



SPECIAL MEETING MINUTES

Date: December 1st, 2009

Time: 4:30 PM

Minutes recorded by: Chairperson Travis Zellner

Minutes approved on:

Interpreters: Christopher Haas and Jessica Haas

Cart Reporter: Shelley Deming

I. Call to Order:

- A. Chairperson Travis Zellner called the special meeting of the RI School for the Deaf Board of Trustees to order at 4:49 pm at the school's temporary location 110 Sherwood Ave, Warwick, RI 02888, Room (???)

Roll Call of Board of Trustees:

- B. **In Attendance:** Trustee Travis Zellner, Chairperson. Trustee Suzanne Goldenberg, Secretary. Trustee Mary Wambach, Policy Committee Chairperson.
- C. **Excused:** None

Reports:

Chairperson Travis Zellner briefly updated Trustees of ongoing legal representation issues of the Board of Trustees and the School for the Deaf. Chairperson Travis Zellner expects to address the issue of the Board's legal representation at the next Board of Trustees meeting.

Meanwhile, Deputy Commissioner David Abbott from the Rhode Island Department of Education arranged and appointed Attorney Sandra A. Lanni from Warwick, RI to represent the Board of Trustees at this meeting.

Adjourn to Executive Session pursuant to §RIGL 42-46-5 (a) (2)

- D. **MOVED Trustee Suzanne Goldenberg AND SECONDED Trustee Mary Wambach:** That the Board would adjourn to Executive Session pursuant to RIGL §42-46-5 (a) (2) at 4:52 pm for the purpose of addressing ongoing litigation. Approved unanimously.

The Board returned to Open Session at 5:10 pm.

Motions from Executive Session: Upon returning to open session, the Board reported the following vote:

- E. **MOVED Trustee Mary Wambach AND SECONDED Trustee Travis Zellner:** That the Board accepts the recommendation for contribution to the settlement of the case filed by Reginald Redding against the Board of Trustees and the Department of Education. Approved unanimously.

II. Recess to await individuals needed for remaining agenda item.

III. Special Meeting reconvened at 5:35 pm.

Pursuant to RIGL §42-46-5 (a) (1) to discuss personnel per review of RIGL §16-13-5;

Chairperson Travis Zellner stated that the subject of the personnel matter on the agenda was notified in advance in writing and advised that he had the option of having the Board hold its discussion in open meeting. Chairperson Travis Zellner inquired as to whether the subject of the personnel matter before the Board, who was present with Union representation, wished the meeting to be closed or open. NEARI Attorney John Leidecker, on behalf of Bruce Bucci, requested meeting to be open.

Chairperson Travis Zellner stated that the Board would proceed with its review, pursuant to RIGL §16-13-5 (a), in open session. Administration will present their recommendation, and then Attorney John Leidecker and Bruce Bucci will present their rebuttal.

Per request of Trustee Mary Wambach, Chairperson Travis Zellner noted record of participants:

Trustee Travis Zellner, Chairperson

Trustee Suzanne Goldenberg

Trustee Mary Wambach

Attorney Sandra A. Lanni (Temporary Representative of the Board)

Lori Dunsmore, Director

Attorney John Leidecker, Assistant Executive Director, NEARI

Bruce Bucci, Teacher

1. Director Dunsmore stated she has documentation which includes time lines and results of investigation of the complaint against Bruce Bucci for the Trustees to review after discussion of the recommendations, with the understanding that the names within the documentation will be confidential.
2. Director Dunsmore stated the following:
 - a. A complaint by a student against Bruce Bucci was made on September 11th 2009.
 - b. As of result of complaint; Bruce Bucci has been placed on administrative leave pending investigation.
 - c. She recommended the Board of Trustees accept the following recommendations:
 - i. Suspension, leave without pay, for three days which is 21 hours commencing immediately upon acceptance of recommendation.
 - ii. Enrollment and participation in after school anger management program and documentation of completion of the program to be inserted and remain in Bruce Bucci's file.
 - iii. A formal letter of his action(s) to be placed in Bruce Bucci's personnel file, where it shall remain through his employment at the Rhode Island School for the Deaf.

- iv. Bruce Bucci shall not engage or start discussions with staff or students relating to this incident and will be instructed to abide by the regulations regarding children, students and confidentiality.
3. Trustee Mary Wambach inquired of Director Dunsmore if Bruce Bucci's administrative leave was with pay or without; it is with pay.
4. Director Dunsmore passed documentation to the Board to review.
 - a. Attorney Sandra A. Lanni suggested either an oral report of the findings in lieu of documentation in order to protect the confidentiality of students or, alternatively, redaction of student names in documents submitted to the Board.
 - b. Attorney John Leidecker does not oppose redaction.
5. Trustee Mary Wambach inquired of Attorney Sandra A. Lanni if the documents submitted to Board members will be public.
 - a. Attorney Sandra A. Lanni confirmed that documents shared with a board during an open session of a public body are not confidential.
6. Chairperson Travis Zellner inquired as to Director Dunsmore's preference.

