

PLEASANTVILLE BOARD OF EDUCATION
Pleasantville High School/701 Mill Road/Cafeteria
REGULAR BOARD MINUTES

Tuesday, June 14, 2016

6:00 P.M.

MINUTES

1. Call to Order-6:08pm
2. Reading of the Open Public Meetings Act Notice

Statement-Board President

“This is to advise those present at this June 14, 2016 Regular Board Workshop/Action Meeting of the Board of Education of the City of Pleasantville, in the County of Atlantic, that Notice was given on December 21, 2015 of the 2016 Revised Annual Designation of the Regular Monthly Board Meetings, as required by the provisions of Chapter 231 of the Laws of 1975; Notice thereof has been distributed for publication in the Press, the Absecon/Pleasantville Current and the Mainland Journal, posted in the Administration Building and forwarded to the City Clerk of the City of Pleasantville, within the time required by said act.”

3. Roll Call – Board Secretary, Mr. Elisha Thompkins:

Member	Yes	No	Abstain	Absent
James Barclay				√
Bernice Couch				√
Tony Davenport	√			
Silvia Landron	√			
Paul Moore				√
Sharnell Morgan	√			
Elysa Sanchez				√
Ethel Seymore	√			
Carla Thomas	√			

- James Barclay arrived at 6:11pm
- Paul Moore arrived at 6:12pm
- Elysa Sanchez arrived at 6:30pm
- Bernice Couch arrived at 7:21pm

4. Flag Salute and Moment of Silence –Decatur Avenue School Students
5. Voices of the Children- Decatur Avenue School
6. Public Comments. Please limit comments to (5) minutes and all comments should be courteous and respectful.
 - Charlene Jones Saudia Pettus
 - David Callaway Craig Callaway
 - Julio Sanchez Jerome Page

7. Approval of Board Minutes – March 16, 2016 April 19, 2016
 April 26, 2016 May 9, 2016

MOTION BY: Ethel Seymore SECOND BY: Elysa Sanchez Yea: √ Nay:

ROLL CALL:

Member	Yes	No	Abstain	Absent
James Barclay	√			
Bernice Couch				√
Lawrence Davenport	√			
Silvia Landron	√			
Paul Moore, Jr.	√			
Sharnell Morgan	√			
Elysa Sanchez	√			
Ethel Seymore	√			
Carla Thomas	√			

8 YEA; MOTION PASSED

Board Approval Agenda Items:

8. Human Resources
- Items#2-23 **PASSED**
 - Add Elizabeth Debose to Item # 6 A-2 Contract
 - Add Fatima Castan to Item # 15 Summer C.A.R.E
 - Add Jamaira Melo to Item # 15 Summer C.A.R.E
 - Add Shawn FitzGerald to Item# 15 Summer C.A.R.E
 - Item #23 PULLED

MOTION BY: Elysa Sanchez SECOND BY: Ethel Seymore Yea: √ Nay:

ROLL CALL:

Member	Yes	No	Abstain	Absent
James Barclay	√			
Bernice Couch				√
Lawrence Davenport	√			
Silvia Landron	√			
Paul Moore, Jr.		√		
Sharnell Morgan		√		
Elysa Sanchez	√			
Ethel Seymore	√			
Carla Thomas	√			

6YEA; MOTION PASSED

- Tony Davenport recuse self from Item #14
- Carla Thomas recuse self from Item# 4 sixth name down
- Curriculum & Instruction

Resolution to add and addendum for Summer Credit completion to add two names and salaries

- ❖ Josephine Troy to earn \$2,800
- ❖ Catherine Stanley to \$2,800

MOTION BY: Elysa Sanchez SECOND BY: Ethel Seymore Yea: √ Nay:

ROLL CALL:

Member	Yes	No	Abstain	Absent
James Barclay	√			
Bernice Couch	√			
Lawrence Davenport	√			
Silvia Landron	√			
Paul Moore, Jr.		√		
Sharnell Morgan	√			
Elysa Sanchez	√			
Ethel Seymore	√			
Carla Thomas	√			

