

MONTCLAIR PUBLIC SCHOOLS



MONTCLAIR, NEW JERSEY

PUBLIC BOARD MEETING HELD ON

**WEDNESDAY, APRIL 6, 2016 AT 6:30 PM
GEORGE INNESS ANNEX ATRIUM
141 PARK STREET, MONTCLAIR, NEW JERSEY**

MINUTES OF THE PUBLIC BOARD MEETING
HELD WEDNESDAY, APRIL 6, 2016 AT 6:30 PM
GEORGE INNESS ANNEX ATRIUM
141 PARK STREET, MONTCLAIR, NEW JERSEY

A. STATEMENTS

1. Meeting Notice

B. RESOLUTION FOR EXECUTIVE SESSION at 6:30 pm 6-0

WHEREAS, the Open Public Meetings Act, N.J.S.A.10:4-12, permits the Board of Education to meet in closed session to discuss certain matters,

NOW THEREFORE BE IT RESOLVED, the Board of Education adjourns to closed session to discuss:

- material the disclosure of which constitutes an unwarranted invasion of individual privacy;
- pending or anticipated litigation or contract negotiation and/or matters of attorney-client privilege;
- specific prospective or current employees unless all who could be adversely affected request an open session; and/or

AND BE IT FURTHER RESOLVED, the minutes of this closed session be made public when the need for confidentiality no longer exists.

C. EXECUTIVE SESSION

D. RETURN TO OPEN SESSION at 7:41 pm

E. STATEMENTS

1. Meeting Notice

F. THE PLEDGE OF ALLEGIANCE

G. ROLL CALL

	PRESENT	ABSENT
David Cummings	x	
Jessica de Koninck	x	
David Deutsch	x	
Laura Hertzog	x	
Robin Kulwin	x	
Anne Mernin	x	
Eve Robinson	x	

Staff Members	8
Members of the Public	16
Members of the Press	3

H. SUPERINTENDENT'S OFFICE

I. ADMINISTRATION PRESENTATION AND BOARD OF EDUCATION DISCUSSION

1. Planetarium
2. K-5 Literacy
3. District Curricula Update
4. World Language
5. Review of Draft Agenda for April 18, 2016 Meeting

J. COMMENTS FROM THE PUBLIC

The Board will allow time for the public to comment on agenda and non-agenda items.

K. STATEMENT READ BY BOARD PRESIDENT JESSICA DE KONINCK

Statement of Montclair Board of Education, April 6, 2016

- By resolution dated November 1, 2013 the Montclair Board of Education unanimously voted to approve an investigation concerning how assessments being internally developed for use by students became publicly available.
- At the time the seven board members voted to approve the investigation the board did not have all the information then available about how the assessments might have become publicly available. Had the board been aware of possible security concerns with the information, the board might or might not have acted differently in its decision concerning how and whether to go forward with the investigation
- The resolution authorizing the investigation did not provide specific parameters for the scope of the investigation, did not establish a limit on costs, did not set forth a timeline and did not require any specific deliverables such as a written report or recommendations. If there is ever a future need for an investigation, the board will develop specific parameters.
- On February 29, 2016 the board appointed a committee, Anne Mernin, Laura Hertzog and Eve Robinson, to review the legal files concerning the investigation, that is the files that are subject to attorney client privilege that cannot be publicly shared, to determine, if possible, what computers were "imaged" by Kroll. They found no documents to suggest that any computers other than 5 computers housed in Central Office and assigned to 4 administrators were imaged. The board has also requested an affidavit from Kroll to that effect. It is our understanding, based on an article in the Montclair Times, that the individual who performed the work of "imaging" the computers no longer works for Kroll. It is unlikely, therefore, that we will be able to obtain an affidavit.

- The Board only directed its committee to identify documentation related to the imaging of computers. As has been previously noted, there are no plans to take any action as a result of the initial investigation. The board will not further reinvestigate the initial investigation after so much time has passed.
- We have endeavored to calculate the cost of the investigation to date. Costs continue to accrue, for example, the costs involved in counsel participation in the board committee's review of the documents related to Kroll as well as in review of responses to OPRA requests. The board's current calculation of costs is \$77,762 to the law firm of Weiner Lesniak for invoices directly specifying the investigation and includes \$14,762 to Kroll. In addition, there are costs associated with reviewing and redacting documents in response to OPRA requests, both by Weiner Lesniak and Machado Law Group, that are difficult to quantify and limit to OPRA requests dealing only with the investigation. The costs of the investigation do not include work performed by Marinus, because while some of their work related to the shared server between the township and the district, none of their work related to the investigation itself.
- The names of a number of private individuals appear to have been used as search terms in the review of district computers. The board itself did not make the decision to search these names and cannot explain, other than by speculation, why these names were searched. The board extends its sincere apology to each of the individuals whose names were used and regrets that the resolution authorizing the investigation did not set forth specific parameters.
- The board understands the public desire to discuss personnel matters and matters of attorney client privilege, but the board is not permitted to do so and will act in a manner which respects the legislative and judicial balancing of competing policy concerns in matters involving the release or discussion of information. Whenever the board is permitted to act publicly, it will do so.
- The board respects and values the opinions of all in the community- students, parents, teachers, administrators, paraprofessionals, support staff, taxpayers, the MEA and all who have an interest in our schools. We are a diverse community in every possible way. We respect the diversity of individuals and the diversity of opinions. We look forward to working with all in our efforts to provide the best educational outcomes possible for every single one of our students.

L. ANNOUNCEMENT OF FUTURE MEETING DATES

The next public meeting of the Montclair Board of Education will be held on Monday, April 18, 2016 at 6:30 p.m. in the George Inness Annex Atrium.

M. RETURN TO EXECUTIVE SESSION at 11:05 pm

N. ADJOURNMENT at 11:20 pm