

District defends right to withhold Jackson details

By JOHN ROCHE

Bedford Central school officials recently defended the district's ongoing refusal to publicly disclose all documents pertaining to the dispute that led to the resignation of former superintendent Dr. Debra Jackson.

In court papers filed this month, Bedford Central's school board president Susan Elton Wollin reiterated the district's stance that its refusal to release documents related to the dispute and

Dr. Jackson's resignation and the controversial settlement agreement that resulted in her departure from the district is "entirely proper and consistent with applicable law."

Wollin's statements were made in an affidavit dated Jan. 13 filed in court to legal action taken this past month by Zamillo Santomero, a former school board member. Mr. Santomero filed an Article 78 proceeding to appeal the district's refusal to provide all documents pertaining to a "certain dispute"

related to Dr. Jackson's job performance that occurred at some point in 2007 between the Bedford Central School Board and the superintendent.

The dispute led to a settlement agreement between the board and Dr. Jackson that required her resignation, her departure from the district in June 2008, and a buyout package that included a lump sum payment of \$650,000 and medical benefits for her and her family for life. Last spring, Mr. Santomero filed a re-

quest under the New York State Freedom of Information Law (FOIL) asking the district for all documents regarding the dispute. He requested a copy of which has never been publicly disclosed because of a public safety clause in the separation agreement.

The Record Review and The Journal News filed similar FOIL requests soon after the agreement between the school board and Dr. Jackson was announced.

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District says it can withhold details

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All three of those FOIL requests were denied, but in July Mr. Santomero appealed Bedford Central's denial, which in August was also rejected by the district.

In his request for judicial intervention, Mr. Santomero filed a 52-page petition in the form of an Article 78 proceeding in Westchester County Supreme Court. That petition claims the district's refusal to release the requested documents was "arbitrary, capricious and constitutes an abuse of discretion."

Among other arguments, the petition challenged the board's claim that releasing the documents would result in an unwarranted invasion of privacy. The dispute encompasses facts and circumstances that go well beyond the mere personal privacy interests of Dr. Jackson, the petition states, and "implicates public policy considerations involving expenditure of substantial taxpayer funds."

This month, the district and its law firm, Keane and Beane, filed a memorandum of law in opposition to Mr. Santomero's petition, outlining why the court challenge to the district's FOIL denial should be rejected.

"Case law and advisory opinions issued by the New York State Commission on Open Government uniformly hold that records relating to non-final and/or unsubstantiated disciplinary charges against a public employee may be withheld from disclosure under FOIL based upon intra-agency and privacy exemptions," the district's court papers state. Accordingly, the board of education's denial of petitioner's FOIL appeal on these grounds was entirely appropriate and should not be disturbed.

Bedford Central's defense of its actions is based on the position that since Dr. Jackson reached an agreement with the board before any disciplinary charges against her could be formally filed, the exact nature of any of those charges, and the resulting dispute over them, are not covered by what must be released under FOIL.

"Because the disciplinary charges

were never formally served upon Dr. Jackson and no final determination was ever rendered upon them, the board of education concluded that it was not required to disclose the charges under FOIL," Ms. Wollin stated in her affidavit.

The district's attorneys further state in the memo of opposition that the purpose of FOIL's intra-agency exemption is "to permit people within an

agency to exchange opinions, advice and criticism freely and frankly, without the chilling prospect of public disclosure."

While Mr. Santomero's filing claims that the Bedford Central board failed to demonstrate that the requested documents are intra-agency material and therefore exempt from FOIL, the district's attorneys cite specific reasons why the materials are protected under law.

This week, Bedford Central's current superintendent, Dr. Jere Hochman, and Ms. Wollin both declined to discuss the district's response to the Article 78 proceedings, stating that it is the policy of the district not to comment on ongoing litigation.

Mr. Santomero did not return a call this week seeking comment, but has repeatedly said he intends to pursue the matter to all possible lengths.

Now that the district has responded to the initial Article 78 filing, Mr. Santomero's attorney, Robert Sternbach, has the opportunity to refute Bedford Central's counter-claims.

In addition to the release of the documents requested through his FOIL, Mr. Santomero is seeking attorney's fees and other costs incurred by the litigation from the district.

In July, Dr. Jackson began as superintendent of the Highland Falls-Fort Montgomery School District, serving students from the communities of Highland Falls, Fort Montgomery and West Point in Orange County, and Garrison in Putnam County. That same month, Dr. Hochman, who previously served as a superintendent of schools in western Massachusetts, took the helm as Bedford Central's top administrator.

Among other arguments, the petition challenged the board's claim that releasing the documents would result in an unwarranted invasion of privacy.