8YEA; MOTION PASSED

9. Curriculum & Instruction
 Items# 1-64 **PASSED**
 Curriculum & Instruction Workshop #42 **PULLED**

Motion by: Elysa Sanchez Second by: Sharnell Morgan Yea: √ Nay:

Roll Call:

Member	Yes	No	Abstain	Absent
James D. Barclay	√			
Bernice Couch			√	
Lawrence Davenport	√			
Silvia Landron	√			
Paul Moore Jr.	√			
Sharnell Morgan	√			
Elysa Sanchez	√			
Ethel Seymore	√			
Carla Thomas	√			

Motion to go into Executive Session-7:29pm

Motion by Elysa Sanchez Second by Sharnell Morgan

Executive Session Motion by Elysa Sanchez and Seconded by Sharnell Morgan at 7:29 p.m., it is hereby resolved that the Pleasantville Board of Education may go into closed or private session from which the public shall be excluded in accordance with the provisions as set forth in N.J.S.A. 10:4-12 and 10:4-13. The following subjects shall be discussed on this date in the session of the Board closed to the public: PERSONNEL, PUPIL MATTERS, PENDING, AND ANTICIPATED LITIGATION. BE IT FURTHER RESOLVED that the discussion in closed session will be disclosed to the public at this time or a future meeting of the Board when it is no longer necessary to maintain the confidential nature of the items discussed.

Roll Call:

Member	Yes	No	Abstain	Absent
James Barclay	√			
Bernice Couch	√			
Lawrence Davenport	√			
Silvia Landron	√			
Paul Moore Jr.	√			
Sharnell Morgan	√			
Elysa Sanchez	√			
Ethel Seymore	√			
Carla Thomas	√			

Motion to come out of Executive Session-9:20pm

Motion by: Elysa Sanchez Second by: Sharnell Morgan

Roll Call:

Member	Yes	No	Abstain	Absent
James Barclay	√			
Bernice Couch	√			
Lawrence Davenport	√			
Silvia Landron	√			
Paul Moore Jr.				√
Sharnell Morgan	√			
Elysa Sanchez	√			
Ethel Seymore	√			
Carla Thomas	√			

Reconvene Board Meeting-Action after Executive Session

Resolution to rehire Robert Taylor as a Bus Driver

Motion by: Elysa Sanchez Second by: Sharnell Morgan Yea: √ Nay:

Roll Call:

Member	Yes	No	Abstain	Absent
James D. Barclay	√			
Bernice Couch			√	
Lawrence Davenport	√			
Silvia Landron	√			
Paul Moore Jr.	√			
Sharnell Morgan	√			
Elysa Sanchez	√			
Ethel Seymore	√			
Carla Thomas	√			

8 YEA; MOTION PASSED

Motion to vote on Removing Finance Item #26

MOTION BY: Elysa Sanchez SECOND BY: James Barclay Yea: Nay: √

ROLL CALL:

Member	Yes	No	Abstain	Absent
James Barclay		√		
Bernice Couch		√		
Lawrence Davenport	√			
Silvia Landron		√		
Paul Moore, Jr.				√
Sharnell Morgan	√			
Elysa Sanchez		√		
Ethel Seymore	√			
Carla Thomas		√		

3 YEA; MOTION DID NOT PASSED

❖ See attachment State Monitor Dr. Bauer overturning the Board's vote

Motion to nominate Insight for Substitute Teacher Staffing

MOTION BY: Elysa Sanchez SECOND BY: Ethel Seymore Yea: √ Nay:

ROLL CALL:

Member	Yes	No	Abstain	Absent
James Barclay	√			
Bernice Couch	√			
Lawrence Davenport		√		
Silvia Landron	√			
Paul Moore, Jr.				√
Sharnell Morgan		√		
Elysa Sanchez	√			
Ethel Seymore	√			
Carla Thomas	√			

6 YEA; MOTION PASSED

Finance & Facilities

Items# 1-15 PASSED

Items#18-19 PASSED

Items# 22-25 PASSED

Items# 27-36 PASSED

Items 16,17,20,21, 26 PULLED

MOTION BY: Elysa Sanchez SECOND BY: James Barclay Yea: √ Nay:

