



Roger León
Superintendent

Newark Board of Education

Where Passion Meets Progress

Committee Report

Committee Name: Legal Committee

Location	Date	Time
WebEx	December 15, 2021	5:30 PM
Board Members		
Asia Norton, Committee Chair	Vereliz Santana, Board Vice President	
Daniel Gonzalez, Committee Vice Chair		
District Liaison & Superintendent Representative		
Brenda C. Liss, General Counsel		
Other District Staff		
Arsen Zartarian, Deputy General Counsel	Havier Nazario, Chief of Staff	
Danyelle Ritter, Executive Legal Assistant		
Guests		
Meeting Summary		
<p>The Committee received reports from the General Counsel on new matters, a pending matters update, and a request for settlement authority. Committee members discussed each topic and asked questions, which were answered by the General Counsel, Deputy General Counsel, and Chief of Staff. The Committee also authorized counsel to proceed on certain matters. The specific topics and details of the committee’s discussion are subject to the attorney-client privilege.</p> <p>The meeting was called to order by Vice-President Santana at 5:33 PM. The meeting adjourned at 7:06 PM.</p>		

Item: New Matters	
Lead(s): Brenda C. Liss	Priority/Strategy:

Comments:

Ms. Liss reported to the Committee on eight new sexual assault “revival action” complaints that have been served on the District received in October and November, as well as three other similar complaints previously filed, all of which involve allegations of sexual assault or sexual abuse that allegedly occurred in schools decades ago. The cases are called “revival” because they involve claims that were not brought within the time ordinarily required by the statute of limitations, but a recently enacted statute allowed them to be brought well beyond the normal time, through December 1 of this year. Ms. Liss presented a

summary of the allegations in the complaints, and she and Mr. Zartarian responded to Committee members' questions regarding the statute, the allegations, the search for relevant information in district files and archives, and the manner in which these cases are being handled by the Office of General Counsel and outside counsel.

The Committee also received reports on other new matters, including: (i) a complaint filed on behalf of the parent of a deceased student; (ii) a complaint by a terminated employee alleging discrimination and retaliation; (iii) a petition filed by an employee alleging violation of tenure rights; (iv) a complaint brought on behalf of transportation vendors demanding payment for contract periods during remote instruction; (v) a complaint involving sexual assault of a student allegedly as a result of school officials' negligence; and (vi) a petition demanding restoration of withheld salary increments.

Finally, the Committee received a report on two charter school renewal requests, one of which includes a request to increase the school's enrollment, and two charter amendment requests, both of which also request enrollment increases. As it did last year, the District informed the Commissioner of Education that it does not oppose renewal of current charters, but enrollments should remain at their current levels. The Committee, with Ms. Liss and Mr. Nazario, discussed the fiscal impact and the segregative effect of schools that do not serve a cross-section of the City's school-age population as required by law, including their proportionate share of students with special needs and English language learners. Comments on the two amendment requests are due in January.

Item: Pending Matters Update	
Lead(s): Brenda C. Liss	Priority/Strategy:

Comments:

The Committee received updates on three pending matters, including: (i) a petition to the Commissioner filed by another board of education seeking reimbursement for a private school placement of two students, based on the allegation that the students were residents of Newark; (ii) an appeal to the United States District Court of an OAL decision ordering an out-of-district placement rather than the appropriate in-district placement; and (iii) the last of the Board's five major legal matters, involving challenges to layoffs of civil service employees in 2014 to 2016.

Item: Requests for Settlement Authority	
Lead(s): Brenda C. Liss, Arsen Zartarian	Priority/Strategy:

Comments:

Ms. Liss informed the Committee of a possible settlement of litigation filed on behalf of an injured student. After discussion, the Committee authorized counsel to proceed as recommended. Any settlement would be subject to approval by the full Board of Education.

The meeting adjourned at 7:06 PM.