The Special Meeting of the Board of Education met in the Board’s Meeting Room on the second floor of City Hall, 355 Main Street, West Haven, Connecticut on September 5, 2017. The meeting was called to order by James Morrissey, Chairman of the Board of Education at 5:00 p.m. The meeting opened with a pledge to the flag.

BOARD MEMBERS
IN ATTENDANCE: James Morrissey, Chairman
Robert Guthrie, Vice Chair
Susan Walker, Secretary/Treasurer
Patrick Leigh
Pat Libero
Karen Pacelli
Mark Palmieri
Rosa Richardson
Rosemary Russo

ADMINISTRATORS PRESENT: Neil Cavallaro, Superintendent of Schools
Dr. Anne Druzolowski, Assistant Superintendent
Matt Cavallaro, Director of Finance

LEGAL COUNSEL PRESENT: Floyd J. Dugas, Esq.
Paula N. Anthony, Esq.

The Special Meeting of the Board of Education was held on September 5, 2017 in the Board’s Meeting Room on the second floor of City Hall, 355 Main Street, West Haven, CT. Chairman Morrissey called the special meeting to order at 5:02 pm. The meeting began with a pledge to the flag. Before beginning the meeting Chairman Morrissey asked everyone present to turn off their cell phones. Chairman Morrissey stated that this is a special meeting of the Board of Education for the purpose of discussion and possible action regarding the findings, conclusions and recommendation of the independent hearing officer in the matter of Vic Hogfeldt whose termination is under consideration by the board tonight. The teacher has requested that the board hold deliberations in this matter in public session rather than in executive session; however by statute the board is only able to consider the record before it. It cannot consider any evidence outside the proceedings before the hearing officer. Therefore there will be no public comment. The board asks that the members of the public in attendance be respectful of the process and that there will be no disruptions, outbursts, boos, or applause. Anyone being disruptive will be asked...
to leave the meeting. Thank you for your cooperation. At this time Chairman Morrissey turned the meeting over to Mr. Dugas the board’s attorney for clarification.

Attorney Dugas introduced Paula Anthony an attorney from their office who actually handled the case before the hearing officer. Attorney Dugas read a brief statement about this process, what the board’s role is, and what the law says you are supposed to do and then we will turn it over to you for deliberations. At the end of your deliberations you will need to make a couple of votes and in order to insure that you complied with the applicable we drafted something for you to look at. In addition you are also required by law to issue a written determination that incorporates your vote. We have also drafted a proposed written decision for you. The decision is yours; we have done this as a convenience for you to make sure you are complying with the relevant statutory requirements.

Attorney Dugas stated to the board that they are here as an administrative or a quasi-judicial body under Connecticut General Statues 10-151 which is the statute by which terminations of teachers in Connecticut are considered. Second of all the statute sets forth a very specific process as well as the rules and responsibilities when a teacher termination is being considered. The process starts with a decision by the Superintendent and notice to the teacher that termination is under consideration and the reasons for it. The teacher is entitled to ask for a hearing and under the law the teacher is required to do this within ten days. Mr. Hogfeldt did not submit a timely request and initially was denied the opportunity for a hearing but after discussing this with Superintendent Cavallaro and considering the matter he afforded Mr. Hogfeldt the opportunity to have a hearing even though he had failed to comply with the statute. The attorney representing Mr. Hogfeldt, at the time, elected and agreed to the process whereby an independent hearing officer would be used and specifically agreed on the hearing officer that was used in this case. After the fact there were some efforts to change this but there was an agreement along those lines.

The hearing officer heard the case and made a decision. The decision has two key components:

1. Finding of Fact
2. Recommendation

You must accept the finding of fact. That is the case law. You do have discretion when it comes to the recommendation. You can accept it or you can do something different than the recommendation and that is where we are at this point. The first thing you will be asked to do tonight is to vote to accept the findings of fact. After this the hearing officer made certain conclusions; insubordination, just cause, etc. you will make independent decisions based on those and ultimately get to the recommendation. You must base your decision on the recommendation whether to terminate or not and do something else solely on the findings of fact. You cannot consider anything outside the findings of fact. Tonight Mr. Hogfeldt distributed a letter to you and if in that letter he is explaining the law as I am to you tonight you can consider that but what you can’t do is consider any new information or facts that he may offer in that letter and would ask you to disregard that aspect of his letter. It is also under the relevant case law in Connecticut that the hearing that Mr. Hogfeldt receives just as he did before the independent hearing officer a fair hearing before you. This means that before you received the
written decision that you not have made up your mind already. If you feel you have already made up your mind before you got the decision and cannot be fair you then need to recuse yourself.

