

BOARD OF EDUCATION
(Official)

August 29, 2011
Elizabeth, New Jersey

A special meeting of the Board of Education was called on August 29, 2011 at 5:00 p.m., in the Multi Purpose Room, Donald Stewart Center for Early Childhood Education, 544 Pennsylvania Avenue, Elizabeth, New Jersey.

Board President Marie Munn presented the following statement at 5:45 p.m.

“Ladies and Gentlemen, good evening. This is a special meeting of the Board of Education. Pursuant to New Jersey Statutes and the rules adopted by the Board of Education, notice of this meeting was sent to The Worrall Community Newspapers, Inc., The Star Ledger, and Cablevision of Elizabeth on Wednesday, August 24, 2011. In addition, this notice is posted on the Bulletin Board in the lobby of 500 North Broad Street, and pursuant to this act, a copy has been filed with the City Clerk of Elizabeth.”

“I wish to extend a warm welcome to everyone present to this August 29, 2011 meeting of the Board of Education. We are here to govern, provide management oversight, and make policy for the district. The Superintendent manages the district. This is a meeting of the Board in public, not a meeting of the public.”

“This meeting is being recorded and will become part of the Elizabeth Board of Education permanent record. In order that the recording will adequately reflect the proceedings, please refrain from talking while others are speaking. I also ask that you silence the sound on your electronic devices. Since it is legally mandated that these proceedings be accurately recorded, I may have to ask for order periodically should noise begin to interfere with our recording capabilities. I am pleased that you have taken time this evening to join us. Thank you for your interest in the Elizabeth Public Schools.”

“There will be a public portion for citizens to address the Board. Participants for the public portion must sign in one hour prior to the advertised start of the meeting so that they may have the opportunity to speak. The sign-in sheet states the name, address, telephone number and reason that the person wants to comment, whether it is an agenda item or a general education comment.”

Present: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. Donoso, González, Nazco, Mrs. Munn – 6

Absent: Messrs. DaSilva, Perreira, Trujillo – 3

Superintendent of Schools Pablo Muñoz, School Business Administrator/Board Secretary Harold E. Kennedy, Jr., Board Attorney Kirk Nelson, Assistant Superintendent for Schools Jennifer Barrett, Assistant Superintendent for Family and Community Outreach Jerome Dunn, Assistant Superintendent for Teaching and Learning Olga Hugelmeyer, Assistant Board Secretary Donald Goncalves, Executive Director for Human Resources/Labor Attorney Karen Murray, Comptroller William Greene, and members of the public were in attendance.

Pastor Burgos gave the invocation.

Pledge of Allegiance

National Anthem

Pledge of Ethics

Core Beliefs and Commitments

Mr. Donoso excused himself from the meeting at 5:55 p.m.

Personnel Report – Leave of Absence, etc.

A motion was made by Mr. Nazco, seconded by Mr. González, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. González, Nazco, Mrs. Munn – 5

Negative: None

Supplemental Personnel Report – Reappointments, etc.

A motion was made by Mr. González, seconded by Mr. Nazco, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. González, Nazco, Mrs. Munn – 5

Negative: None

Superintendent's Report – Use of Facilities

A motion was made by Mr. Nazco, seconded by Mr. González, that the requests be approved with a waiver of fees.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. González, Nazco, Mrs. Munn – 5

Negative: None

Superintendent's Report – Field Trips

A motion was made by Mr. González, seconded by Mr. Nazco, that the requests be approved.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. González, Nazco, Mrs. Munn – 5

Negative: None

Authorization Report – Authorization to Make Application, etc.

A motion was made by Mr. González, seconded by Mrs. Castillo-Ospina, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. González, Nazco, Mrs. Munn – 5

Negative: None

Mr. Donoso returned to the meeting at 5:58 p.m.

Award of Contract Report – Award of Contracts, etc.

A motion was made by Mr. González, seconded by Mrs. Castillo-Ospina, that the report be accepted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. Donoso, González, Nazco, Mrs. Munn – 6

Negative: None

Resolution – Appointment of Special Counsel

A motion was made by Mr. Nazco, seconded by Mrs. Castillo-Ospina, that the resolution be adopted.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. Donoso, González, Nazco, Mrs. Munn – 6

Negative: None

Mrs. Munn presented the following public participation statement.