Santomero: Prove that documents are exempt

By JOHN ROCHE

Based on his own years as a member of the school board and given the nature of the "truly extraordinary" agreement reached between the Bedford Central school board and former superintendent Dr. Debra Jackson, local resident Camillo Santomero finds it hard to believe that only two documents exist relating to the controversial departure of Dr. Jackson.

In a court filing this week, Mr. Santomero, who is pursuing legal action against the district over its failure to publicly disclose the exact reasons behind the seven-figure settlement agreement, and his attorney also argued that Bedford Central officials have failed to prove why documents related to Dr. Jackson's departure are exempt from being disclosed under the NYS Freedom of Information Law (FOIL).

Attempting to poke holes in the district's response to Mr. Santomero's petition to overturn the district's FOIL denial, his attorney, Robert Sternbach, said Bedford Central officials and their attorney failed to demonstrate that the only documents are the written settlement agreement that was released, and "draft disciplinary charges" against Dr. Jackson that were never formally filed against her.

Mr. Sternbach also said in the filing that the district failed to prove how the documents requested through Mr. Santomero's FOIL request fit within the "narrowly construed" exemptions defined by state law.

The public is entitled to an explanation for this settlement with a public officer that will result in the expenditure of \$1 million in taxpayer

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Suit says Jackson documents not exempt

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funds," Mr. Sternbach said in the recently filed reply.

This past fall, Mr. Santomero filed an Article 78 proceeding to appeal the district's refusal to provide all documents pertaining to a "certain dispute" related to Dr. Jackson's job performance that occurred at some point in 2007 between the Bedford Central school board and the superintendent. The dispute led to a written agreement between the board and Dr. Jackson that resulted in her resignation, her departure from the district in June 2008, and a buyout package that included a lump sum payment of \$650,000 and medical benefits for her and her family for life.

Last spring, Mr. Santomero filed a FOIL request asking the district for all documents related to the dispute, the exact nature of which has never been publicly disclosed because of a confidentiality clause in the separation agreement.

District officials and Bedford Central's law firm, Keane and Beane, last month filed a memorandum of law in opposition to Mr. Santomero's petition, outlining why the challenge now pending in Westchester County Supreme Court to the district's FOIL denial should be rejected. Bedford Central's defense of the FOIL denial is based on the position that since Dr. Jackson reached an agreement

with the board before any disciplinary charges against her could be formally filed, the exact nature of any of those charges, and the resulting dispute over them, are not covered by what must be released under FOIL.

The draft disciplinary charges are also preliminary. "Intra-agency materials, the release of which would constitute an unwarranted invasion of privacy, and therefore exempt from FOIL, the district and its attorney claimed."

In a reply to those claims filed in court on Jan. 28, Mr. Sternbach charges that Bedford Central officials "seek to hide behind an undefined and unintelligible identification of draft disciplinary and have apparently failed to identify all documents relevant to the dispute, thus preventing any rational investigation into whether or not exemptions are warranted."

Despite the district's claim, the draft disciplinary charges are not preliminary in nature, Mr. Sternbach argues,

because they led to a final settlement agreement.

Mr. Sternbach and Mr. Santomero, in a sworn affidavit accompanying the reply, also contend that there must be other materials related to

Dr. Jackson's departure and settlement agreement that Bedford Central has also failed to disclose.

The settlement the board reached with Dr. Jackson is truly extraordinary, Mr. Santomero stated in his reply affidavit. "It is beyond credibility to believe that only two documents were ever prepared related to the parties' alleged dispute."

Mr. Santomero goes on to say that during his three years on the Bedford Central school board, there was never any consideration of disciplinary charges in which only two documents were prepared. He contends that based on his experiences on the board, there must be notes, memos and other materials related to the settlement agreement regarding its costs and other details, as well as deliberations by board

members at the time.

Mr. Santomero also raises questions about the draft disciplinary charges and the process that went into them: "How did these charges come into being? How many drafts of the draft charges were prepared? Who drafted them?" Mr. Santomero asks in his deposition.

In addition to calling on the court to order the district to produce and disclose any and all documentation relating to the dispute, Mr. Santomero and his attorney ask the court to conduct discovery, namely examining the documents to see if they should be withheld from public disclosure, as well as possibly deposing Bedford Central's current superintendent, Dr. Jere Hochman, school board president Susan Elton Wollin, district clerk Carole LaColla and Dr. Jackson, who are all named in the Article 78 proceeding.

Dr. Hochman and Ms. Wollin both declined to discuss the district's response to the Article 78 proceedings, stating that it is the policy of the district not to comment on ongoing litigation. The \$650,000 Dr. Jackson received as part of the agreement compensated her for lost salary for the remaining three years of a five-year contract extension signed in 2006, as well as benefits and credited service for retirement benefits Dr. Jackson, was also paid \$243,461 in salary for the 2007-08 academic year.