Mr. Hogfeldt has requested that this hearing take place in public so deliberations will take place in public tonight and we cannot go into executive session as we normally might to discuss a personnel matter.

When you begin deliberations the first thing you should do is to vote to accept the findings of fact and then you need to get to the rest of the motions you see there so you may deliberate before getting to those. Once you feel you have a consensus you can vote on the other two items. You have to reduce whatever you do here to a written decision and we have drafted a format for you which will be self-explanatory and these are the tasks you have this evening.

Before we make this motion, Chairman Morrissey asked Attorney Dugas for the record this letter from Mr. Hogfeldt that was passed out this evening in your opinion shouldn’t be read into the record at this time. Attorney Dugas said yes there is case law that says Mr. Hogfeldt is not entitled to the right to address the board but more importantly you cannot consider anything but the findings of fact. If there was some explanation of the law in his letter and he skimmed it briefly and did not see any explanation of the law similar to what he was doing at this point in time. He certainly has the right to try and correct me on any point of law but in terms of the rest of the contents of that letter you can’t consider it you only have to consider the findings of fact. OK. Chairman Morrissey asked the board to address the Chair to have the floor and discussion will follow that thereafter.

Mark Palmieri addressed the Chair to make the motion that the Findings of Fact numbers 1 through 137 of Independent Hearing Officer Laurie Cain, contained in her August 31, 2017 decision, be and are hereby, accepted and by the Board.

Rosa Richardson seconded the motion

Discussion: None

All board members were in favor. None were opposed and no one abstained.

Motion carries

Chairman Morrissey opened the floor to board members to ask Attorney Dugas and Attorney Anthony if there are other questions from the board. Mr. Hogfeldt has chosen to have a public forum and that is why we are here this evening. He requested the board to ask any questions to Attorney Dugas and Attorney Anthony. Questions were asked by board members and responded to. Chairman Morrissey asked if there was any other discussion or questions for the board’s attorney. Seeing none he asked for a motion from the floor. Mark Palmieri stated there are three items under this motion and we will do one at a time.

Mark Palmieri made the motion that the following Conclusions of Law are made:

1. The Board finds that the Superintendent has carried his burden of proving that Vic Hogfeldt failed to demonstrate efficiency, effectiveness and competence as a teacher; Teacher’s relevant performance evaluation ratings were made in good faith in accordance with the Teacher Evaluation and Support Plan adopted by the West Haven Public Schools
pursuant to Conn. Gen. Stat. §10-151b, and are supported by the evidence presented regarding his performance.

Chairman Morrissey said a motion has been made by Mr. Palmieri is there a second.
Pat Libero seconded the motion.
Discussion: Pat Libero said it seems that all the steps were followed and there was plenty of supervision and there were plenty of opportunities given. Other advisors were involved and it seems like the evaluation process was followed.
Chairman Morrissey said there was only testimony from one side and we have to go by what the findings of fact are and that is what we are basing our decisions on. Mr. Hogfeldt did not show up for the meeting so we can only go by what we see in the report from this arbitrator; based on that the arbitrator obviously felt that Mr. Hogfeldt wasn’t doing the job that the Superintendent and administration felt that he was supposed to do. We have to go by what the findings of fact are that is the law. That is my comment; are there any other comments from this board. Seeing none the motion by Mr. Palmieri has been seconded by Pat Libero all those in favor.
All board members were in favor. None were opposed and no one abstained.
Motion carries.

Chairman Morrissey said we have motion number 2 would anyone like to make the motion.
Pat Libero made the following motion.

2. The Board finds that the Superintendent has carried his burden of proving that Vic Hogfeldt was insubordinate and violated the reasonable rules of the Board when he failed and/or refused to comply with requirements imposed under the approved Teacher Evaluation and Support Plan adopted by the Board of Education.

Motion was made by Pat Libero
Mark Palmieri seconded the motion
Discussion: Karen Pacelli said based on the findings it was stated and proven that he was insubordinate and did not follow through on what was asked in regard to the plan to work towards being a proficient teacher. Chairman Morrissey asked if there was any further discussion. He then commented that he read the report and it was very clear from the administration’s side and from the arbitrator. Once again it was only from one side but we have to go by the findings of fact and the findings of fact were that Mr. Hogfeldt was insubordinate and violated the rules of the board. We go by what we have in front of us and we have to go by what the law clearly states and that is why we are here this evening. With that said all those in favor.
All board members were in favor. No one was opposed and no one abstained.
Motion carries.

Chairman Morrissey said we have motion number 3 would anyone like to make the motion.
Mark Palmieri made the following motion.

