

Seymour Board of Education



SPECIAL MEETING MINUTES

June 26, 2019
Seymour Middle School
7:00 pm

COPY RECEIVED
DATE: 7/3/19
TIME: 8:06 AM
TOWN CLERK'S OFFICE

BOARD MEMBERS IN ATTENDANCE:

Christopher Champagne
Kristen Harmeling
Peter Kubik
Fred Stanek
Ed Hendricks via phone

Jim Garofolo
Jay Hatfield
Jennifer Magri
Ed Strumello

OTHERS IN ATTENDANCE:

Michael Wilson, Superintendent
Rebecca Santiago, Counsel
Pat Boyle, Board Clerk

Fred Dorsey, BOE Attorney
Eric Brown, Administrator's Attorney

Kristopher Boyle
Carol Revere
Heather Brown
Diane Verespie
Tonya Dzwonkowski
Emily Spear
Michelle Pinho
Kim Leoni
Christopher Roscello
John McCasland

Jim Freund
John Revere
Michael Sirowich
Stephanie Shelinsky
Henry Dzwonkowski
Aaron Pawluk
Darlene Keffe
Paul Forte
Anna Hausler
Karen Studley

Ernie DiStasi
Thomas Revere
Jennifer Monaco
Tanya Gayle
Sarah Leblanc
Lisa Cheney
Lori Forte
Alan Skiparis
David Willadsen

Kathy Verlezza
Jen Sardo
Sandy Labacz
Joe Labacz
Chris Bowen
Guilherme Pinho
Melissa Anelli
Theresa Hannon
Christopher Pagliaro

I. CALL TO ORDER

A. Ms. Magri called the meeting to order with the Pledge of Allegiance at 7:01 p.m.

II. DISCUSSION and POSSIBLE ACTION

A. Review and discussion of Attorney Client Privileged Memorandum regarding process and procedures for review of 10-151 Hearing Officer's findings of fact and recommendation.

**It is anticipated that all or part of this discussion will be held in Executive Session from which the public will be excluded.*

Ms. Magri explained that there was no Public Comment and that the board would be entering into executive session to discuss this issue.

B. **MOTION:** (Ms. Harmeling/sec.Mr. Champagne) move to enter into Executive session for the purpose of review and discussion of a Attorney Client Privileged Memorandum regarding process and procedures for review of 10-151 Hearing Officer's findings of fact and recommendation.

SO VOTED

AFFIRMATIVE: Mr. Champagne, Mr. Garofolo, Ms. Harmeling, Mr. Hatfield, Mr. Kubik, Ms. Magri, Mr. Stanek, Mr. Strumello

Motion passed: 8-0

Into Executive Session: 7:04 p.m.

Out of Executive Session: 7:46 p.m.

Ms. Magri wanted the record to reflect that Dr. Hendricks had joined the board via phone in executive session and was going to remain on the phone for the remainder of the meeting.

C. Personnel Matter: Discussion and possible action on 10-151 Hearing Officer's findings of fact and recommendation.

Rebecca Santiago will be acting as a procedural advisory. She explained that the hearing had already occurred and it was now the board's responsibility to either accept or reject the recommendation of the hearing officer. At this time she offered Mr. Dorsey and Mr. Brown the opportunity to make a 10 minute brief statement. She cautioned both parties to not try to introduce new evidence. Mr. Brown asked that everyone remember that the fact finder was an impartial person picked by both sides. His

recommendation was conclusive that Mr. Lucke should not be terminated. What occurred in December was not something that anyone anticipated and that everyone wishes had never occurred. It is a black mark on Mr. Lucke and to a certain extent the High School. He stated that this one incident shouldn't be held to define Mr. Lucke and what he means to the community. Mr. Brown said that there were two days of hearings and the fact finder heard from numerous stakeholders, Superintendent, Associate Superintendent, faculty, parents, Department Heads, and former administrators. That Paul Lucke is committed to students is un-refuted, parents are proud to have him, he has turned programs around. He has written \$500,000 in grants, the graduation rate is up, SAT scores are up. Mr. Lucke made a bad mistake no one disputes that but vote to retain him. Take into account all of the good he has done for this community. Mr. Dorsey handed out a statement (see attached) and delivered it to the Board. It is now the board's responsibility to decide what if any disciplinary action to take as to this time Mr. Lucke has been on Paid Administrative leave and has not been disciplined in any way. Ms. Magri said it is safe to say all of us are not fond of this process. It has taken a lot of time and weighed heavily on us. To review the finding of facts-the facts are clear. This is a case in which an Assistant Principal was arrested for driving under the influence. That is a fact, as a district we have to consider what precedent we might be setting with our decision. Personally, Ms. Magri, stated I hold an administrator to a certain level of behavior and when their behavior is in conflict with this we need to hold them accountable. I accept the fact finders recommendation but there has to be a consequence. As a starting point I recommend 30 days unpaid suspension and a return to the district in a position to be determined. At this time Ms. Magri entertained discussion. Mr. Stanek said he disagreed with Ms. Magri and wanted to make a motion at this time.

