there are going to be a lot of things that were tolerated at the beginning of this year that I'm not going through again. As we go through repeat offenders, I do think,

especially of the same situations, two or three people not having a CDL, then routes have to be taken away.

Comm. Capers: Or video cameras.

Ms. Shafer: Any of them that are repeat it has to be dealt with. You're going to see this go way up because we have folks walking buses every morning and every afternoon. We have two people out there. They're going to see cameras, GPS systems, and licenses. It's going to go up.

Comm. Capers: I'm glad you're taking a proactive approach and putting somebody out there to make sure we're monitoring and that the kids are safe. Fines are going up is not a good thing in my book. That's what I don't want to see. I see instead of letting it go on. It's these same companies. We deal with 25 different companies and in the last two years only 16 companies are getting fines. It's a trend. I have the list right here. It's the same 16 companies that are doing the same thing day and day out - \$1,000 here, \$400 there. I guess they don't really care.

Comm. Castillo: Comm. Capers, I don't mean to interrupt, but I do. You have that report. We know it's occurring and it's definitely something that we have to take care of and find solutions. I know Ms. Shafer entered it into the contracts where it wasn't before. Not that I'm saying that it's okay, but we have been taking measures. In your committee with this report that you will be giving us I think it's also a way of finding possible solutions. We don't have those numbers. For me, I understand what's occurring, but we can't see it in front. It's hard for me to say this or that company. If you can just provide us with all the information, like we're doing with the legal department, then as a whole we can take a better look at it and find a process, think of an idea, or see how we can move forward in dealing with this situation. Trust me, we can talk about transportation all night. It's difficult for us to have an educated conversation without all the information, even though I do agree we do have to find better solutions in order to do this.

Comm. Capers: I can come up with the solutions. I'm asking the Superintendent can the transportation department present in the next committee meeting with a solution on these repeat offenders in alliance with the law. In terms of them not getting bids anymore we can come up with some type of plan in place. Increasing fines is not the answer.

Comm. Hodges: How many routes do you want to take before you stop it? How many different incidents are you going to absorb? If one company has 50 routes and you take four or five of them, they're still surviving. What is the quality of control that says this isn't supposed to happen at all? If it's a repeat event and you're not listening, taking away a route is simply not sufficient. We have to determine a process that makes it very clear to these companies that you're not going to endanger our children on the bus by whatever means. If it happens twice, you're gone. Something has to be put in place so that everybody knows that's our policy in the future.

Comm. Capers: A lot of parents complain to me about this. Buses show up late. Sometimes it's raining and snowing outside.

Comm. Castillo: Comm. Capers, I get it. If you could just add that to the report you'll be submitting, then we can go from there. I don't know Company A had 50 violations off the top of my head. I don't know which companies have gotten phone calls from parents. As the chair, you can ask the transportation department and together you can

form this report and then we can have this conversation. I think it would make better sense. You're telling me so-and -so called but I can't do much without all the information.

Comm. Capers: Got it. I'm just telling everybody as a whole these violations are coming up. Madam Superintendent, if the district can come up with some solutions to the next committee meeting in terms of how we can get rid of them in accordance with the law, and I will give a report to the Board as well.

Comm. Redmon: Listen to me. We have some suggestions. You have some of your concerns. Please put them down on paper. I sit on that committee with you. We can as a committee go through it and also bring it back to the Board. We're on point, you're on point, and you're making sure that you get your answers to what you need. Right now we're just vetting it out. We've said it several different times. We also discussed it in committee. We will definitely work on it. That's something that you want a working document on.

Comm. Capers: Amen.

### ***Personnel***

Comm. Redmon: Personnel met on March 5 at 5:00 p.m. Presiding was myself. Present was Comm. Castillo. Staff present was Mr. Rojas. We talked about posting several positions in the district. We want to reduce the amount of acting interim positions so we're posting some positions on the website. The position control data cleanup human capital representatives are meeting with the principals on a one-to-one basis to ensure the duties staff is performing at the building level are accurate and reflected in the positions control database. We also talked about the vacancies of teachers and true vacancies right now stand at 44 and resignations after March 5 will be 22. We reviewed and discussed detailed vacancy list. All Board members will receive a copy. The personnel meeting ended at 5:45 p.m.

Comm. Hodges: Did you have occasion to discuss the substitute company situation?

Comm. Redmon: It was going to be brought up in the next committee meeting.