Bedford Central's defense of the FOIL denial is based on the position that Dr. Jackson reached an agreement with the board before any disciplinary charges against her could be formally filed.

Mixed ruling on Jackson settlement

By JOHN ROCHE

A judge ruled last week that the Bedford Central board of education acted properly in denying a request that draft disciplinary charges against former superintendent Dr. Debra Jackson be made public.

In a decision dated March 31, the judge upheld Bedford Central's decision not to publicly release the draft disciplinary charges, ruling that they are exempt from being disclosed under the N.Y. Freedom of Information Law (FOIL).

As to the draft disciplinary charges, as these charges were never formally filed and proven against Jackson, they are exempt from production pursuant to FOIL as their disclosure would constitute an unwarranted invasion of privacy as defined by Public Officers Law," State Supreme Court Judge Bar-

bara Zambelli wrote in a nine-page decision. "Accordingly, (Bedford Central) properly denied petitioner's FOIL request as to the draft disciplinary charges."

By that ruling, the judge shot down a key component of an Article 78 proceeding filed by local resident and former school board member Camillo Santomero. This fall, Mr. Santomero appealed the district's refusal, following his FOIL request, to provide all documents pertaining to a "certain dispute" related to Dr. Jackson's job performance that occurred at some point in 2007 between the Bedford Central school board and the superintendent.

The dispute led to a controversial agreement between the board and Dr. Jackson that resulted in her resignation.

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Mixed ruling on Debra Jackson documents

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in the statement, "confirms the board has acted in complete compliance with the Freedom of Information Law in denying the FOIL request." The board "understands the request for information, yet is legally bound not to discuss the specifics of the separation" with Dr. Jackson, the press release states.

But Mr. Santomero's attorney, Robert Sternbach, described the district's press release as "extremely misleading," pointing out that the judge also ordered Bedford Central to produce additional documents that may be related to the Dr. Jackson settlement pursuant to the FOIL request.

"It's completely premature for them to claim victory," said Mr. Sternbach. "The court held that only with respect to the one document, the draft disciplinary charges, were they not required to produce that document. But at the same time, the court ordered them to disclose whether there are additional documents responsive to Camillo Santomero's FOIL request. And the court interpreted that very broadly to include e-mails and anything at all related to the 'certain dispute.'"

Bedford Central's attorney said that while the district will provide additional documents, as ordered by the court at a conference with the judge on April 14, he believes the judge will agree with the district that those documents are also exempt from FOIL. "While we're currently in the process of looking at any other documents, I can tell you that a great many of them are going to be subject to that same exemption," Mr. Phillips said.

The conference this Tuesday will be more of a procedural matter than the

The judge's ruling, Ms. Wollin said

The current board released a statement this week also stating that "all of the petitioner's substantive arguments and demands for relief were denied by the court," and that board president Susan Wollin "is pleased that the Supreme Court upheld the position taken by the Board of Education."

The judge's ruling, Ms. Wollin said

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release of any additional documents by the district, according to Mr. Phillips. "This comes down to how are we going to go about this process in which we identify these responsive documents and assert any inter-agency privilege that would apply to them." He said, "There may be additional documents that are responsive but they may be a privilege of some other person why it should not be produced."

Mr. Sternbach, however, said he believes that the judge may rule differently on additional documents since her decision on the draft disciplinary charges largely hinges on the fact that they were never formally filed in court. "It has not yet been determined by any means that they do not have to produce any documents in response to the FOIL request," Mr. Sternbach said. "Also, the scope of what documents they must produce has not yet been determined, so to say that this is settled is highly premature at best."

In its press release, the school board president said the board is "looking ahead to putting the issue to rest." The board is eager to move forward with the numerous academic and district endeavors with the district's new leadership. Ms. Wollin said in the statement.

Brad Sacks, who was president of the Bedford Central school board when the "certain dispute" with Dr. Jackson took place and when the settlement agreement was reached, said he believes the judge's ruling should answer those in the community who have criticized the board's handling of Dr. Jackson. "I recognize that there are two pieces of the frustration voiced by some about this agreement: confiden-

ciality and the money," said Mr. Sacks, who opted not to run again for the board in 2007. "For those that were more upset about the confidentiality, a Supreme Court judge has now ruled that the board was just doing what it legally had to do regarding this type of a personnel situation."

As for the \$650,000 and lifetime benefits Dr. Jackson received as part of the agreement, which compensated him for loss of salary for the remaining three years of a five-year contract extension signed in 2006, Mr. Sacks said he finally believes given the circumstances, the board may acted in the best interest of the district.