MOTION: (Mr. Stanek/sec.Mr. Hatfield) Move to accept in regard to State Statue 10-151(d) Hearing Officer, Mr. Micheal R. Ricci's recommendation not to terminate Mr. Paul Lucke. I further move to terminate Mr. Lucke's placement on administrative leave and return him to his responsibilities at Seymour High School immediately without any further punishment.

After discussion in which many board members felt this was not an adequate consequence for the severity of Mr. Lucke's actions and that this would send the wrong message to students and the community. Ms. Magri called for a vote on this motion.

SO VOTED

AFFIRMATIVE: Mr Champagne, Mr. Hatfield, Mr. Stanek

OPPOSED: Mr. Garofolo, Ms. Harmeling, Dr. Hendricks, Mr. Kubik, Ms. Magri, Mr. Strumello
Motion failed: 3-6

MOTION: (Mr. Hatfield/sec.Mr. Champagne) Move to accept in regard to State Statue 10-151D Hearing Officer, Mr. Michael R. Ricci's Findings of Facts the recommendation not to terminate Mr. Paul Lucke. I further move to return Mr. Lucke to his placement as Assistant Principal at Seymour High School with a 5 day unpaid suspension to be negotiated with the administration with time served.

The discussion among the majority of the board was again that this was not a severe enough consequence. Ms. Magri called for a vote at this time.

SO VOTED

AFFIRMATIVE: Mr.Champagne , Mr. Hatfield, Mr. Stanek

OPPOSED: Mr. Garofolo, Ms. Harmeling, Dr. Hendricks, Mr. Kubik, Ms. Magri, Mr. Strumello
Motion failed: 3-6

MOTION: (Ms. Harmeling/sec.Mr. Strumello) Moved that in accordance with Connecticut General Statutes §10-151(d), the Seymour Board of Education adopt the Findings of Fact of the impartial hearing officer in the matter of Superintendent of Schools Seymour Board of Education and Paul Lucke. Moved further that, after consideration of the recommendation of the impartial hearing officer and all the pertinent facts, the Seymour Board of Education moves to return Mr. Lucke to his position as Assistant Principal at Seymour High School following a 20 day unpaid suspension, which shall begin tomorrow (June 27), unless the parties can mutually agree that the financial consequences of the suspension can be taken out of future payroll transactions. The Board issues this discipline for his misconduct as outlined in the findings of fact. Specifically, due to the fact that Mr. Lucke operated a motor vehicle while intoxicated, as demonstrated by a toxicology report from the State of Connecticut Emergency Services and Public Protection showing Mr. Lucke's blood alcohol was over the legal limit. Moreover, Mr. Lucke's actions demonstrate a failure to fulfill his responsibilities as an assistant principal as they are contrary to the curriculum of the Seymour High School and constitute a failure to act as an educational leader for his school and a role model for all students in the Seymour school system.

AFFIRMATIVE: Mr. Garofolo, Ms. Harmeling, Dr. Hendricks, Mr. Kubik, Ms. Magri, Mr. Strumello

OPPOSED: Mr. Champagne, Mr. Hatfield, Mr. Stanek

Motion passes: 6-3

MOTION: (Mr. Strumello/sec. Ms. Harmeling) Move for the board chair to draft a letter in conjunction with counsel and send the findings to Mr. Lucke by Friday, June 28, 2019.