3. The Board finds that the Superintendent has carried his burden of proving that there is other due and sufficient cause to terminate Vic Hogfeldt’s contract of employment.
Pat Libero seconded the motion
Discussion: Chairman Morrissey said that as a board we have to look at all the facts and the facts are from one side but those are the facts. Mr. Hogfeldt was afforded the opportunity to appear before the arbitrator the Hearing Officer and chose not to do so and the report clearly finds that the burden of proof was proven by the superintendent in this particular matter and with that said I will be voting obviously also on this. Is there any other discussion. Seeing none; all those in favor.
All board members were in favor. No one was opposed and no one abstained.
Motion carries.

Rosa Richardson then made a motion that based upon the Findings of Fact and Conclusions of Law, the recommendation of the independent hearing officer is accepted.
Chairman Morrissey stated that a motion has been made by Rosa Richardson to accept the Findings of Fact and Conclusions of the independent hearing officer. Is there a second?
Pat Libero seconded the motion
Discussion: Chairman Morrissey said once again he will say the same thing he said before. We go by the facts that are in front of us. Those are the facts that we see and the board has to go by what the facts are. Based on this I will also be voting on this motion for approval. Chairman Morrissey asked if there was further discussion. Seeing none; all those in favor.
All board members were in favor. No one was opposed and no one abstained.
Motion carries.

Chairman Morrissey asked for a motion to move that the following reasons are asserted for the Board’s decision in this case and to read the whole thing. Pat Libero made the following motion in its entirety.

The Board finds that Teacher is inefficient, incompetent and/or ineffective based upon Finding of Fact #s 28, 29, 30, 31, 32, 33, 34, 57, 59, 60, 61, 71, 77, 78, 79, 80, 81, 82, 89, 90, 91, 92, 105, 112, 113, 114, 115, 116, 117, as set forth in the Findings of Fact and Recommendations of the Impartial Hearing Officer dated August 31, 2017, in that Teacher failed to demonstrate proficiency in his Classroom Management and Delivery of Instruction, as evidenced by his evaluations, which were conducted in accordance with the guidelines set forth in West Haven’s Teacher Evaluation and Support Plan, which was adopted in accordance with statutory requirements in Conn. Gen. Stat. 10-151b.

The Board finds the Teacher was insubordinate against the reasonable rules of the Board based upon Findings of Fact #s 83, 84, 85, 86, 87, 93, 118, 121, as set forth in the Finding of Fact and Recommendations of the Impartial Hearing Officer dated August 31, 2017, in that the Teacher failed and/or refused to comply with the requirements of his teacher support plans under the Board’s Teacher Evaluation and Support Plan.

The Board finds there is other due and sufficient cause based upon Findings of Fact #s 45, 77, 83, 84, 85, 86, 87, 88, 93, 118, 119, 120, 121, 128, 129,130, 131, 132, 133, 134, 135, as set forth in the Findings of Fact and Recommendations of the Impartial Hearing Officer dated August 31, 2017, in that teacher failed and/or refused to obey a directive by Principal Pamela Gardner relative to attendance of a classroom observation as required by his support plan; teacher was
disrespectful to his supervisors on various occasion during post-observation meetings; and teacher failed and/or refused to comply with a directive from Superintendent Cavallaro on June 14, 2017 regarding inappropriate contact with the Board of Education during the pendency of his teacher termination hearing before the hearing officer.

Chairman Morrissey said there is a motion made by Pat Libero is there a second.
Mark Palmieri seconded the motion.
Discussion: Chairman Morrissey said for the record he will simply say this is new to this board here. He doesn’t recall another board going through a termination hearing; it is not an easy thing to do. The fact of the matter is we are elected officials required by an oath to follow what the law states. He doesn’t think anybody on this board takes solace in the fact that this hearing is taking place today or if in fact this teacher gets terminated this evening. As I said we are board members and have to come here and make some tough decisions and that is why we are here tonight. Because of the facts that were in front of us this evening we had to follow the finding of facts. Chairman Morrissey said he doesn’t take solace in anybody losing their job not at all and he is sure everybody on the board feels the same way. With that said it is not going to be an easy decision but decisions have to be made and once again will vote in favor on this particular motion. Chairman Morrissey asked if there was any other discussion from board members.
Seeing none; all those in favor.
All board members were in favor. No one was opposed and no one abstained.
Motion carries.

Mark Palmieri made a motion to adjourn.
Rosa Richardson seconded the motion.
The meeting adjourned at 5:40 PM

Respectfully submitted,

Marylou Amendola
Board Secretary