Last year, Mr. Santomero filed a FOIL request asking the district for all documents regarding the dispute with Dr. Jackson, who left Bedford Central to serve as superintendent of the Highland Falls-Fort Montgomery School District.

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, which was also rejected by the district.

In his request for judicial intervention, Mr. Santomero filed a 52-page Article 78 petition in Westchester County State Supreme Court, which charges that the district's denial to release the requested documents was "arbitrary, capricious and constitutes an abuse of discretion."

Mr. Santomero declined to comment this week on the judge's rulings, citing the advice of his attorney.

District 'FOIL'-ed

By JOHN ROCHE

Hundreds of pages of e-mails, other correspondence and documents pertaining to what led to the controversial and costly separation agreement between the Bedford Central School District and former superintendent Dr. Debra Jackson are now being reviewed and might have to be turned over to a judge in mid-June.

At a court conference this week, an attorney for the school district told a judge's law secretary that he and Bedford Central officials are in the process of sifting through mounds of documents to determine what, if any, records refer to the dispute that led to Dr. Jackson's resignation or the buy-out she received from the district.

And based on what's contained in those documents, including e-mails exchanged between school board members, district administrators and attorneys, local resident and former school board member Camillo Santomero may petition a state Supreme Court judge to reconsider a ruling last month that shot down a key component of an Article 78 proceeding Mr. Santomero filed this fall, his attorney said this week.

"It's certainly clear that there's much more that needs to take place before the judge determines exactly what the school district is going to be required to produce," said Mr. Santomero's attorney, Robert Sternbach, after Tuesday's court conference. "Basically, it seems that although there was a judge's ruling on only one document requested thus far, that is just the tip of the iceberg."

Edward Phillips, an attorney with Keane and Beane, the law firm representing Bedford Central, said that he and the district are in the process of reviewing any and all documents that might be even remotely related to the dispute and departure of Dr. Jackson, who in June left Bedford Central to serve as superintendent of the Highland Falls-Fort Tomomery School District.

"There are e-mails and other documents that we are in the process of reviewing one by one," Mr. Phillips

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Court says district must share documents

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said this week. "Because of the nature of printed e-mail exchanges especially, there is a lot of volume and a lot of duplication, so there is a great deal of material that we have to sift through. But as we have all along, we will comply with whatever request is made by the court."

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 Central 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.

In his request for judicial intervention, Mr. Santomero filed a 52-page Article 78 petition in Westchester County State Supreme Court, which charges that the district's denial to release the requested documents was "arbitrary, capricious and constitutes an abuse of discretion."

But on March 31, a judge ruled that

Mr. Phillips said that it's too early in the review process to speculate as to what documents or records the district will or will not have to produce.

the Bedford Central board of education acted properly in denying a request that draft disciplinary charges against Dr. Jackson be made public. State Supreme Court Judge Barbara Zambelli upheld Bedford Central's decision not to publicly release the draft disciplinary charges, ruling that they are exempt from being disclosed under FOIL.

The "certain dispute" led to a controversial agreement between the board and Dr. Jackson that resulted in her resignation, her departure from the district in June 2008, and a buyout package that included a lump sum payment of \$650,000 and medical benefits for her and her family for life. Citing a confidentiality clause in the agreement, Dr. Jackson and 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.

Judge Zambelli ruled that the draft disciplinary charges did not have to be

publicly disclosed by the district, since they were never formally filed nor proved 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, according to the judge.

But in that nine-page ruling, Judge Zambelli also ordered Bedford Central to produce additional documents that may be related to the settlement pursuant to Mr. Santomero's FOIL request, and those documents must be provided to the judge by June 16.

"I don't know yet what these additional documents actually contain, but we're certainly going to find out," Mr. Sternbach said. "To say that this is over, as Bedford Central officials seemed to indicate following the judge's ruling on the draft disciplinary charges, is hardly the case."

In a statement following Judge Zambelli's ruling, the school board said it

was pleased that the judge upheld the board's actions regarding the release of the draft disciplinary charges. The board also "understands the request for information, yet is legally bound not to discuss the specifics of the separation" with Dr. Jackson, the press release stated.

Mr. Phillips said this week that it's too early in the review process to speculate as to what documents or records the district will or will not have to produce.

At or before that mid-June meeting, Bedford Central must also provide a formal representation that no documents related to the Dr. Jackson dispute and departure agreement have been destroyed or deleted, and that all of the respondent documents have been produced, according to Mr. Santomero's attorney.

Mr. Sternbach reiterated that he believes the judge may rule differently on additional documents, since her decision last month on the draft disciplinary charges largely hinged on the fact that they were never formally filed or proved.