ROLL CALL

Member	YES	NO	Abstain	Absent
James Barclay	√			
Bernice Couch	√			
Tony Davenport	√			
Silvia Ladrón	√			
Paul Moore				√
Sharnell Morgan	√			
Elysa Sanchez	√			
Ethel Seymore	√			
Carla Thomas	√			

8 YEA; MOTION PASSED

Motion to Pull Human Resource New Hires

MOTION BY: Elysa Sanchez SECOND BY: Sharnell Morgan Yea: √ Nay:

ROLL CALL

Member	YES	NO	Abstain	Absent
James Barclay	√			
Bernice Couch	√			
Tony Davenport				√
Silvia Ladrón	√			
Paul Moore				√
Sharnell Morgan	√			
Elysa Sanchez	√			
Ethel Seymore	√			
Carla Thomas	√			

7YEA; MOTION PASSED

Motion to Adjourn the Meeting-9:53pm

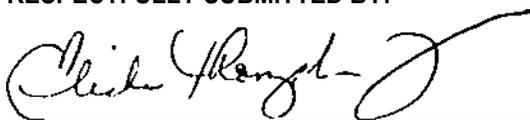
Motion by: Sharnell Morgan Second by: Bernice Couch Yea: √ Nay:

Roll Call:

Member	Yes	No	Abstain	Absent
James Barclay	√			
Bernice Couch	√			
Lawrence Davenport				
Silvia Landron	√			
Paul Moore Jr.				√
Sharnell Morgan	√			
Elysa Sanchez	√			
Ethel Seymore	√			
Carla Thomas	√			

7YEA; MOTION PASSED

RESPECTFULLY SUBMITTED BY:



7/12/16

**Elisha Thompkins, Jr. Date
Business Administrator/Board Secretary**

June 14, 2016,

Pleasantville Board of Education
801 Mill Road
Pleasantville, NJ 08232

Dear Pleasantville Board of Education,

This letter is written as a follow up to my June 8 correspondence. In accordance with my authority as State Monitor and as defined in N.J.S.A. 18A:7A-55, I have taken under advisement and review the June 7 Board meeting, specifically relating to personnel matters, including the Donaldson Hearings and the non-renewal process followed by the District.

The authority to conduct this work is vested through N.J.S.A. 18A:7A-55, which authorizes me as State Monitor "to provide direct oversight of a board of education's business operations and personnel matters" and "to oversee all district staffing, including the ability to hire, promote, and terminate employees." The Statute also states that, as State Monitor, I "have authority to override a chief school administrator's action and a vote by the board of education on any of the matters set forth in this subsection, except that all actions of the State monitor shall be subject to the education, labor, and employment laws and regulations, including the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), and collective bargaining agreements entered into by the school district."

I am taking the matters under review because of concerns regarding the non-renewal process. Specifically, I reference 18A:27-4.1, which relates to personnel actions and states, in part, that "prior to notifying the officer or employee of the nonrenewal, the chief school administrator shall notify the board of the recommendation not to renew the officer's or employee's contract and the reasons for the recommendation."

During the June 7 Board of Education executive session, Donaldson Hearings were conducted. The Board made inquiries of the administration regarding documentation to support the non-renewal; the superintendent did not have documents available during the meeting. Upon hearing each case presented, I believe the Board's follow up questions to the superintendent were reasonable and warranted.

Because documentation was not available for reference during the hearings, and as I have no record of the superintendent having presented his statement of reasons to the Board pursuant to 18A:27-4.1, I advised that I was taking the recommendations under review. On June 8, I sent a letter to Dr. Fitts accordingly and requested the documentation substantiating the non-renewal recommendations. I specifically requested the documentation be provided by June 9 for the staff who requested and attended the Donaldson Hearings.

