

**NORWALK BOARD OF EDUCATION
NEGOTIATIONS AND PERSONNEL COMMITTEE
JUNE 28, 2016**

ATTENDANCE: Michael Lyons, Chairman; Michael Barbis, Bryan Meek;
Attorney Thomas Mooney
STAFF: Board of Education: Dr. Steven Adamowski, Superintendent;
Dr. Michael Conner, Chief Academic Officer
OTHER Dr. Lynne Moore, Tony Ditrio, Attorney John Gesmonde

**It is noted that minutes represent summarizations of comments made. Documents and Exhibits noted are not included as attachments and are available from the attorney files upon request*

Call to Order

Mr. Lyons called the meeting to order at 7:40 p.m. and introduced Board of Education committee members and administrators with Norwalk Public Schools in attendance as listed above.

Agenda:

Appeal of Warning Letter filed by NASA on behalf of Lynne Moore

Mr. Lyons announced that this would be an informal appeal hearing, not a public hearing, on a grievance on behalf of the NASA Union regarding a warning letter to Lynne Moore.

Mr. Lyons outlined the rules of the proceedings, that this would be an informal session as opposed to a formal hearing, with parties having an opportunity to present the case, submit any documents or evidence, and ask questions. He explained that the grievant would present the case with Committee members given the opportunity to ask questions, followed by rebuttal comment from the Superintendent. He noted that they would not be taking action tonight, that following a review of documents and statements, the Committee would render a decision within seven (7) days.

Mr. Lyons noted that members of the public present would be permitted to speak on behalf of the claimant only if requested.

**It is noted that the proceedings were held in open public session as requested by the claimant of the grievance.*

Attorney John Gesmonde explained that there are procedural issues to resolve relative to the timeliness and asked Attorney Mooney's role in the proceedings. Mr. Lyons replied that he is the Board's attorney and is representing the Board in this matter of employee grievance.

Atty. Gesmonde spoke on the matter that this was being heard by the Committee, not the full board, and that they feel we are entitled to a jury of nine, not three.

Mr. Lyons explained that Boards of Education delegate authority on a routine basis to the superintendent of schools and to Committees within the Board, and the contract doesn't say it has to be in front of the full board.

Mr. Lyons explained that as requested, the Committee will not argue that going forward with the claim tonight waives the NASA's right to challenge the Committee hearing the matter rather than the full Board.

Mr. Lyons asked Attorney Gesmonde to present the case, but it was agreed that Superintendent Adamowski would start the proceedings followed by rebuttal by the NASA.

Dr. Adamowski outlined his memo and read his statement into the record (Exhibit A: Chronology of Dates referenced in the presentation of Superintendent Steven Adamowski).

Dr. Adamowski noted there is a chronology of a disturbing pattern of behavior that bridges four Superintendents which required a stronger position on this particular issue. He reviewed that Dr. Moore got a reprimand from then-Superintendent of Schools Sal Corda in 2009, a reprimand from then-Assistant Superintendent Tony Daddona in July 2012, and a reprimand from then-Superintendent Rivera in July 2014. He indicated that all of the letters had a theme of insubordination or attempting to undermine the district. He explained that in this issue, Dr. Moore was not supportive of the Middle School Redesign and held an information session for parents before a committee had even been formed. He further explained that there are norms and acceptable professional practices of teamwork and working together to improve student achievement that should be the standard expectation for all administrators.

Attorney Gesmonde referred to the letter from Dr. Adamowski to Tony Ditrio, President of NASA to acknowledge receipt of the grievance and to clarify fair practice of the agreement.

Mr. Lyons suggested that the documents be labeled as follows:

Norwalk Public Schools (NPS) Documents:

E-mail to Dr. Moore from Dr. Adamowski – Exhibit A

Superintendent's Chronology of Dates – Exhibit B

Middle School Redesign – Exhibit C

Superintendent Adamowski's Letter to Dr. Moore – Exhibit D

Norwalk Association of School Administrators (NASA) Documents:

Grievance – Exhibit 2

NASA Letter from T. Ditrio – Exhibit 3

It was noted that the documents were not presented to be included into the record of minutes.

Attorney Gesmonde began with definitions of terms of insubordination as an intentional violation of a directive from the Board of Education. He outlined that the issues of just cause and due process are the key elements of the grievance. Comments from the NASA response are summarized as follows:

- There is no board policy that was violated or even alleged to be violated, there were only miscommunications.
- The middle school redesign committee had discussions as far back as Jan. 29.
- Dr. Moore, at the April 19 BoE meeting, was speaking on behalf of NASA and the union's concerns needed to become public. That was the only time that she publicly made statements.
- There are significant implications if she is to be sanctioned in her role, acting as a union officer, to express the opinion of the union.
- Using the prior reprimand letters amounts to double jeopardy. You don't punish somebody for the same thing over and over again, pointing out that, in previous incidents, Moore had been arguing against losing staff members due to budget cuts.
- You don't go back 2-3-4 years to create a skein of dissimilar events that may have been treated separately for the reasons that were then stated and then use those to a situation that you may be having now.
- Dr. Adamowski said nothing about Moore's March 28 parents' meeting until after the April 19 BoE meeting.
- What we have here is a pattern of an individual, a valued, long-term employee of this school district, being accused of literally an educational crime that is listed as one of the reasons for termination.
- This letter, coming as it did, two days after the Board of Education meeting, can only be viewed as retaliation against Dr. Moore for her actions as an employee union representative.
- Dr. Adamowski's requirement in his reprimand letter that Dr. Moore and Mr. Costanzo have a mediation session as evidence that Mr. Costanzo was part of the problem.

BoE Attorney Mooney brought up a 1968 Supreme Court decision and there was a discussion on right of free speech has been expressly limited by the Supreme Court, which determined that free speech must be balanced against educational interests and in 2006 the Court said that when a public employee is speaking pursuant to a job duty the first amendment does not apply.

Attorney Gesmonde agreed that there's a balancing test, but repeated that Dr. Moore did not speak at her parents' meeting, saying that the middle school redesign issue had been public before she began addressing it.

NASA President Tony Ditrio noted that NASA's executive board spoke about the redesign and other issues many times, trying to solve them in a quiet, orderly manner, and had authorized her to speak. Telling a principal not to speak on a subject doesn't look good to the parents.

Dr. Moore stated that she agreed with the comments made by Mr. Ditrio and Attorney Gesmonde.

Dr. Adamowski provided his rebuttal, summarized as follows:

- Jan. 29 was a Saturday, he said, rebutting the lawyer's assertion, and the middle school redesign committee was not organized until March.
- This is not a termination hearing. The term insubordination has been used throughout letters received from four superintendents in a colloquial sense and not as part of a termination proceeding.
- At the April 19 BoE meeting, there was no endorsement of this by the union and no redesign plan to speak against.
- This is not about the process of how the letter was handed to Principal Moore. It is about Principal Moore's behavior and her pattern of gamesmanship and opposition to district improvement efforts.
- As a representative of the school district Dr. Moore is expected to represent its best interests and work toward common goals.
- The offer of mediation with Costanzo, was to treat her with respect while addressing unacceptable behavior.
- He and Dr. Moore directly discussed the issues involved in the letter well before the Board meeting in April, and everything in the letter was addressed.
- A Superintendent should not ignore a pattern of behavior, and if it were not for this pattern of behavior it would have been only a verbal discussion.

Mr. Lyons stated that the Negotiations and Personnel Committee will review the documents and statements in greater detail and will render a decision within seven days after this hearing.

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,
Marilyn Knox,
Telesco Secretarial Services