"We're going to ask the judge to reopen the original petition to reflect all those additional documents, and to reconsider her ruling," Mr. Sternbach said. "It seems clear there is a great deal more to come."

Bedford Central set to present Jackson e-mails

By JOHN ROCHE

Documents including e-mails and other correspondence between school board members and administrators pertaining to what led to the controversial separation agreement between former superintendent Dr. Debra Jackson and the Bedford Central School District are set to be turned over to a judge this week.

Edward Phillips, an attorney with Keane and Beane, the law firm representing Bedford Central, did not return calls for comment this week, but said in a recent court filing that the district will comply with the judge's order and produce additional documents related to the Dr. Jackson resignation. Some of the documents, which "consist predominantly of intra-agency e-mails among board members," according to a memorandum filed by Mr. Phillips on May 28, may be redacted in part.

The attorney for Camillo Santomero, a local resident and former school board member who filed a request under the New York State Freedom of Information Law (FOIL) asking the district for all documents related to Dr. Jackson's resignation and separation package, characterized the unpending review of materials as "critical," as well as long overdue.

"This Tuesday is the next critical step because that's when the Bedford Central school board and the district have to furnish any and all related documents," said Mr. Santomero's attorney, Robert Sternbach. "Because we don't yet know what those documents contain, once we're able to review them, we will be able to decide how to proceed on the matter."

Last year, Mr. Santomero filed a FOIL request asking the district for all documents.

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Bedford Central to present Jackson documents

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ments pertaining to a "certain dispute" related to Dr Jackson's job performance that occurred at some point in 2007 between the Bedford Central school board and the superintendent.

The "certain dispute" led to a controversial agreement between the board and Dr Jackson that resulted in her resignation, her departure from the district in June 2008, and a buyout package that included a lump-sum payment of \$650,000 and medical benefits for her and her family for life. Citing a confidentiality clause in the agreement, 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 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, calling it "arbitrary, capricious and constitutes an abuse of discretion."

In March, however, a judge ruled that the Bedford Central board acted properly in denying a request that draft disciplinary charges against Dr Jackson be made public. State Supreme Court

Judge Barbara Zambelli upheld Bedford Central's decision not to publicly release the draft disciplinary charges, ruling that they are exempt from being disclosed under FOIL.

Judge Zambelli ruled that the draft disciplinary charges did not have to be publicly disclosed by the district, since they were never formally filed nor proved 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, according to the judge.

But in that nine-page ruling, Judge Zambelli also ordered Bedford Central to produce additional documents that may be related to the settlement pursuant to Mr Santomero's FOIL request, and those documents must be provided to the judge this week.

"We're eager to see what exactly those previously unreleased documents consist of and contain," said Mr Sternbach. "Although the district must produce them on Tuesday, it may take some time to review them. And depending on

what these documents reveal will determine a great deal, including how we'll proceed on the FOIL."

The judge's ruling three months ago also directed Bedford Central to provide a formal representation that no documents related to the Dr Jackson dispute and departure agreement were destroyed or deleted, and that all of the respondent documents have been produced by Tuesday.

Since Judge Zambelli's decision on the draft disciplinary charges largely hinged on the fact that they were never formally filed or

proven, Mr. Sternbach said he's hopeful the judge will rule differently on the additional documents being provided by the district on June 23. "It's difficult to speculate on materials that we haven't yet seen, but there is certainly the possibility that the documents being handed over this week may not fall within that criteria," Mr. Santomero's attorney said. "One thing that seems clear is that this is far from over."

The judge is also considering a motion for re-argument or renewal based on the contents of the additional docu-

ments, Mr Sternbach said, which basically means reopening the case if it's determined that relevant materials or information were not previously provided or disclosed. Judge Zambelli is also expected to rule on whether Mr. Santomero is entitled to attorney's fees from the district, given that her ruling in March didn't consider any other documents besides the exempted draft disciplinary charges.

In his written opposition to Mr. Santomero's motion to reargue the entire case, Bedford Central's attorney said the production of the additional documents indicates the district's compliance with all its legal obligations, including the Public Officers Law FOIL requirements and the mandatory stipulations outlined in the agreement with the former superintendent. "At all times, the board of education has sought to comply with its obligations under FOIL, as well as the confidentiality provision set forth in the settlement between itself and Dr. Jackson," said Mr. Phillips, calling the district's search for more documents "diligent and conscientious."

Dr Jackson left Bedford Central last June, exactly a year after announcing her resignation and accepting the estimated \$1 million buyout agreement, to serve as superintendent of the Highland Falls-Fort Montgomery School District

The judge is also considering a motion for re-argument or renewal based on the contents of the additional documents.

