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## Court rules Bedford district's secrecy valid

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BEDFORD - Draft disciplinary charges that were part of a dispute between former Schools Superintendent Debra Jackson and the school board do not need to be disclosed, a judge has ruled.

But acting Supreme Court Justice Barbara G. Zambelli also said in her March 31 decision that the district must release any other documents related to the dispute - as long as there's not a legitimate reason those records can be exempt from public disclosure.

The judge's decision is the latest chapter in litigation brought by former board member Camillo Santomero, who is seeking documents detailing an unspecified dispute over Jackson's job performance.

The impasse led to a controversial separation agreement in 2007 that gave Jackson \$650,000 and free lifetime health coverage for her and her family.

Edward J. Phillips, Bedford's attorney, said officials were going through district files to determine if other documents could be released.

"There will be other documents we have to review, but it's too early to say what, if anything" will be disclosed, he said yesterday.

The agreement upset taxpayers angry over the price tag and secrecy. The deal helped sink two district budget proposals last year.

Santomero, who served on the board from 1996 to 1999, formally requested "any and all records" last year that were related to the dispute, but the district turned him down. The Journal News and The Record Review weekly newspaper sought similar records, also unsuccessfully.

The district interpreted Santomero's Freedom of Information Law request to mean the draft charges, and it refused to give those up, saying doing so would constitute an "unwarranted invasion of privacy." They were never served on Jackson.

Jackson's tenure in Bedford ended in June 2008. She's currently superintendent of the Highland Falls-Fort Montgomery Central School District in Orange County.

In a news release, board president Susan Wollin said that although the board understood the request for information, it was "legally bound not to discuss the specifics of the separation."

Santomero noted in court documents that from his experience as a board member there must be other records - such as memos or notes.

While the district took heart in the part of Zambelli's ruling that found it properly withheld the draft charges, Santomero said he was encouraged by the section of the nine-page decision that puts the

onus back on the district to seek out other documents.

He also provided The Journal News with an April 2 letter from Phillips to the court explaining that the district had other documents that were "responsive" to his FOIL request. Santomero suggested that school officials have been less than forthcoming on the topic.

"We FOILED for all available information. They produced one document and said 'This is what's available,' " he said of the disciplinary charges. "Lo and behold, they ... have more documents."

Phillips said he disagreed with any implication that the district hasn't fulfilled its obligations under the New York state Freedom of Information Law.

The parties next meet on April 28 for a conference.

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