SO VOTED

AFFIRMATIVE: Mr. Champagne, Mr. Garofolo, Ms. Harmeling, Mr. Hatfield, Dr. Hendricks, Mr. Kubik, Ms. Magri, Mr. Stanek, Mr. Strumello,

Motion passed: 9-0

III. **ADJOURNMENT** (Mr. Strumello/sec. Dr. Hendricks) move to adjourn at 8:45 p.m.

SO VOTED

AFFIRMATIVE: Mr. Champagne, Mr. Garofolo, Ms. Harmeling, Mr. Hatfield, Dr. Hendricks, Mr. Kubik, Ms. Magri, Mr. Stanek, Mr. Strumello,

Motion passed: 9-0

**Closing Statement of Seymour Administration
Lucke Termination Hearing
June 26, 2019**

The notice for consideration of termination of Mr. Lucke's contract of employment, which started in motion the outside hearing process resulting in this meeting of the Board, was initiated for several reasons. First, the publicized arrest of a high-ranking school administrator due to, among other things, his operation of a motor vehicle with a blood alcohol content (BAC) substantially over that allowed by law was a novel situation for the Seymour Public Schools. The position involved; Assistant of Seymour High School (SHS); is a high visibility position with specific duties that could be impacted by the notoriety of the behavior involved. *See*, FF #5. Further, behavior of this type is in violation of specific regulations of the Connecticut State Board of Education. *See*, FF #6 and 7. Any decision regarding disciplinary action arising from such behavior will, therefore, set a "standard" or "policy" for the entire Seymour School District for future similar incidents that may occur and, therefore, should be addressed by the policymaking body of the school district - the Board of Education. The only way such involvement could be initiated for employee discipline, which is normally the responsibility of the School Administration through the Superintendent of Schools, is through the procedures established by Connecticut Gen. Statutes Section 10-151. While the statute provides for an opportunity for a hearing before the Board of Education, Mr. Lucke exercised his statutory right to demand that the pre-disciplinary hearing take place before an independent hearing officer, who made the findings of fact and recommendation that the Board of Education is considering this evening.

Hearing Officer Ricci recommended that "the students and the community as a whole, will be better served by not terminating Mr. Lucke." Mr. Ricci, however, made no recommendation as to whether any personnel action other than termination would be appropriate. While the Administration is of the opinion that Mr. Ricci found facts sufficient to support a decision to terminate Mr. Lucke, which the Board has the option of doing because there were facts found by Mr. Ricci to support a finding of misconduct from Mr. Lucke's behavior, the Administration recognizes that the Board has other options should it decide not to terminate Mr. Lucke's employment. These options include a Board decision not to terminate Mr. Lucke but instead to remand the matter to the Superintendent for appropriate disciplinary action short of termination. Alternatively, the Board could determine that Mr. Lucke should receive a specific disciplinary action short of termination or determine that Mr. Lucke should be reinstated to his position as SHS Assistant Principal and receive no discipline whatsoever. While it is the Administration's position that, should the Board decide

not to terminate Mr. Lucke, the matter should be remanded to the Superintendent to take appropriate disciplinary action, the Administration feels that the violations of Mr. Lucke's job description and State Department of Education regulations described in Mr. Ricci's findings of fact five, six and seven, require significant disciplinary action.

The Administration would also comment on two items discussed by Mr. Ricci in the analysis section of his decision, which were not a part of his findings of fact. First, the Superintendent's decision and communication to Mr. Lucke starting the Section 10-151 process was merely to "consider" termination. The hearing before Mr. Ricci was, therefore, a pre-disciplinary hearing, like that prescribed by the US Supreme Court in its *Loudermill* decision. At the time the Superintendent notified Mr. Lucke that such consideration was underway, Mr. Lucke had not been disciplined in any way. Instead, Mr. Lucke has been on a paid administrative leave throughout this process, having suffered no economic or other consequence from the consideration notification that resulted from his highly publicized arrest. The Board must now make a disciplinary decision and is free to take into consideration all information that was available in Mr. Ricci's findings of fact which occurred from the time of his arrest to the time of the Board's decision this evening. And, while Mr. Lucke's character witnesses all indicated that, though they did not know Mr. Lucke's BAC at the time of his arrest, the level of intoxication would not have made any difference in their support of Mr. Lucke, it is the Administration's opinion that the level of intoxication was significant, if for nothing else, because Mr. Lucke indicated "he believed he was fine to drive" when he got behind the wheel on the night of his arrest. See, FF #10. While some have stated the opinion that anyone who had a glass of wine with dinner and then drove home could be subject to the same fate as Mr. Lucke, one glass of wine would not have produced the intoxication level found by the police on the night of Mr. Lucke's arrest.

The Administration is aware of the difficult decision with which the Board is faced and appreciates its consideration of what the appropriate future standard for the Seymour Public Schools should be for the acceptance of behavior as demonstrated by Mr. Lucke. Thank you for this opportunity to express the Administration's position.

Frederick L. Dorsey
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