On June 9 there were no records made available to me when I met with Dr. Fitts. At that point, I commenced review of the official personnel files for employees who presented their cases during the Donaldson Hearings on June 7. (I also have for my review the documents that were provided by employees, their attorneys, and representatives during the Donaldson Hearing process.) I also met with Dr. Fitts, who provided copies of the evaluations he conducted on two of the employees who were present on June 7.

My review process has concluded, and this letter conveys my findings.

As part of my review, I examined the personnel agendas for the Board of Education's April 19, April 26 and May 9 meetings. Each agenda contained the following:

Resolution to approve the re-appointment of staff for the 2016-2017 school year as recommended by the Superintendent of Schools. (See Attached Human Resource Addendum A)

On April 19 and April 26, the agenda item was pulled. As I recall, the reason for pulling the items was that Dr. Fitts was not present at the meetings. On May 9, Dr. Fitts was present, and at that meeting, the resolution to approve the re-appointments was voted upon and passed. However, I note that the Addendum A list was modified between these meetings, a finding that bears on the cases of employees Carrington and Marsh, as follows in this letter. I reviewed all Donaldson cases and have feedback on 5 personnel matters that were part of the June 7 Board meeting.

In the first case, my review of the personnel files for **George Condry** revealed that evaluations for the 2015-2016 school year were not on file. His file contained no negative documentation. I found no personnel record to substantiate the statement of reasons for his non-renewal that were included in a May 13, 2016, letter issued to Mr. Condry. That letter stated that factors for non-renewal included the "ability to effectively provide services to the technology department" and "administrative observations of your job performance." Mr. Condry's personnel records do not contain documents to support these statements.

In consideration of these findings, I am overturning the superintendent's recommendation and, consequentially, the Board's vote to approve the recommendation as listed in the May 9 agenda and as unchanged following the June 7 Donaldson Hearing. **George Condry is renewed as Junior Computer Technician for 2016-2017, effective July 1.**

In the second case, my review of the personnel files for **Michael Bright** revealed that evaluations for the 2015-2016 school year were not on file. Also, I reviewed a release of claims agreement dated August 20, 2015, which included provisions for 38.5 sick and vacation days. The release was prepared by The Carroll Law Firm and was executed by the Board and Mr. Bright. There were no restrictions on the use of the sick and vacation day allocation, and Mr. Bright's use of this time was not documented as a performance concern during the contract year.

In consideration of these findings, I am overturning the superintendent's recommendation and, consequentially, the Board's vote to approve the recommendation as listed in the May 9 agenda and as unchanged following the June 7 Donaldson Hearing. **Michael Bright is renewed as full time (10 month) security guard effective September 1.**

In the third case, my review of the personnel files for **Marionette Todd** revealed that evaluations for the 2015-2016 school year were not on file. Ms. Todd's file included a copy of a memorandum dated October 15, 2105, in response to a bus accident investigation conducted by Elisha Thompkins, Business Administrator. In that memo, Ms. Todd was advised that she was being placed "on suspension from work for two (2) days without pay" and that the "matter continues to be under review." I found no other documents in her file that suggested further findings or consequences. In review of Ms. Todd's case, I also factor the knowledge I have accrued over the course of the year as related to the superintendent's concerns for the late arrival buses, the numbers of bus related accidents, and the maintenance records for buses.

In weighing the factors, I am hiring **Marionette Todd for the 2016-2017 school year at the salary she would have be paid had she continued serving the Transportation Director and am assigning her to the transportation department, though she no longer will serve as the Director.**

In the fourth case, **William Marsh's** name was included on the April 19 and April 26 Addendums and listed his 2016-2017 assignment as Facilities Coordinator. On the May 9 Addendum, Mr. Marsh's name

was not included on the renewal list. Dr. Fitts told the Board during the May 9 meeting that the recommendation to remove Mr. Marsh's name was not his determination and that the addendum change was made during his absence from the district. At the Donaldson Hearing last week this was confirmed when Dr. Bailey came before the Board during executive session and stated that the recommendation to remove Mr. Marsh's name from the list was her decision, one made in Dr. Fitts' absence. When asked directly during the executive session, Dr. Fitts stated that he did not support the changes made in his absence.