Comm. Hodges: This is my concern. If you were going to go out for bid and the Board was to decide they were going to pursue new options, then this is March. You wouldn't get a chance to discuss that until April. Then you'd have May and June and you're out of time in order to be ready for July. That's the concern that I have. Then we'd be saying we have to vote for these people now because they have to be paid and we will vote for them. That's the issue that I'm trying to drive home. We can't be put in that position. They need to approach you with these kinds of contracts in a timely fashion so that you can then make a decision this has to go to the Board because we need to decide whether we're going to keep these people or require the district to go forward in another direction that best benefits us. If we don't do that, then we're going to be stuck with a process which on one end may be very helpful in terms of the personnel side, but problematic for us and costly on the technology side.

Comm. Redmon: Are there any other questions?

Comm. Castillo: Comm. Redmon, you have governance for us as well?

## ***Governance***

Comm. Redmon: Governance met on March 6 at 5:00 p.m. Present was myself and Comm. Martinez. We discussed the settlements. Are we allowed to discuss the names of the settlements in public? The settlements were DNR and KVR versus the Paterson School District. We talked about Fran Barto, which was part of the payments that we did. We also talked about Jane Solomon, Esq. legal fees of \$7,890. We talked about the lease expansion for St. Paul's Church for an additional five years. We also discussed the state of Onyx Williams. We also talked about the discrimination disability settlement with New Jersey Superior Court. We also talked about the Temco litigation with the new proposed expected to the \$750,000 rebate that is now proposed significantly less and reviewed at least volume of the equipment that we did not get. We also talked about worker's compensation. We also talked about the legal matters with PowerSchool. We also talked about CO versus the Board of Education with the 50/50 split lien of \$10,000 which was approved. We also talked about LRV. Paterson recommended settlement approval limit and report status with two high view cases. We also talked about the properties which we talked about in executive session. We also talked about risk management. We talked about the law department legal fees and contracting for 2017-18. Are there any questions?

Comm. Hodges: When you tell me you talked about it, it doesn't give me an understanding of what your concerns were.

Comm. Redmon: To answer your question, Dr. Hodges, some of it had personnel matters in it. I don't want to give full details to you. You have the full detailed report.

Comm. Hodges: I'll review it. The concern I have is we had a conversation yesterday and I'm hoping that the district has reached out to other districts regarding the information that we were discussing in closed session. I had an opportunity, in passing, to speak to Jersey City about their situation and what they're trying to accomplish. I'm hoping that we will rapidly have some sense of what other people are doing when we are asked to look at this. They seem to have a very similar situation.

Ms. Shafer: On Monday we will go back into executive session. I know Bob and Luis are doing just what you asked and we also have some information regarding Jersey City.

## ***Fiscal Management***

Comm. Rivera: We met on March 1 at 5:00 p.m. During the meeting we discussed the medical plan. We had the company do a presentation. We still didn't have definite numbers at the time. We also discussed which actually came up during the last meeting a communication contract that was going to be presented. We don't have to discuss that after the fact. It already took place. We also were supposed to get a budget update, which is similar to what we got today. Not in detail like we got today, but we got an update. We also discussed our budget calendar for March, which included several community forums. We briefly discussed the sale of textbooks. The discussion we had previously regarding the Board attorney, we asked for a report that compares the current structure. We actually got a report, but we asked to be updated to reflect the numbers up-to-date regarding the current structure we have in legal versus what we had before. We also had a discussion about possibly having some lawyers in-house compared to what we have now. Again, they're just ideas, discussions, and recommendations. Then we also had a brief discussion about the overtime report.

Comm. Hodges: The only concern I have is you're privy to additional information. What you're discussing, the concerns you may have encountered, or the issues that you tossed around might be of benefit when we're coming to a vote. I don't know what your discussions were.

Comm. Rivera: There was no specific issue, Dr. Hodges. This is a topic that we have touched for a while. An operation this big should have legal staff in-house. That's basically what it was.

Comm. Hodges: I mean some of the other things too.

Comm. Rivera: Like what? Give me an example.

Comm. Hodges: The sale of textbooks, which I'm very interested in.

Comm. Rivera: The sale of textbooks was basically a general question asked. We had other meetings in the past where we had the consultant come in and speak about the whole process and everything else. I think we've been going through this for a while now. Basically, the discussion was very brief. The administration asked could we at least contemplate on doing this. We said in the finance committee to make sure that you have exhausted every other scenario where you can have some cost savings. This will be as a last resort. Make sure that if we go this route you will also show the Board a plan for next year. This is just putting a Band-Aid. If you give me the option of reducing a lot of staff or putting this Band-Aid but then having a solution in case, I also said this was going to be contingent on also if the state was going to give us more money. We also wanted a cost-savings plan. Not a reduction, but cost-saving plan which could include, not teacher reductions, but other forms of reduction like maybe consultants and administrative staff. We wanted to see the savings take place. If we put a Band-Aid on this \$10 million we're going to have the same issue next year plus the payments on top of it plus more increases. This \$10 million could turn into \$15 million and possibly \$20 million.