Director Dunsmore stated she prefers the students' name to be redacted and to pass the documents to the Board.

IV. Recess to redact students' name from documentation.

V. Special Meeting reconvened at 6:10 pm.

7. Attorney Sandra A. Lanni completed redaction and advised the Board to review the documents.
8. The Board of Trustees completed review and Chairperson Travis Zellner recognized Attorney John Leidecker for presentation of rebuttal.
9. Attorney John Leidecker stated the following:
 - a. What took place on September 11 was an accident and not an intentional act and certainly does not merit anger management, suspension, formal letters, and a prohibition about talking to staff which would include Union representatives.
 - b. The Board's attorney has filed documentation with the State Labor Board indicating that when Bruce Bucci was called to the office on September 11 it was not an investigatory meeting. Yet correspondence from Sharon

Salisbury to Lori Dunsmore indicates that the administration was conducting an investigation of a complaint.

- c. Bruce Bucci was therefore entitled to Union representation.
- d. Documentation written by Assistant Director Mary Smith stated that Bruce Bucci inquired for Union representation despite statements from Personnel Specialist Sharon Salisbury that Bruce Bucci did not ask for Union representation.
- e. Statements from two witnesses, Ellis Cassidy and James Smith, both indicate that they witnessed inappropriate actions. Smith stated that Bruce Bucci appeared to be angry.
 - i. Mr. Leidecker argued that it is not unlikely that a teacher whose class is interrupted, and who wants to communicate a message to a student might give the appearance of being angry, a stern look, curt voice and communicating to the student that you don't disrupt a class because that's exactly what happened.
 - ii. Attorney John Leidecker noted that evidently Bruce Bucci was not so angry to impress the witnesses to intervene or to summon Administration. He noted that Mr. Smith witnessed nothing further.
- f. Attorney John Leidecker also questioned the fairness of the investigation. Assistant Director Mary Smith made the recommendation to the Director on September 19th for discipline. Mary Smith's husband, James Smith, is one of the witnesses who supplied a statement. Mr. Leidecker therefore questioned the thoroughness of the investigation.
- g. In fact, shortly before the incident, Bruce Bucci admonished both James Smith and Ellis Cassidy that their talk was disrupting his class; however, this information is omitted from documentation.
- h. On the day in question, a student came into Mr. Bucci's class and disrupted it.
 - i. Bruce Bucci escorted the student out. While the student was retrieving his things, Bruce Bucci held the door open for the student, and the student exited.
 - ii. Bruce Bucci's eyes were on the class, and when he let go of the door, it hit the student.
 - iii. It was not a deliberate action to hurt the student.
- i. Bruce Bucci has taught at the Rhode Island School for the Deaf for 12 years and has a clean record.

- i. This was an accident. Accidents happen, and the recommended punishments do not fit the crime.
- j. Attorney John Leidecker does not diminish that the student was hit.
 - i. When the student went to the nurse, he was treated with some ice; however, the student refused pain medication.
- k. The student acknowledged that earlier in the day, the student had been hit by another student and went on with business.
- l. Pointed out timeline:
 - i. Incident took place on the 11th. All statements were gathered on the 11th.
 - ii. Investigation completed by the 14th.
 - iii. Meeting between Director (Administration), Bruce Bucci and Union Representative on the 16th on what had occurred.
 - iv. There has been no other documentation or further investigation after the 16th.
 - v. 50 days have passed and over \$20,000.00 spent on a substitute while Bruce Bucci remained on administrative leave.
- m. Bruce Bucci stated he would be willing to apologize to the parents and to the student for the accident. He regrets that it happened but it does not change the nature of what it was, it was an accident.

10. Chairperson Travis Zellner clarified to Attorney John Leidecker that the delay of the special meeting was not of anyone's fault. Various unrelated matters postponed the scheduling of this hearing.

11. Trustee Mary Wambach inquired if there were any 'black marks' in Bruce Bucci's file.

- a. Bruce Bucci replied that he has been a part of Rhode Island School for the Deaf since he was 18 years old. He has a good relationship with the student in question. There were two behavior specialists talking and interrupting his class. He had to leave the class to ask them to stop. He asked them repeatedly. He then encountered the student when he went out again, having no idea that the student had business there.

12. Trustee Suzanne Goldenberg inquired of Bruce Bucci if at any time during his tenure he has been reprimanded or received complaints from student's families or administration about his behavior in the classroom.

- a. Bruce Bucci replied, never, and that his file is clean.