With regard to Mr. Marsh, I obtained from Dr. Fitts the performance evaluations conducted during the 2015-2016 school year. These documents do not reflect data or statements suggestive of nonrenewal. I have not seen evidence that Mr. Marsh was advised that his performance was leading to nonrenewal. Therefore, I am overturning the Board's vote as listed in the May 9 agenda and as unchanged following the June 7 Donaldson Hearing. **William Marsh is renewed as Facilities Coordinator for 2016-2017, effective July 1.**

In the fifth case, **Derrick Carrington's** name was included on the April 19 Addendum and listed his 2016-2017 assignment as a teacher at South Main. The Human Resources agenda also included an agenda item (#9) to authorize a reduction of force (RIF) for the Director of Athletic and Co-Curricular Activities. Mr. Carrington's name was listed on the motion as the person who would be impacted by the RIF, as he serves as the Director currently. The agenda also included a motion to RIF him as a teacher at SMSS. The two items were pulled from the agenda on April 19. Next, on the April 26 addendum, Mr. Carrington's name was listed on the renewal list as the Dir. Of Athletic & EC Activities.

On May 9, the RIF of the Mr. Carrington as the Director of Athletic and Co-curricular Activities was again on the agenda. The renewal list indicated Mr. Carrington was being assigned as a teacher for 2016-2017. This action was passed by the Board.

The agenda also included the resolution to abolish the Director of Athletics and Co-Curricular Activities effective July 1, 2016. The Board tabled the resolution to abolish the position. During executive session, Dr. Fitts told the Board that the recommendation was not one he made. Following the executive session, the Board passed the resolution to abolish the position of Director of Athletics and Co-curricular Activities.

With regard to Derrick Carrington, the superintendent stated that the recommendations represented on the May 9 addendum were not his decisions and that he did not support the changes made in his absence. He restated this point to during the June 7 Donaldson Hearing executive session.

With regard to a review of Mr. Carrington's employment, I obtained from Dr. Fitts his evaluations of Mr. Carrington's performance during the 2015-2016 school year. These documents do not reflect data or statements suggestive of nonrenewal or of assignment to a teaching position. Moreover, there is not a fiscal reason to abolish the Director of Athletics. The role of the athletic director is critical to planning for summer and fall programs, and it is in the students' interest to have a director in place.

Therefore, I am overturning the Board's vote to approve the recommendation as listed in the May 9 agenda. The position of Director of Athletic and Co-Curricular Activities is retained in the FY 2016-2017 budget. **Derrick Carrington is renewed in the position for 2016-2017, effective July 1.**

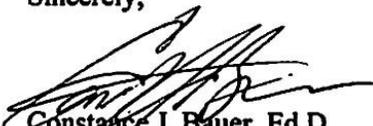
Finally, I note that the decisions rendered are made in light of available documentation. It is important that when an employee is not meeting expectations that the staff member is duly notified. In cases where disciplinary action or nonrenewal is being considered, employees should be advised in writing of the

nature of the concern as well as the disciplinary action being administered. They also should be provided benchmarks for improvement and the consequences of any subsequent violation or failure to improve.

Based on my review, I believe the district should develop a more efficient system to develop performance benchmarks, and when improvement is not shown, establish a process to document when ongoing performance concerns may result in non-renewal. To this end, I recommend that the district undertake purposeful training this summer to develop such systems and further suggest that the advice of labor counsel might inform and assist with such work.

In closing, based on the evidence available during my review, I am overturning the decisions of the Board with regard to George Condry, Michael Bright, Marionette Todd, Derrick Carrington and William Marsh, as delineated herein.

Sincerely,

A handwritten signature in black ink, appearing to read 'Constance J. Bauer', is written over a horizontal line.

Constance J. Bauer, Ed.D.
State Monitor

Cc:

Glenn Forney, Director Office of State Monitors, Department of Education
Leonard Fitts, Pleasantville Interim Superintendent of Schools
Elisha Thompkins, Pleasantville Board Secretary
James Carroll, The Carroll Law Firm
Benjamin Brenner, The Carroll Law Firm