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Bedford Central School District
The Fox Lane Campus
PO Box 180
Mount Kisco, New York 10549
Attn: Dr. Christopher Manno & Members of the Board of Education

Dear Dr. Manno and Members of the Board of Education:

I am writing as a resident and a taxpayer in the Bedford Central School District. I am also a parent of three (3) children in the district.

Dual language programs are the wave of the future in this Country. Other nations begin mandatory “foreign” language instruction for all students beginning at age 6, many of which involve pervasive and long standing dual language programs. The City of New York has over 100 such programs with plans to expand. It has been estimated that the United States as a whole has roughly 5,000.00 such programs, up from approximately 200 in the year 2000. This program should be touted, celebrated and marketed. Young affluent families are looking for programs like this when leaving big cities to move into the suburbs. We in this district have let the conversation about this program and about this district be monopolized by a small group of polarizing individuals. The Bedford Central School District’s reputation has been so sullied by this group and certain not so anonymous persons already that if this recommendation by Dr. Manno is not passed, I fear there will be no recovery.

Please also note that while I am a parent and resident in the district, I am also a litigation attorney. This is not a legal opinion letter, or any statement offering legal advice to the district and/or any individual board member. Nonetheless, I see the world in terms of liability and I have some grave concerns for our district and this board.

If the recommendation of Dr. Christopher Manno, with regard to dual language is not passed I see the potential for the district and individual board members being sued by any number of individuals and/or groups of individuals.

I do not see the potential for liability on the part of the District if the resolution passes. In my opinion, the opposition to this measure is solely based upon pre-textual rationale and any claim of harm or damage would be too remote or speculative to be actionable.

I do see the potential for the district being sued by parents of students presently in the dual language program with potentially 300 plaintiffs looking for class certification. I see the potential for this district to be sued by those families with children not in the dual language program but who wish for them to be given the opportunity. I see a trove of potential litigation against certain members of this Board for allegations of racial amiss and/or breach of an individual’s fiduciary duty to the school district as a whole.

This board's powers and duties are derived from the New York State Constitution, the laws of New York State, and the rulings of the New York State Commissioner of Education. While some board members might assume that they cannot be held personally liable for actions and votes made serving on the board,

that assumption would be incorrect and inaccurate. One might also be of the erroneous position that the school districts attorneys and liability policies of insurance would cover anyone so individually named. Some acts are not insurable, not by a school district and not be any personal liability policy.

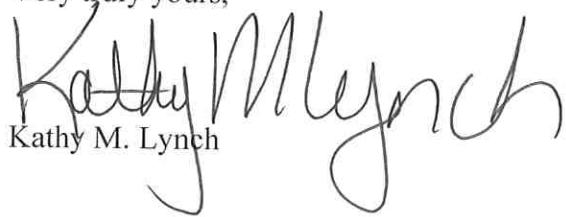
Civil rights liability is not based on the claimed negligent acts but upon deprivation of a right pursuant to official practice, policy or custom. Policy, for purposes of a civil rights action, include, for purposes of this discussion, policies and decisions officially adopted by a school board; regulations and decisions adopted and promulgated by school officials to whom the school board has delegated final policy-making authority in the particular area in question, and widespread practices of school officials which, although not authorized by adopted policy, are so common and well settled as to constitute a custom that fairly represents district policy.

There is a huge civil rights undertone in the opposition to this resolution.⁴ I am imploring you members to please be mindful of this fact and of the long term consequences for the district as a whole with your vote.

To reiterate, this letter is not a legal opinion and should not be construed as such. I do not want to spend my taxpayer dollars funding years of litigation that seriously has the potential to bankrupt the district and put us into receivership. I bring my thought process to your attention as perhaps this may not be something already considered when an analysis is made.

Thank you.

Very truly yours,


Kathy M. Lynch