Comm. Hodges: That's extremely helpful.

Comm. Rivera: That's why we had someone else take the minutes. It was nothing that was discussed that we're withholding from the rest. It was just a brief discussion and overall theory of the members there. There are four of us. One was absent, but normally there are four. Again, that's how a committee works.

Comm. Hodges: It expands the understanding and what additional questions I may have in this regard. That's why when you say we discussed it doesn't really help me because I don't know whether there are ideas that you tackled that I don't have to repeat.

Comm. Rivera: One thing that I'm going to ask going forward is that any reports that are given to us in finance, could we attach it to this? I see the list of the meeting dates for the budget. Even the legal report that we had that had two years that compared, it would have been useful even if the last one we could have made a note that it's being updated. At least present it. I understand where Dr. Hodges is coming from 100%. I don't mind the questions. At least let's have an attachment just like we said we were going to do with facilities. We were going to give them an attachment of whatever is presented. I understand.

Comm. Hodges: Speaking of facilities, that's the next issue.

Comm. Castillo: Before you bring up facilities, I just wanted to add that for this book leaseback the payments do not start in September. It's for the 2019-20 school year. We have one year. We receive this loan and it would be part of our budget. It's an infusion of cash for this year and the payments wouldn't begin until the 2019-20 school year.

Comm. Hodges: Madam Chair, you are aware that the charter schools are under no obligation to restrict their increases in sizes. We've spent \$9 million that they increased in size this year and next year there will be an additional size and the year after that. We could be looking at \$20 million just in those five charter schools.

Comm. Castillo: Absolutely. Not that that's right or wrong. I want to make sure that everyone on this Board has the right information. I want to make sure that we know that with this information that the administration brought up that the payments would be the 2019-20 school year. The decision after that is whatever, but I want to make sure that we at least have all the right information before we push forward.

Comm. Hodges: I appreciate that, but that's my fear.

Comm. Rivera: To your fear, I asked the administration that if we allow them to do this, if it's not at the time that this is presented, I want you guys to actually show us what cost savings you're going to put in place to make up that \$10 million for next year. Let's just not count on the promise made by the Governor. I'm very hopeful that he will give us more money, but we have to be responsible. The only reason we're even contemplating this \$10 million is because the administration is assuring us that there's no other way to do it at this moment. The only other option, and I read it in the paper, is to lay off some teachers and we don't want that. I just want to put that on the record.

Comm. Castillo: I just wanted to add that I spoke to our BA earlier before our meeting. Clearly, we all have the same mindset on this idea. He is going to give us the information or plan on how he plans on finding this money and making these payments. He will have to do it in executive session. On Monday we will have one and he will give us more information on what his plan is if we were to go through with this idea.

Comm. Hodges: Just be mindful, and this is something I said several years ago, we were not going to get this district back when we had a surplus. They were only going to give it to us when we were near bankruptcy. This Board would then be blamed for wasting the state's money. I'm extremely sensitive to this issue. Not only that, but then not being able to educationally benefit our children at the same time. I'm very touchy about this. That's why I'm pushing these issues the way I am. Here we are today and it's happening. We have some issues with facilities. There was no report attached to this. Was it brought to your attention the School No. 27 issue? Then there's the issue of the cafeteria. I'll wait. It's the issue concerning the sink.

Ms. Shafer: The sink is going to be hooked up. We sent this out over the spring break.

Comm. Hodges: You have to pressure the SDA on every single item. Some members of the Board don't know what you have to do. You cannot simply accept their explanations about what they're going to give to you because they'll always come in short. You have to be all over them all the time. Mr. Morlino knows that because he's had to wrestle with some of these things. It's extremely helpful if we know which stage they're in and where they are so we can go and apply pressure on them constantly. I'm going to really be pushing to find out what's happening with the Don Bosco site. I know



the Superintendent had mentioned that she was thinking about making some changes over at Paterson Catholic. I need to get a sense of where we are in the ability to do that financially, which leads to another project in the area of PANTHER, which is important. Those are facilities issues that are of great concern. The data in terms of work orders, how are we maintaining that? When it comes to personnel losses, if we have some space, that's where it should come from. It shouldn't come from teachers in the classroom. That's what we need to know. What is the flow there? How are the work orders being maintained? Are the painters a problem? Are carpenters a problem? Whatever it is, we need to have a sense of how we monitor that operation in the future. We have 30 classrooms now with 25 students. We can't lay off teachers and people like that. That's why it's important to have a more comprehensive facilities report.

Comm. Rivera: We'll start asking for that. I remember we used to do that often. He used to bring a summary of how much he's saved the district doing the work in-house. We have to start doing that again. Are there any other questions?

