

# District must give documents to court

By JOHN ROCHE

A judge this week ordered the Bedford Central School District to produce unedited copies of the draft disciplinary charges and hundreds of other documents at the heart of what led to the controversial and costly separation agreement between the district and former superintendent Dr. Debra Jackson.

Acting State Supreme Court Justice Barbara Zambelli on Wednesday ordered school officials to produce the draft disciplinary charges, considered the key document behind Dr. Jackson's departure from Bedford Central, as well as hundreds of pages of related e-mails, other correspondence and documents in their entirety for the judge to privately examine.

In all, 519 pages of documents with at least some relevance to Dr. Jackson's resignation were produced by Bedford Central earlier this year, but with heavy redactions that block out major portions. Judge Zambelli's ruling means that the disciplinary charges drafted by the school board at some point in 2007, as well as related documents, must be turned over by Nov. 23, for the judge to look over in camera — legalese for in private.

"This is a key step forward, and great news for us," said Robert Sternbach, an attorney representing district resident and former school board member Camillo Santomero, who for two years has waged a legal battle to determine what led to

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# District must provide unedited J

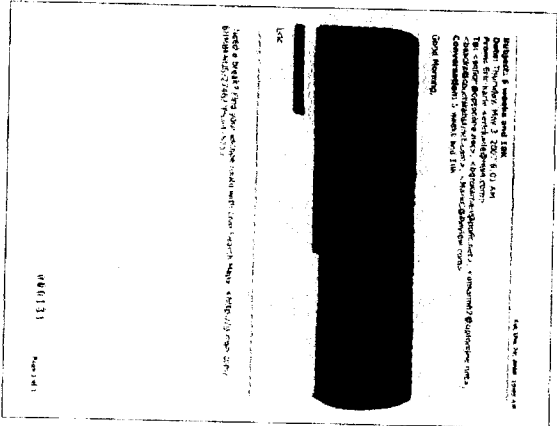
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Dr. Jackson's mid-contract departure from the district.

"As we argued in the petitions we previously filed, our contention is, at a minimum, the court should review each of these documents in private, or what's legally referred to as in camera, in order to determine if the extensive redactions to these documents are warranted," Mr. Sternbach said. "We're pleased that the judge has agreed, and look forward to seeing what she determines based on her review of these non-redacted documents."

Hours after the judge's order to provide the unredacted documents was handed down, Edward Phillips, the attorney representing Bedford Central, declined to comment about the ruling. Mr. Phillips, of the Keane and Beane law firm, did say that the district would fully comply with Judge Zambelli's directive, "as Bedford Central has all along and will continue to do."

Last year, Mr. Santomero filed a request under the New York State Freedom of Information Law (FOIL) asking the district for all documents pertaining to a "certain dispute" related to Dr. Jackson's job performance that occurred at some point in 2007 between the Bedford Cen-



**One of the redacted pages among the 519 documents that Bedford Central turned over to courts this summer.**

tral school board and the superintendent.

The Record-Review and The Journal News filed similar FOIL requests soon after the agreement between the school board and Dr. Jackson was announced. The district denied all three of those FOIL requests, but Mr. Santomero subsequently appealed Bedford Central's denial. He then filed a 52-page Article 78 pe-

tition in Westchester County State Supreme Court, which charges that the district's refusal to release the requested documents was "arbitrary, capricious and constitutes an abuse of discretion."

But in March, Judge Zambelli ruled that the Bedford Central board of education acted properly in denying a request that draft disciplinary charges against Dr. Jackson be made public. The judge upheld Bedford Central's decision not to publicly release the draft disciplinary charges, ruling that they are exempt from being disclosed under FOIL. Since they were never formally filed nor proven against Dr. Jackson, the draft charges are exempt from FOIL, as their disclosure would constitute an unwarranted invasion of privacy as defined by state Public Officers Law. Judge Zambelli ruled last March.

But in that same ruling, the judge ordered Bedford Central to produce additional documents that may be related to the settlement. This summer, the district handed over the hundreds of pages of relevant documents, albeit with portions deemed by school officials and their attorney to be legally exempt from disclosure.

The bulk of the 519 pages turned over to the court by Bedford Central

# Jackson documents, judge rules

contain redactions, in some cases with most of the document blacked out. The school districts attorney, in the past and in previous court papers, maintained that the redactions are legal because they fall into one of three categories of exemption: attorney-client privilege, intra-agency materials, or information not directly relevant to the FOIL request filed by Mr. Santomero.

On Nov. 9, however, Mr. Sternbach argued in court papers that it should not be up to Bedford Central officials and their attorney to decide what should be redacted, but rather left up to the judge to rule on after examining the relevant documents without portions being blacked out.

"I think this is a necessary step by the judge," Mr. Sternbach said on Wednesday. "Because of the massive amount of redactions in these documents, one could not say with any confidence or believability that the district scrupulously disclosed all the information they were legally required to disclose. We need the court to look at these documents unedited and in their entirety to determine that."

Citing a confidentiality clause in the separation agreement reached in June 2007, Dr. Jackson and past and current board members have

repeatedly refused to comment on what specifically led to her resignation, other than to refer to the "certain dispute" regarding her job performance. The "certain dispute" led to a buyout package that included a lump sum payment of \$650,000 compensating her for lost salary for the remaining three years of a five-year contract, and medical benefits for Dr. Jackson and her family for life. For the year between when she announced her resignation and when she left Bedford Central at the end of the 2008 school year to become superintendent of the High-

land Falls-Fort Montgomery School District, Dr. Jackson also drew her \$243,461 annual salary.

Although Mr. Sternbach described the judge's order this week as a "significant ruling in support of our arguments," he said it's unclear what, if anything, will result from the judge's private examination of the unedited documents. "We'll have to wait and see if the judge believes that the redactions are warranted and whether or not any material needs to be produced by the school district based on that in camera viewing," Mr. Sternbach said.

## District, union reach deal

By JOAN GAYLORD

After four years of negotiations and stalemates, the Bedford-Central School District appears to have reached an agreement with the CSEA, the union that represents the support staff.

Terms of the pending contract had not been released by press time. Both sides had agreed to sequester the agreement until after the union members had been ap-

prised of the details. The CSEA negotiating team had scheduled a meeting with their membership for Thursday, Nov. 19. The proposal will be released to the public on Nov. 20.

The contract will still need the approval of the CSEA membership and a union vote has been scheduled for Nov. 24. If adopted, the Bedford-Central school board will ratify the contract on Dec. 2.