“At this time, the microphones are open for public comment to those who have signed in prior to this session. I shall call individuals to the microphones based on the order of the sign-in. Each statement made by a participant shall be limited to three minutes in duration. The total time of public comment shall be limited to sixty minutes. No individual is able to yield their time to another individual. All statements shall be directed to the presiding officer; no participant may address or question Board members individually. The following rules for public participants shall apply: time limits will be strictly enforced, no personal attacks on individuals, no vulgar or indecent language, a person may address the Board no more than once during a single meeting, speakers should refrain from naming individuals, and comments or questions posed during public participation will not be debated. As a reminder, this is a meeting of the Board in public, not a meeting of the public.”

Mrs. Munn called upon the first public participant to address the Board.

Mr. Joseph Bell, Rockaway, NJ, thanked the Board for the opportunity to speak on behalf of Carlos Lucio who is a hard working and dedicated public servant serving the children of the City of Elizabeth to ensure their academic success. Mr. Bell stated that recently certain comments and editorials in the newspaper and accusations without any investigation of the facts and circumstances have left Mr. Lucio administratively suspended and that it is his belief that Mr. Lucio’s due process and civil rights have been violated. Mr. Bell stated that an investigation of the facts as presented in the affidavit of his former wife or in her taped statement reveals that he is divorced from his former wife, the mother of his six year old daughter and that his daughter resides with his former wife. Mr. Bell stated that an investigation of the facts will reveal that he was never aware that his wife had completed and submitted an application for the reduced lunch program and only became aware of this fact after the story appeared in The Star Ledger newspaper. Mr. Bell stated that an investigation of the facts would have revealed that his former wife has never mentioned the application process to her former husband nor was he consulted or involved in the process. Mr. Bell stated that an investigation of the facts will reveal that in connection with the divorce the court never established child support nor alimony payments to be made to his former wife which she honestly answered on her application. Mr. Bell stated that a true and fair investigation of the facts will reveal that Mr. Lucio’s former wife completed the application form accurately, honestly and truthfully based upon the questions that were presented on the application. Mr. Bell stated that an investigation of the facts will reveal that Mr. Lucio is blameless, he has done nothing wrong and the statements made in the newspaper by some are baseless, without merit, and as a result has suffered injury to his good name and reputation. Mr. Bell requested his immediate reinstatement and welcomed a full investigation whether by this Board, the Attorney General’s Office or the U.S. Attorney’s Office.

Mrs. Munn thanked him for his comments.

Since there were no other citizens signed in to address the Board, Mrs. Munn declared this portion of the public meeting closed.

Mr. Nazco commented that it has been a rough couple of weeks for us and several of our colleagues who are employed by the Board of Education, that several of his colleagues have been suffering a conviction by headline regarding the school lunch program. Mr. Nazco stated some facts of the Federal Lunch Program that is administered by the State including the State gives us very little latitude over the oversight of the program, the program directs the school district to approve all applications at face value and there is no requesting of income verification, W-2s, income tax returns and that only 3% of applications can be scrutinized by the district. Mr. Nazco stated that we, as the school district, do not make the rules but we must abide by them. Mr. Nazco stated that we have been cooperating with the agencies, the U.S. Attorney's Office, the State Attorney General's Office and the Department of Agriculture and that in a letter dated August 11 we notified each of those departments of the issues that we had with the Star Ledger allegations. Mr. Nazco stated that his concern as a Board member and as a colleague is where do they go to get back their reputation and will they be able to fully wash the conviction by headline to which they have been subjected while the local media outlets have not considered all the facts. Mr. Nazco stated that one of the key issues that has been lost in all of this is that there has been an unauthorized invasion and illegal release of confidential information and questioned how the Star Ledger and other local media outlets get access to this confidential information. Mr. Nazco stated that the hackers will be discovered and they will face the appropriate legal and disciplinary penalties for this action. Mr. Nazco stated that there will be costly administrative and legal time and a lot of dollars will be spent complying with the subpoenas which we wholeheartedly welcome to make sure our colleagues are vindicated. Mr. Nazco stated that when the facts of the investigation turn out they will be a lot different than the recent headlines but he fears that they will not be getting the same coverage as the headlines. Mr. Nazco stated that we will comply with all the agencies involved and we will make sure that the matters are handled swiftly and efficiently.

On a motion by Mr. Nazco, seconded by Mr. González, the meeting was adjourned at 6:05 p.m.

The motion was carried by the following vote:

Affirmative: Pastor Burgos, Mrs. Castillo-Ospina, Messrs. Donoso, González, Nazco, Mrs. Munn – 6

Negative: None

Harold E. Kennedy, Jr.
School Business Administrator/Board Secretary