Ms. Shafer: Let me just ask Sandra Diodonet. She wasn't here when the gentlemen spoke about School No. 27, but she has the information.

Ms. Sandra Diodonet: Good evening, Board members and Madam President. School No. 27 does have a leak in the roof and facilities is aware of it. They're also aware of the sidewalk situation. In terms of feces in the bathroom, that is not an ongoing thing. As a building principal I know the same problem that they have when kids put a lot of paper in it and they flush the toilet and walk away. It happens, but that is cleaned up immediately. That is not a common practice. I called the vice principal and that has not happened in a while. I just want to make sure the record shows that. Thank you.

Comm. Capers: The roof is not caving in in the bathroom?

Ms. Diodonet: No.

Comm. Hodges: The leak was what?

Ms. Diodonet: There's a roof leak, but one thing doesn't have to do with the other. When the bathrooms are overflowing, it's because children put a lot of paper, flush it down, and then it overflows. That is cleaned up immediately. In terms of the roof leaking, facilities is aware and there is a work order put in.

Comm. Hodges: Do we have a timeframe?

Ms. Diodonet: That would be on Steve Morlino. I can get you that information.

Comm. Hodges: I'd appreciate that. When they call, and they will, we want to be able to say that's being addressed.

Ms. Diodonet: Madam Superintendent has already addressed that via email.

Comm. Hodges: There's one further issue, the graffiti at PANTHER. Was that addressed? I haven't been over there yet.

Ms. Shafer: I'm not sure if it was addressed because of the weather, but he did tell me that it was going to be addressed, and the weeds.

Comm. Capers: I know Mr. Rivera is getting information for me. I just had a question on F-12. Where are we with that? He's probably getting an answer.

Comm. Rivera: I just verified that it's supposed to be tomorrow's fiscal meeting. We didn't discuss this in the last fiscal meeting. We're not voting on this today.

Comm. Capers: I know we're not voting on it. I don't know if you had discussion about it in your meeting.

Comm. Rivera: It's going to be tomorrow.

Comm. Simmons: With regards to F-8 and F-9, the donations of technology, I just want to make sure that those are cleared through the technology department before we take in donations.

Ms. Shafer: I'm not signing them unless technology reviews them.

Comm. Simmons: Okay.

### **Subcommittee Reports**

#### ***Technology Committee***

Comm. Simmons: I'm going to submit my minutes for the record. I'm just going to give you some highlights. We did go over the district's infrastructure plan, the current upgrades and where we are. We also talked about the budget for E-Rate and what we expect to get back in that process. I think they're budgeting \$225,000 for \$1.5 million in funding in return. If you're not familiar with E-Rate, it's a federal program. You make an investment on the district's part, in this case \$225,000, for a larger return of \$1.5 million. That investment is funding some of the projects that are ongoing. E-Rate has changed where they're funding infrastructure, wireless, and those types of things, not so much hardware. It's more wireless and less hardware, if I'm not mistaken. We also had an extensive conversation, which is why I asked the question in fiscal about accepting computer donations and such. We want to make sure that is cleared through technology. There was some question around the last donation. They may not be usable. We did also talk about those that are not usable in terms where technology is not comfortable putting them on the network, working with SOIT and the Napier Academy, because it's supposed to be a technical academy, so that they can have a sandbox to build computers and do repairs. We also wanted to actually put that into a policy. We'll be working on putting that into a policy, the procure for accepting donations, ordering software, hardware, and making sure that all those things are working through the technology department so that we don't get schools ordering things that we can't use or put on the network.

Comm. Hodges: I'm going to further include an additional policy that you use the term sandbox, which basically means our students are given access to this equipment to do things and to learn. I'd like to have similar areas in science and STEM, trying to create those kinds of opportunities for students. I'll be trying to put together some sort of policy around that. There should be an additional area. I can't remember what it is. STEM certainly, science, and technology. That also hinges on how we pay for it with the teaching staff.

### ***Parent/Community Committee***

Comm. Castillo: Parent/Community did not meet because of the schedule for the day of the snowstorm. We will be submitting our report for our next meeting.

### ***Policy Committee***

Comm. Simmons: Policy has met twice. Again, I will be submitting my minutes for the record. We had extensive conversations around policies that were submitted by Comm. Capers. That was during the first meeting. During the second meeting, we brought in some staff to discuss the logistics of those policies. The athletic exemption, we can't use the word exemption. There is an option two that already exists in the district. The issues, as we discussed in the follow-up meeting, were how do we make sure that we assess students? If they're going to miss gym, I think they have to have 150 minutes per week. There was extensive conversation around how you assess them. If I'm a student, I don't necessarily want to be assessed. I just prefer to go to gym. If I'm not going to take gym, then I don't need to take an assessment.