Jackson e-mails released

By JOHN ROCHE

It's been exactly two years since a controversial settlement agreement was reached between the Bedford Central School District and then-superintendent Dr. Debra Jackson, and a year this week since Dr. Jackson actually left the district.

But for at least one local resident, the battle to find out precisely what led to that settlement agreement rages on, now through an ongoing legal proceeding

*'Until it's been reviewed,
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— CAMILLO SANTOMERO

Camillo Santomero, a former member of the Bedford Central board of education, has pledged to continue his fight to find out the reason behind Dr. Jackson's resignation, which resulted in a departure package with an estimated cost to the district of at least \$1 million.

And this week, two years after the settlement agreement was announced on June 11, 2007, Bedford Central and the district's attorney handed over 519 documents with at least some relevance to Dr. Jackson's resignation, which took effect at the end of last June.

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District releases 519 Jackson documents

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Mr. Santomero's attorney, Richard Sternbach, said he is currently reviewing the hundreds of documents that the district provided on June 17 following a judge's order. "But because of the volume of material, it may take some time to get through it all," Mr. Sternbach said. "Until it's been reviewed, it's virtually impossible to say what may or may not be in those documents."

Last year, Mr. Santomero filed a request under the New York State Freedom of Information Law (FOIL) asking the district for all documents regarding the dispute, the exact nature of which has never been publicly disclosed because of a confidentiality clause in the separation agreement.

The district denied that request, along with similar FOIL requests previously submitted by The Record-Review and the Journal News. Mr. Santomero, who served on the Bedford Central board in the 1990s, appealed that denial, which was also rejected by the district. He then challenged the district's FOIL denials by filing an Article 78 petition in New York State Supreme Court.

Earlier this year, State Supreme Court Judge Barbara Zambelli upheld Bedford Central's decision not to publicly release the draft disciplinary charges against Dr. Jackson, ruling that

'Careful review of each document was necessary to ensure a thorough and complete response to the FOIL request.'

—STATEMENT, BEDFORD CENTRAL SCHOOL DISTRICT

they are exempt from being disclosed under FOIL. Since they were never formally filed against Dr. Jackson, disclosure of those charges would constitute an unwarranted invasion of privacy as defined by state Public Officers Law, Judge Zambelli ruled.

But in that same ruling in March, Judge Zambelli also ordered Bedford Central to produce additional documents that may be related to the settlement pursuant to Mr. Santomero's FOIL request, and the district complied with that court order this week.

Edward Phillips, an attorney with Keane and Beane, the law firm representing Bedford Central, did not return calls requesting comment this week. But the district and school board said in a press release that since many of the 519 documents turned over this week are e-mails between board members and other intra-agency materials, some information was redacted by Bedford Central's attorney.

"As a general rule, such intra-agency communications are not subject to disclosure under FOIL, unless the records in question convey statistical or factual information," the press release from the district states. "Records that contain communications between the board and its attorneys are likewise exempt from FOIL disclosure. Accordingly, the board's attorneys were required to review each of the e-mails and other documents and identify statistical or factual information that could be disclosed under FOIL. The non-factual information and attorney-client communications in the records was redacted by the board's attorneys pursuant to FOIL."

Calling the review and redaction process "time-consuming," the release issued by Bedford Central added: "Careful review of each document was necessary to ensure a thorough and complete response to the FOIL request. The board is hopeful that with

this process now completed, this litigation will be swiftly brought to closure."

From the outset, the board stated its intention to fully cooperate with the court and continues to do so.

Citing a confidentiality clause in the agreement, 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 to become superintendent of the Highland Falls-Fort Montgomery School District, Dr. Jackson also drew her \$243,461 annual salary.

Mr. Santomero did not respond to requests for comment this week, and Bedford Central officials and school board members have a policy to not comment on ongoing litigation.

The press release, however, says, "From the outset, the board stated its intention to fully cooperate with the court and continues to do so."

Bedford Central board returns Susan Elion Wollin as president

By JOAN GAYLORD

The Bedford-Central school board re-elected Susan Elion Wollin its president for the upcoming school year. At the board's reorganization meeting held earlier this month, board members also re-elected Donna Marino vice president.

"I am honored to be selected by the board to serve as their president," said Ms. Wollin. "Their vote validates the strides taken to keep the board informed about district, regional and state school board initiatives; to provide information about board meeting agenda preparation and routine communications with the superintendent; and to coordinate communications with the public, citizens who contact the board and numerous committees."

This will be the third term for both officers, who were elected by a unanimous vote of those attending, including new board member Graham Anderson. Marc Vandenhoeck did not attend the meeting.

Board members also approved the policies currently in place, a routine step taken each year, with a directive to the policy subcommittee to review the policies during the 2009-10 school year to ensure that they are current.

