



Roger León
Superintendent

Newark Board of Education

Where Passion Meets Progress

Committee Report

Committee Name: Legal Committee

Location	Date	Time
WebEx	August 18, 2021	5:30 PM
Board Members		
Asia Norton, Committee Chair		
Daniel Gonzalez, Vice Chair		
District Liaison & Superintendent Representative		
Brenda C. Liss, General Counsel		
Other District Staff		
Arsen Zartarian, Deputy General Counsel		Robyn Critelli, Executive Legal Assistant
Bernard Mercado, Associate Counsel		Havier Nazario, Chief of Staff
Guests		
Meeting Summary		
<p>The Committee received reports from the General Counsel on the following topics: Pending Legal Matters Update, Recent Decisions, New Matters/Issues, Requests for Board Action, and Settlement Proposals. Committee members discussed each topic and asked questions, which were answered by the General Counsel. The Committee authorized counsel to proceed on certain matters and agreed to recommend settlement of certain matters. The specific topics and details are subject to the attorney-client privilege.</p> <p>The meeting was called to order by Committee Chair Norton at 5:30 PM. The meeting adjourned at 6:28 PM.</p> <p>One additional request for board action was circulated to committee members after the committee meeting, which is also recommended for action on the agenda of this month's Board meeting.</p>		

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

Comments:

Ms. Liss updated the Committee on various pending legal matters, including: (i) U.S. Department of Justice’s investigation findings and proposed settlement regarding programs and services for English Language Learners (which, if finalized and recommended by the Superintendent, will be presented for approval by the Board of Education at this month’s Board meeting); (ii) pending litigation against the Newark Housing Authority and other parties and the related petition to the Commissioner of Education filed by one defendant, Friends of Team Academy Charter School; and (iii) the recent compliance report submitted in M.A. v. Newark Public Schools, the long-standing special education class action settlement mandating timely eligibility determination meetings and placement in appropriate programs.

Item: Recent Decisions	
Lead(s): Brenda C. Liss	Priority/Strategy:

Comments:

Ms. Liss informed the Committee of three recent decisions, including: (i) the Friends of Team Charter School petition to the Commissioner of Education mentioned above, in which the Board’s motion to dismiss or for summary decision has been granted by an administrative law judge; (ii) CASA v. Newark Board of Education, in which the Public Employment Relations Commission granted the Board’s request to restrain arbitration of a grievance challenging a principal’s performance evaluation, ruling that the choice of who should conduct an evaluation is a matter of the Board’s managerial prerogative; and (iii) a decision of the Superior Court, Chancery Division, affirming an arbitrator’s decision upholding a tenure charge of inefficiency against a teacher.

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

Comments:

Ms. Liss reported on two new litigation matters filed on behalf of two adults, former students who allege that they were sexually abused by employees of the Board of Education. One complaint alleges that the abuse occurred over 30 years ago, and the other over 40 years ago.

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

Comments:

Ms. Liss and Mr. Zartarian reported on three proposed settlements as to which Board approval is requested. All involve the employees’ resignation or retirement and releases by the employees of all potential claims against the Board. One involves an administrator with an impending tenure charge of inefficiency, and two involve teachers who have challenged Board action withholding their salary increments. Additionally, Ms. Liss again noted the request for approval of the DOJ bilingual education settlement agreement if the terms of that agreement are finalized.

The Committee agreed to recommend Board approval of each of the proposed settlements.

After the Committee meeting, Ms. Liss requested Committee approval of a proposed resolution approving and authorizing amendment of the existing lease with Saint Benedict’s Parish for premises at 124 Niagara

Street in the City of Newark, currently serving as the Ann Street Annex to provide for a term through August 14, 2025. After circulation to give Committee members and opportunity to review and raise any questions or concerns, the proposed resolution has been placed on the agenda for action at this month's Board meeting.

Item: Settlement Proposal	
Lead(s): Brenda C. Liss	Priority/Strategy:

Comments:

Ms. Liss updated the Committee on settlement discussions in pending litigation involving allegations of injury to a student.

The meeting adjourned at 6:28 PM.