Comm. Hodges: Doesn't the act of practicing really take care of the physical education component? In physical education, are you being assessed on your proficiency in playing? What's the assessment going to be? If you're on a sports team, you're being assessed.

Comm. Simmons: Not necessarily.

Comm. Capers: Yes, it is.

Comm. Hodges: I'd like to have someone explain it to me.

Ms. Shafer: Two things we need to keep in mind. You can have option two for physical education if you play a sport, but you're still going to have to take the health component. That's one piece and that's one marking period out of the four. In order to get the credit, the practice and the competitions equal the physical activity, but you need to take an assessment in order to get the credits.

Comm. Hodges: What is the assessment component?

Ms. Shafer: It's a written assessment in physical education. They have that now in their regular physical education class. They have written assessments.

Comm. Capers: Assessment on what?

Ms. Shafer: It depends. Let's say they're doing the presidential physical fitness. There's a written test about that in addition to the physical component. If they're doing a unit on basketball, there's a written test for basketball based on what they're taught, different kinds of offenses, defenses, how long is overtime, and all the different rules.

Comm. Hodges: If you're on a basketball team...

Ms. Shafer: You still have to take the assessment.

Comm. Hodges: You can be assessed on the rules of basketball some place during the season. Is there anything else?

Ms. Shafer: No.

Comm. Hodges: If you're only playing football, I'm sure...

Ms. Shafer: The only other difference is if you start that season and you're not in your physical education class, let's just say you become ineligible or you quit the team, then you would have to go back into the class in order for it to count.

Comm. Hodges: That's a guidance function.

Ms. Shafer: Right. Then the only other thing is the assessment.

Comm. Hodges: If we just indicate that the students are not exempted from the appropriate assessments and it's the responsibility of the students to make sure that they have that, then that can satisfy all the requirements for option two.

Comm. Simmons: It actually exists in the district.

Ms. Shafer: David has more information, but we found that the kids want to do it. They don't want to do option two. They would rather be in the class.

Comm. Hodges: They're not dressed.

Ms. Shafer: The athletes are the ones that dress.

Comm. Capers: When you were saying assessment, are you talking about a written test?

Comm. Simmons: Written.

Comm. Capers: Just the written assessments, not physical.

Comm. Simmons: Right.

Comm. Capers: That's why I was saying the coaches are always assessing the kids physically anyway.

Mr. David Cozart: In addition to the physical component which you have when you're coaching, you have actual examinations, which is through hand packets regarding the sport that you're not participating in. During football season, for example, during the first marking period you're doing more than just football. Therefore, the students are receiving packets for those sports. This means that at the end of that marking period you have to take exams for those other sports. They're getting credit for the weight room, physical training, and their practices. The packets that they are receiving are for the other sports that are being taught and the other students are receiving during that marking period. Even though you play football, you will probably have to be assessed on the rules of soccer and all that, but you're given the actual packets during that time period. That was one of the issues regarding the assessments. The other issue that we talked about was where the kids are going to go. It has to be uniform for all three campuses because now the kids have to go to another location with another certified teacher. You can't have study hall.

Comm. Capers: Why can't you have study hall?

Mr. Cozart: Because right now you have no credits for that.

Comm. Capers: But the kids are getting credits for being on the team and going to practice. That's the credit.

Mr. Cozart: The gym class, but now we need a teacher to cover the class that they're going into. What we wanted to do in those periods is work on the other skills and allow them to use credit recovery for that opportunity that period as well as getting tutorial work and SAT prep. Those are programs we want to use during that actual period, but one of the problems we have regarding this whole process is that we can really offer it only at two locations, which is Kennedy and Eastside. All the athletes do not go to Kennedy and Eastside. Therefore, we don't have staffing at the other locations for those periods because gym and lunch are the two biggest periods. Everyone is at either one of those two locations, which means teachers are on lunch too. That's when they go out. They still need a certified teacher with them for that period of time. The main thing also is that the students who have opportunity for this component opt out of it because they would rather be in the gym class with their peers.

Comm. Capers: Kids are going to be kids and teens are going to be teens. I was in gym class and it was the same thing. Our coach made us not participate in gym but take option two. When you're 13 or 14 your energy can go all day. The kids have to understand the physical part they're putting on their bodies as well. I know they probably don't want to participate in gym or want to play against their other classmates in basketball or whatever other competitive sport they're playing in gym. We have to be mindful of what type of extensive training we're putting them through like for basketball, football, soccer, running, conditioning, and all that other stuff. Then we want them to compete at a high level in a game. For example, if you have a basketball game tonight, the game is not ended until 9:00 at night. In first period you have gym tomorrow morning. The body needs time to rest. The kids are not going to understand that.