The request for a review was

prompted in part by Mr. Graham, who asked that the board's investment policy be amended to include a requirement that all investments be backed by the FDI C. or "the full faith and credit of the United States government." In explaining his rea-

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sons for wanting the amendment, Mr. Graham said that investments could be backed by the state government and referred to the current financial crisis in California.

"I would not want us to find ourselves in the same situation because of the credit crisis," he said.

Currently, all investments are subject to the comptroller's guidelines, said assistant superintendent for business Mark Betz, who said that the requirements were "severely restrictive." He said that while the existing policy gives the board

"the right" to invest in vehicles that are not backed by the FDI C., the board can agree to other investments without amending the policy. Mr. Betz said he would review all investments that the district currently holds and have a report for the board at a future meeting. Donna Marino, chairman of the policy subcommittee, said the suggestion to amend the policy could be raised at the next committee meeting and, if committee members agreed, an amendment could be drafted according to procedures.

The board established subcommittees, with most members continuing in their previous positions. With the departure of Barbara Grossman, Mr. Anderson agreed to join the policy and finance committees. Ms. Wollin will continue as the delegate to the Westchester Putnam School Boards Association, with Ms. Marino as alternate.

Community members will be needed for the upcoming year to serve on the citizens advisory committees, superintendent Dr. Jere Hochman said.

Commenting on the value of these committees, he said they would be looking for a balance of "new blood" and returning members who

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Wollin, Marino are to lead district board

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can provide "institutional memory." Dr. Hochman encouraged district residents who are interested in the opportunity to read the information available on the district's Web site.

While board members agreed to wait until the August meeting before formally setting goals for the coming year, after the meeting, Ms. Wollin reflected upon the ambitions of the board and her expectations.

"This year, the board of education will continue its focus on the highest levels of student achievement and on budget goals which ensure financial stability for the district's future," she said. "The board will continue negotiations with civil service employees and teachers and will begin negotiations with administrators, again with sights set on the ends of student achievement, efficiency and accountability, and fiscal responsibility."

Lawyer seeks review of Dr. Jackson documents

By JOHN ROCHE

The legal battle to find out the reason behind Dr. Debra Jackson's resignation as Bedford Central's superintendent of schools has turned into a case of have and have not, according to the attorney of the former school board member waging the fight in court.

The school district and its attorney have turned over 519 pages of documents with at least some relevance to Dr. Jackson's resignation, which took effect in June 2008. But what Bedford Central officials have not done, according to district resident and former board member Camillo Santomero, is fully abide by a judge's order to turn over relevant material, since so much of the documents have been redacted. Mr. Santomero, who this week provided The Record-Review with copies

of the heavily redacted documents, and his attorney are heading back to court next month to ask a judge to examine the documents without any redactions in order to decide if they are legally legitimate.

"We filed a motion that essentially informs the court that the school district or their attorney have not provided what we believe would be the necessary justification for these extensive redactions," said Mr. Santomero's attorney, Richard Sternbach. "We contend that at a minimum, the court should order Bedford Central to furnish nonredacted copies of these documents, and then review each of these documents in private, or what's legally referred to as in camera."

Although that motion was filed in State Supreme Court on Aug. 24,

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...er wants judge to review documents

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the district has until the end of this month to reply to that motion. This week, Edward Phillips, an attorney with Keane and Beane, the law firm representing Bedford Central, said he and the district are confident that the redactions are legally acceptable and will hold up against any court challenge. "We fully stand by them," Mr Phillips said.

Mr. Sternbach said he has never seen the level of redactions as is evident throughout the 519 pages.

The school district's attorney, however, said generally the hundreds of 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.

Last year, Mr. Santomero filed a request under the New York State Freedom of Information Law (FOIL) asking the district for all documents regarding a "certain dispute" that led to Dr. Jackson's mid-contract resignation.

Citing a confidentiality clause in the agreement, 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 in June 2007 and when she left Bedford Central at the end of the 2008 school year to become superintendent of the Highland Falls-Fort Montgomery School District, Dr. Jackson also drew her \$243,461 annual salary.

The district denied Mr. Santomero's FOIL request, along with similar requests previously submitted by The Record-Review and The Journal News.

Subject: RE: Incident at FLMS
Date: Wednesday, May 9, 2007 11:48 PM
From: Eric Marie <ericmarie@msn.com>
To: "Santomero" <ericmarie@msn.com>
Cc: "Santomero" <ericmarie@msn.com>
Subject: Incident at FLMS



From: "Debra Jackson" <djackson@bedford.k12.ny.us>
To: "Donna Manning" <dmanin62@optonline.net>
CC: "Mark Metz" <mbsmetz@bedford.k12.ny.us>, "Linda Schluter" <lschluter@bedford.k12.ny.us>, "Ken Mitchell" <kmitchell@bedford.k12.ny.us>

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Mr. Santomero, who served on the Bedford Central board in the 1990s, appealed that denial, which was also rejected by the district. He then chal- lenged the district's FOIL denials by filing an Article 78 petition in New York State Supreme Court.

