

**SPECIAL MEETING MINUTES
OCTOBER 28, 2013**

**BOARD RESOLUTION
SPECIAL MEETING
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MINUTES**

The special meeting of the Hempstead Public Schools Board of Education was held in the high school board room, 201 President Street, Hempstead, New York 11550. The meeting was called to order at 11:16 A.M. All of the Board Members were present, Trustee Brazley left the meeting at 1: 15 P.M. to return to work.

BOARD MEMBERS PRESENT:

Betty J. Cross	President
JoAnn Simmons	1 st Vice President
Shelley Brazley	2 nd Vice President
Lamont Johnson	Treasurer

STAFF MEMBERS PRESENT:

Susan Johnson	Superintendent of Schools
Julius Brown	Deputy Superintendent
Gerard Antione	Assistant Superintendent for Business & Operations
Dr. Rodney Gilmore	Associate Superintendent for Human Resources
Regina Armstrong	Assistant Superintendent for Elementary C & I
Allison Hernandez	Assistant Superintendent for Special Education
Patricia Wright	District Clerk
Austin Graff	Labor Counsel
Scott Kershaw	Labor Counsel

Trustee Brazley moved, seconded by Trustee Johnson to convene to executive session at 11:16 A.M. to discuss personnel.

MOTION YES 4 MOTION CARRIED

To convene to
executive session

Trustee Simmons moved, seconded by Trustee Johnson to reconvene to open session at 11:43 A.M.

MOTION YES 4 MOTION CARRIED

To reconvene to
open session

Trustee Brazley moved, seconded by Trustee Johnson to approve the resolution as indicated below.

WHEREAS, in June 2013, the District's Director of Technology, Carlos Ramirez ("Ramirez") raised concerns about the District's practice of changing student grades from a 63 or 64 to a 65; and

WHEREAS, Ramirez raised his concerns with the New York State Education Department ("SED"); and

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WHEREAS, in or about July 2013, the SED informed the District that it will conduct an audit of the student grading procedures and policies during the 2012-2013 school year; and

WHEREAS, in August 2013 the SED conducted an extensive audit of the District's student grading procedures and policies, focused upon the District's high school students' grades; and

WHEREAS, in or about August 2013 Ramirez filed a Notice of Claim pursuant to N.Y. Education Law § 3813, alleging amongst other claims, whistleblower retaliation; and

WHEREAS, the District assigned Ramirez's Notice of Claim to its labor counsel, The Scher Law Firm, LLP ("TSLF") to investigate; and

WHEREAS, in September 2013 the SED issued a preliminary report to the Superintendent of Schools describing serious concerns and raising serious allegations concerning the District's grading practices and;

WHEREAS, the District's Board of Education directed TSLF to conduct an investigation based upon Ramirez's allegations and the SED's audit report; and

WHEREAS, as part of the investigation TSLF has requested to speak with BOCES, the entity that the District contracts with for its PowerSchool and PowerTeacher web-based information systems to request BOCES run an audit on each students' grades for the 2012-2013 school year;

NOW THEREFORE it is

RESOLVED, that Susan Johnson, Superintendent of Schools is hereby directed to inform BOCES that The Scher Law Firm, LLP, and more specifically Austin Graff, Esq. is authorized by the District to speak with BOCES about the District's PowerSchool and PowerTeacher information systems maintained by BOCES **IMMEDIATELY** on October 28, 2013; and it is further

RESOLVED, that if Susan Johnson, Superintendent of Schools, fails to notify BOCES of the Board's direction, the Board of Education hereby authorizes The Scher Law Firm, LLP, and more specifically Austin Graff, Esq., to speak with BOCES about the District's PowerSchool and PowerTeacher information systems maintained by BOCES; and it is further

RESOLVED, that at any time after **12 p.m.** on October 28, 2013, The Scher Law Firm, LLP is authorized to forward a copy of this resolution to BOCES notifying BOCES that the Board of Education has granted The Scher Law Firm, LLP and more specifically, Austin Graff, Esq. authorization to speak to BOCES about the District's

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PowerSchool and PowerTeacher information systems maintained by BOCES; and it is further

RESOLVED, that Susan Johnson, Superintendent of Schools and/or Austin Graff, Esq. is directed to inform BOCES that the Board of Education requests that BOCES run an audit of all high school and middle school students' grades from the 2012-2013 school year, identifying the student's name, the grade level of the student, the student's class subject, the student's attendance in each class, the student's grade in each class subject, whether any of the student's grades were changed at any point during the school year, when the grades were changed, what the changes were, the employee's identification or username who made the changes, and the date the changes were made; and it is further

RESOLVED, that the Board of Education request that BOCES provide, in digital format and/or in paper, its results of the Board of Education's request to The Scher Law Firm, LLP, **only IMMEDIATELY** so that The Scher Law Firm, LLP can conduct its investigation for the Board of Education.

MOTION	YES 4	MOTION CARRIED
To approve access to Power School and Power Teach		

Trustee Brazley moved, seconded by Trustee Johnson to convene to executive session for the 2nd at 11:50 A.M. to continue personnel discussion.

MOTION	YES 4	MOTION CARRIED
To convene to executive session		

Trustee Simmons moved, seconded by Trustee Johnson to reconvene to open session at 2:35 P.M.

MOTION	YES 3	MOTION CARRIED
To reconvene to open session		

Trustee Simmons moved, seconded by Trustee Johnson to adjourn the meeting at 2:45 P.M.

MOTION	YES 3	MOTION CARRIED
Meeting adjourned		

Respectfully submitted:

Patricia Wright
District Clerk