Comm. Simmons: We had a conversation around that. If it's an athlete that has a game, they probably shouldn't take gym that day. Get dressed and just not participate.

Comm. Capers: Or some type of big game coming up.

Comm. Simmons: At the same time, we can't force kids to take option two. We can't force it. Most of our kids don't want to participate. They would rather just get dressed and participate.

Comm. Capers: I don't know if a lot of our kids know about option two.

Comm. Castillo: I'm talking about my brother and even myself, even before a big game I was playing gym. Gym for an athlete is fun. It's what they want to do. It relieves tension. It's to warm up. We will find 5,000 different reasons why going to gym rather than option two works. I have a brother in high school right now and even when he hurt his arm he was trying to be in gym.

Comm. Capers: I'm a high school coach myself. Last year a kid was playing dodgeball and tore his ACL for the year in gym class, and then all of our kids starting taking option two. The kids don't understand. They're just going to go. We have to educate our kids on option two and make sure it's there. We want them to be competitive. We want our teams to be competitive. We want them to reach the next level. A simple injury or the slip of a ball or anything can happen. I'm speaking as an actual coach. Dave, you know this stuff happens. I know you've seen it happen.

Comm. Simmons: It's happening where coaches are educating their athletes. If there's a game that day, they're not participating in gym for the most part. It's already happening.

Comm. Capers: But even after the fact. I've seen kids that are...

Comm. Simmons: After...

Comm. Capers: Like in a post-game. Even if you have a JV football game on a Thursday. Now games are being played on Mondays, Thursdays, and Friday nights. But they're still coming to school the next day taking gym.

Comm. Simmons: That's what I'm saying. For the most part, you can't force them to participate in option two.

Comm. Castillo: I understand both ideas and both ways can go. I think we have to look into it a little more. If it's the correct thing for the students, then how are we going to educate them on doing it? I think we need to do a little more research on what the student would prefer or what applies more to them. Some students, because you make them go to a study hall or to an option two, rebel for it. They are angry because they don't want to do it. I think it takes more work and more looking into the options that we have and how to implement them and go about them.

Comm. Capers: Athletes need more study time.

Comm. Castillo: Absolutely. We have to look for a way to implement that in a way that they will understand, like, and that can use education and continue to do what they love to do. As the adults, I think we have to find a way to mix them all together. We all have different opinions. They definitely need more study time. They definitely need to do better in school. They definitely need to do all that. I think we would have to do it without taking something away because it could be counterproductive.

Comm. Hodges: Since the option two is available then the administration has to put together regulations to implement option two and take into consideration all the requirements that exist for the students. Obviously, you're not going to compel students to do something. You can put the regulation that if it's the spring and you're in baseball or whatever and you're being taught lacrosse, then you have to learn lacrosse or whatever it is in the classroom so that you don't get penalized. Those regulations need to be promulgated so that those options are there and the students don't lose out by taking advantage of what we apparently already offer but they may not be fully apprised of. Those regulations need to be promulgated. That will address that issue. It's already available. It doesn't have to be changed.

Comm. Castillo: Comm. Capers, I just want to make sure all the Commissioners get their question in.

Comm. Redmon: This is just a comment, not really a question. As Board members we have to allow the professionals to do their job. We brought the policy to them. We asked for the professional opinion. They gave it to us. We have to accept it and we can go back and challenge what they're asking us for. I agree with you, Dr. Hodges. You have to let the administration come up with some implementation. But by the same token, we can't keep going back and forth with the questions with them at this time. Put it down in writing and have it answered back to you through your policy committee.

Comm. Capers: I'm just hearing this for the first time. That's why we're having the discussion.

Comm. Hodges: He's not on the committee.

Comm. Capers: I'm not on the committee.

Comm. Redmon: I forget you're not on the committee.

Comm. Hodges: All I'm doing is trying to provide an avenue...

Comm. Redmon: I'm sorry. I forgot you're not on the committee.

Comm. Hodges: Again, I'm not going to repeat myself. I'll just defer to the administration to promulgate the information.

Comm. Simmons: To your point, that already exists and it's just a matter of...

Comm. Capers: Implementation.

Comm. Simmons: I think it has been implemented. I think it's not implemented to the degree that you would like based on the students not wanting to participate.

Comm. Hodges: We can always review the regulations.

Comm. Simmons: And that was another issue. While that exists, there is actually no policy for it. We do have to go back and write the policy.

Comm. Capers: That was my whole point. Can they have light duty in terms of walking around the gym instead of playing basketball or anything else like that? There are other ways you can participate.