Court Judge Barbara Zambelli upheld Bedford Central's decision not to publicly release the draft disciplinary charges against Dr. Jackson, ruling that they are exempt from being disclosed under FOIL. Since they were never formally filed against Dr. Jackson, disclosure of those charges would constitute an unwarranted invasion of privacy as defined by state Public Officers Law, Judge Zambelli ruled.

But in that same ruling in March, Judge Zambelli also ordered Bedford Central to produce any additional documents that may be related to the settlement pursuant to Mr. Santomero's FOIL request.

Although Mr. Santomero and his attorney criticized the district for redacting volumes of information without explaining precisely why the redactions are justified, Mr Phillips said he stands behind each and every redaction. "Any of the information that was redacted falls into one of those categories and is therefore legally exempt from disclosure," he said.

Mr. Sternbach maintains that it should not be up to Bedford Central officials and their attorney to decide what, if anything, should be redacted, but rather left up to a judge to rule on after examining the relevant documents without portions being blacked out.

"I think in this case, it makes more sense, especially from a legal standpoint, for a judge to look at the documents and decide what should or should not be redacted based on legal exemptions," said Mr. Sternbach, who also filed a motion maintaining that Mr. Santomero is entitled to attorney's fees.

Mr. Phillips declined to comment on the merits of Mr. Sternbach's request to the court that the documents be confidentially viewed in their entirety by a judge, but did say that the district plans to file its reply to that motion by month's end. "We will be responding with our own motion,"

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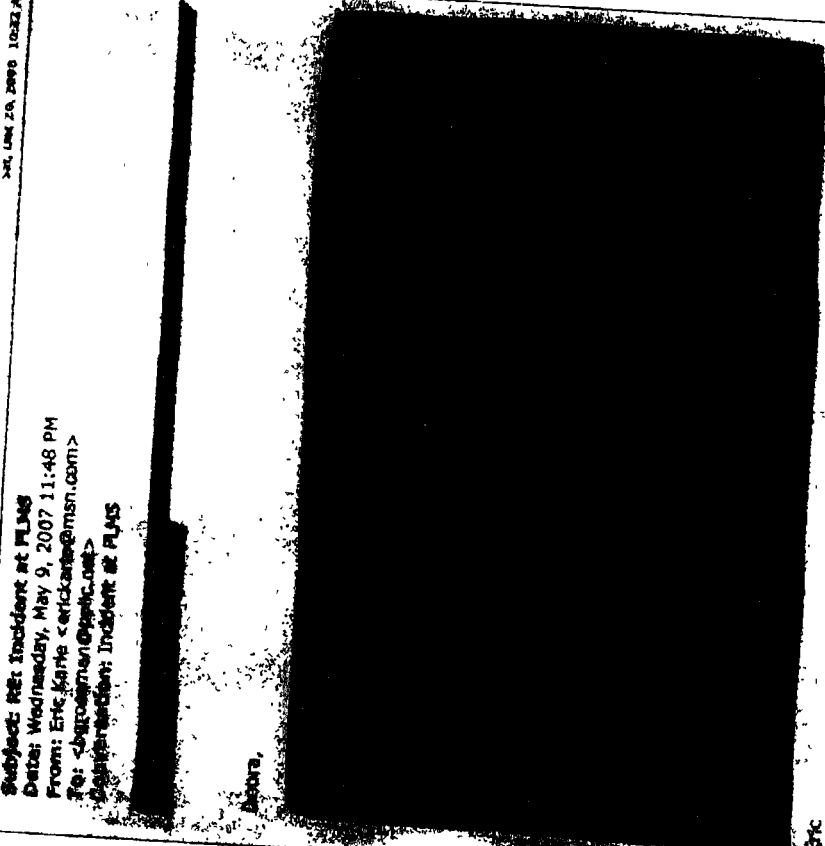
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Date: Wednesday, May 9, 2007 11:48 PM
From: Eric Karle <erickar@msn.com>
To: <bgroisman@optonline.net>
Organization: Incident at PLMS

347, 404, 2007 10:52 AM



From: "Debra Jackson" <djackson@bedford.k12.ny.us>
To: "Diana Marino" <dmarin62@optonline.net>
CC: "Mark Betz" <mbetz@bedford.k12.ny.us>, "Linda Schluter" <lschluter@bedford.k12.ny.us>, "Ken Mitchell"

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