13. Trustee Suzanne Goldenberg inquired of Bruce Bucci if there was ever a discussion or a verbal reproach to him of any kind.
 - a. Bruce replied, never.
14. Trustee Suzanne Goldenberg inquired what the student says at this point.
 - a. Chairperson Travis Zellner stated that the student wrote his perspective in September.
15. Chairperson Travis Zellner stated that the word ‘assault’ was a very strong word and inquired of Director Dunsmore how she determined the level of severity.
 - a. Director Dunsmore responded that all of the information was given to her based on the recommendations, and she acted on it. She has reports from the student, nurse, witnesses, and that’s how she made her determination. She reminded the Board to not forget about the student that was hurt.
16. Chairperson Travis Zellner responded that he was focusing on the student; however, he fails to recognize the severity of the incident. He questioned why the police was not called or why the parents were not participating if the incident was so serious. Chairperson Travis Zellner expressed concern regarding procedures potentially not being followed, as well as concern regarding what was presented by Attorney John Leidecker, the lack of union representation, and the current unfair labor charges with the State Labor Board.
17. Trustee Mary Wambach shared similar concerns and commented on the appropriate method for conducting HR investigations. She expressed concern that the form of questioning used, which is evident in the documentation, might suggest to the witness what was expected from them in response.
18. Trustee Mary Wambach noted that a comment from the student’s parent in the documentation does not relate to the incident, and it is a separate issue.
19. Trustee Suzanne Goldenberg inquired if Director Dunsmore at any time questioned Bruce Bucci directly as to what happened.
 - a. Director Dunsmore replied the process goes through personnel and the Director has the right to send people home with administrative leave until it’s investigated.
 - b. The investigation process was appropriate. It was handled by personnel, handled by the Assistant Director and it was brought to her attention. She was given all information as documented and she supports the recommendations.
20. Attorney John Leidecker pointed out the word ‘assault’ was a significant overstatement.

- a. The student indicated that he was not really hurt but was more upset by Bruce Bucci's yelling.
- b. As documented, the nurse did not talk about assault. She simply talked about range of motion of the student and provided ice. The student refused pain medication.
- c. By the time a meeting was arranged to question Bruce Bucci, the decision had already been made to send him home and to recommend a three day suspension.

Motion:

- G. MOVED Chairperson Travis Zellner AND SECONDED Trustee Mary Wambach:** That the Board votes to deny the recommendations in part and deny the recommendations in part. Denying the part of the recommendations of suspension, anger management, but supporting in part, in recognizing that a situation happened and putting it in Bruce Bucci's file for one year with no reprimands.

The Board members proceeded to discuss the Chair's motion.

Trustee Mary Wambach suggested that a letter that is placed in Bruce Bucci's file indicating that a discussion was held between Bruce Bucci and Administration to provide better clarity for future procedures. Trustee Wambach suggested this as an amendment to Chairperson Travis Zellner's motion. Chairperson Travis Zellner accepted the amendment as follows:

Motion:

- H. MOVED Chairperson Travis Zellner AND SECONDED Trustee Mary Wambach as amended:** That the Board votes to deny the recommendations by the Administration. Instead, a letter of notice, that an incident happened, will be placed in Bruce Bucci's file and that there will be further discussions between the director and the teacher regarding future prevention.

Discussions: None.

Motion passed unanimously.

21. Trustee Mary Wambach **MOVED** that the Board work with Administration so that if any future incidents to occur, that some of the gaps be corrected in advance.
 - a. Chairperson Travis Zellner declared the motion out of order and suggested including this on the agenda of the next Board meeting.
 - b. Trustee Mary Wambach agreed and withdrew her motion.
22. Trustee Mary Wambach requested the Chairperson of the Board of Trustees to insert under new business discussions an agenda item as to how the Board can work with the Administration regarding appropriate investigation procedures.

Motion:

- I. MOVED Trustee Mary Wambach AND SECONDED Trustee Suzanne Goldenberg:** That Director Dunsmore or Assistant Director Mary Smith writes a letter that can be shown to the public, if desired, to clarify that Bruce Bucci is restored to his full teaching position with no black mark.

The Board proceeded to discuss this motion. Upon recommendation by legal counsel, Trustee Mary Wambach and Trustee Suzanne Goldenberg concurred in withdrawing their motion.

23. Trustee Mary Wambach thanked Director Dunsmore and Administration for their work and thanked Bruce Bucci for his patience. She expects that there will be no discussions about this issue moving forward.
24. Trustee Suzanne Goldenberg noted that she appreciated Administration being concerned about the student being harmed and took action to address that.

VI. Special Meeting adjourned at 6:52 pm.

Respectfully submitted,

Chairperson Travis Zellner