Comm. Castillo: I have a suggestion. Maybe this will work out. It's been a lot of suggestions back and forth and I think some things may get lost just because there are nine of us sitting here. Why don't you and Comm. Simmons have a conversation about all these suggestions that you would like to see? I think you have a vision and he's the chair of the committee. Just make sure that what you're thinking or what your vision is can be implemented in that policy and they can put it together. Just throwing out ideas is great, but if we don't write them down, by the time the next policy committee meeting comes, we've all forgotten.

Comm. Simmons: We did just that.

Comm. Redmon: Hold on one second. I'm sorry, Comm. Simmons. What you're getting tonight is because policies were presented to us from Comm. Capers. The committee reviewed his policies and now we're giving you what we reviewed. We're now reporting them to you. If he's rebutting what we're suggesting to him he must do it in writing to bring it back to the committee. That's what we're asking him to do. That's it.

Comm. Castillo: I think we're all on the same page. All that he wants, if he has it in writing and you guys can continue to discuss it, then we can get it. Going back and forth here we're not getting anywhere.

Comm. Capers: I think it was good because the professionals did go in and I wanted to hear their point of view. As soon as I get you guys minutes I can make better suggestions. I was just making suggestions off what Comm. Simmons is saying.

Comm. Castillo: That's fine.

Comm. Redmon: I get it. I'm sorry, Comm. Simmons. I apologize for that.

Comm. Simmons: I just have nine other policies to get through.

Comm. Redmon: I'm so sorry. I understand we're a part of the discussion of the committee report. But it would be helpful to the committee that you give it to us in writing so when we go back we have something that we can evaluate and look back at. I know you didn't get it. We're presenting it to you. Once you get it and read it, you just got it at the table so now you have a day or two to bring it back to us before we meet.

Comm. Hodges: Which is why we need to get these things before we get to the meetings.

Comm. Castillo: I think if there are any other situations that we can get it or have information prior to. When we come here it's good to hear from the professionals, but it takes up that time of the rest of us not knowing all the details in it. I think it would be a smoother process.

Comm. Simmons: Like I said, the option does exist. It is written. The Board actually voted on it. Now we have the option that exists. We just have to write the policy around what exists.

Ms. Shafer: (Spoke off the microphone)

Comm. Simmons: The next one was coaches training. Ms. Shafer, if I can have Mr. Cozart come back and talk through that because it was extensive.

Mr. Cozart: The question was regarding having coaches have the opportunity to have workshops prior to the seasons. Coaches are temporary employees and are hired only for the season. Therefore, when a season ends their employment ends. Most of the workshops on the actual sports occur outside of that season. Therefore, we cannot mandate them to have those workshops because they're no longer employees of the Paterson Public Schools. Nor can we mandate that program or pay for that program. Also, we do not pay for the teachers to go on various workshops either or mandate them to go to those workshops. They're all part of the same bargaining unit. As a coach you are required by the NJSIAA to have coaches training. In that program you are required to go by the state to be a coach. All coaches have to be certified by that agency. That's one opportunity. For the coaches to have PD on the actual sport, for example, if I coach football, I go to football clinics. Those clinics do not occur during the season and the schools do not pay for that component. A lot of times we pay for ourselves. Not only that, a lot of them are free coaching clinics around local colleges as well as going to Rutgers for different clinics. The difference is that as an employee we cannot pay for that component because of the fact that you are not employed by Paterson Public Schools as a coach during the off seasons. At the beginning of the season you receive a letter saying that you're hired. At the end of the seasons you will receive a letter from me letting you know that the job has ended and you can reapply.



Comm. Simmons: Also, there was CPR training available to coaches. I think it's \$20, but that doesn't go to the school or the district. It goes to Red Cross or whoever does the training for the materials.

Comm. Capers: Mr. Cozart, you're 110% right about the NJSIAA training. I have to do it every year. I just completed mine. It's on rules, concussions, and physical. It's just like a teacher's training. They get professional development on different ways to run their classroom. I've seen those types of seminars. For our coaches we have to find a way, even if not in the off season. Once they do sign their new contract if we have to find volunteer college coaches to come in and do some type of professional development on practice strategies or anything else like that to make sure our coaches are getting some type of PD. I know it's not mandatory. I did see Eastside and Kennedy head coaches at the clinics, but not all the coaches. We just have to find a better way of giving all of our coaches PD prior to their season. Right before their season once they sign the contract let's bring in somebody or watch a video, whatever it is, to talk about strategies. We have to make sure that a head coach of a football team is not someone who is just hiring Mr. Simmons and he doesn't have any type of anything. I'm just telling him what to do. I'm doing him a disservice. That's what happens a lot of times in the city schools.

Comm. Simmons: Here's the problem with that. I've worked with college coaches over the summer to do coaches clinics. A lot of times you might get the head coaches. Other coaches just don't show up and they're free. If you don't show up to a free training, and there's more than one that takes place in Paterson every year, about five or six, we don't see a lot of coaches.

Comm. Capers: I do one in May. I hear you.

Comm. Simmons: I can't make you show up.

Comm. Capers: When you sign your contract...

Comm. Simmons: Those clinics don't exist at that point.

Comm. Capers: Our district can host their own clinic. We can bring somebody in or something like that.

Comm. Castillo: Mr. Chair, I know we have a few of them to go to. We are going to be here for a while...

Comm. Simmons: No, we won't.

Comm. Castillo: Hold on. We will be here for a while if we continue to go on this back and forth.

Comm. Simmons: It's an explanation.

Comm. Castillo: We're going to be here for a while if we continue to go on this back and forth. We understand the policy is submitted. I'm okay with the administration giving what their idea behind it is. If there are suggestions, we need to write them down and get them to you guys. We're giving various different ideas on things that could be added that we can take away. PD and all of these things are great, but I think time would be better spent in a committee. I know that there are four of you, but we can

make an arrangement in which we can invite Comm. Capers to committee or via email or phone. Going back and forth different suggestions is not going to get us very far.

Comm. Simmons: It wasn't a suggestion. I was explaining to him the conversation that we had in committee so that we address it all as much as we can. We're going to move forward.

Comm. Capers: Thanks.

Comm. Simmons: De-escalation is actually covered in the student restraint policy. Our suggestion is that it moves to PD because it's actually more professional development. I'm not sure how the Superintendent would want to handle it if it's a topic that can be brought up during professional development. It's actually covered verbatim.

Comm. Capers: When was the last time we had that type of policy?

Comm. Simmons: That's what I'm saying. We're recommending that it be moved to professional development and the Superintendent can come up with a schedule.

Comm. Capers: Do you do that annually with the teachers?

Ms. Shafer: Is Cheryl here?

Comm. Capers: Comm. Simmons, can you tell the Superintendent the policy also had the students involved as well?

Comm. Simmons: The students have training.

Comm. Capers: In terms of having assembly on how to deal with de-escalation and stuff like that. That's what the policy had covered. That's what it talked about.

Comm. Simmons: But what you're talking about is a specific policy which requires specific certification, which is extremely costly to the district.

Comm. Capers: To run an assembly on de-escalation?

Comm. Simmons: Because you have to have certified people to run that specific...

Comm. Capers: Our district has them.

Ms. Shafer: We have a couple of people that are trainers. It's done annually and we will get it you. T, if you can just put that down and we will get it from Cheryl.

Comm. Capers: Thank you. I submitted these policies over the summer.

Comm. Simmons: I wasn't here. We're handling it. The college readiness policy, as it was written, restricted students from participating in the graduation process if they didn't...

Comm. Capers: District.

Comm. Simmons: Right. There may be some legal challenges that come along with that.

Comm. Capers: He made that part up.

Comm. Simmons: I'm just telling you what we discussed. If a student doesn't want to participate in giving a plan after graduation, there are some legal concerns about restricting them from participating in graduation. There was a policy a couple of years ago that was written for individual education plans. What we discussed was actually having guidance counselors get more involved with meeting with students on a regular basis every year to discuss where they are, if they're in jeopardy of not graduating, and what they need to do. We also talked about guidance starting as early as sixth grade.

Ms. Shafer: Right now, we run a transcript review process for all our juniors and seniors. We can certainly move that down to some lower grades.

Comm. Capers: I like that.

Comm. Simmons: On summer school, there was extensive discussion. We have to bring that back. I think we tabled it because we have to gather some more information.

Comm. Capers: Can I come to that meeting?

Comm. Simmons: No. It's a virtual summer school. There were some concerns about the district's infrastructure in terms of technology, if it can handle it with the amount of children in summer school. Then there were also concerns from members of the committee – I'm trying to figure out the best way to say this – of allowing different options when the focus should be not going to summer school, preventing them from going to summer school in the first place.

Comm. Hodges: If Mr. Capers wants to come, he can take my place at the meeting. It's well within his responsibility, in case you mistakenly gave wrong information, Mr. Chair, which apparently you did.

Comm. Simmons: I think that was the last one. Then there was a policy alert that we actually addressed. Those will be submitted during the regular meeting for a vote.

Comm. Castillo: I'm scared to ask. Is there anything else?

Comm. Simmons: Let me make sure. I covered everything else. We addressed all the policies.

## **OTHER BUSINESS**

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

The meeting was adjourned at 9:05 p.m.