

SHELVED EDUCATOR SUES TO COME BACK

■ **Lawyer: 'Suspension'**
violates schools chief's rights

■ **Judge asks** for response
from Hempstead board

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The Hempstead school superintendent placed on administrative leave sued the school board in federal court Friday, asking a judge for an injunction forcing the board to let him return to work immediately.

Shimon Waronker, who became schools chief in early June, was put on leave with pay seven months later in a 3-2 board vote on Jan. 9.

The decision to shelve Waronker was by the three trustees who hold a majority on the five-member panel — David Gates, LaMont Johnson and Randy Stith.

Frederick Brewington, the Hempstead attorney who represents Waronker, challenged the legitimacy of the board majority's decision.

He argued in papers and in court before U.S. District Court Judge Denis Hurley in Central Islip that what he called "the suspension" violates Waronker's First Amendment right to speak out about longstanding problems in the district and his 14th Amendment right to due process before being disciplined.

Austin Graff, the Carle Place lawyer representing the district, told Hurley that Waronker must be kept off school property and away from school computers while the district conducts seven separate investigations of him.

Graff then listed those seven claims, to which Brewington responded, "This is the first I'm hearing of it."

Hurley said the issues were too complex for him to reach a decision on the spot. He asked

Graff for written motions in response to Brewington's filings and said he will rule after further argument in court Tuesday.

One of the issues Hurley grappled with was whether Waronker is being harmed if he's being paid while on leave. If not, the judge suggested there may be no grounds for an injunction.

But Brewington said Waronker is sustaining damage to his professional reputation as long as he is prevented from working, and he added that the district's students are harmed every day he's not at work.

For more than 20 years, Hempstead has suffered from abrupt and repeated changes in leadership that often have left the 8,000-student district in chaos. Board control frequently shifts in annual elections, and changes in board leadership inevitably result in the firing of old administrators and hiring of new ones.

Waronker, 49, was hired at a \$265,000 annual base salary on a four-year contract by Hempstead's former board majority. Those voting in favor in that 3-2 decision included the current president, Maribel Touré, and vice president, Gwendolyn Jackson. At the time, Waronker voiced confidence that his experience in raising students' academic performance and defusing gang violence would produce positive results in his new job.

He started work June 2 and moved quickly toward a management shakeup — for example, replacing the high school principal, Stephen Strachan.

The new schools chief also arranged a \$450,000 contract between Hempstead and a Brooklyn-based nonprofit agency that he had founded, the New American Initiative, to help in revamp-



Waronker

DANIELLE FINKELSTEIN



Brewington

JESSICA ROTKIEWICZ

ing classroom instruction.

Graff said in court it's possible that Waronker rigged the bid to ensure the agency got the contract. But Brewington said Waronker was always open about his role at his former agency and did not benefit from the deal.

Waronker said change was essential to turn around a district that had come under scrutiny by the state Education Department for low high school graduation rates.

The changes drew criticism from residents and others.

Waronker had lost support of the board's majority after state Education Commissioner MaryEllen Elia ruled in November that trustee Johnson, the panel's former president, had been removed illegally by the former majority.

On her order, Johnson was reinstated, giving him and allies Gates and Stith the majority, and leaving Touré and Jackson in the minority.

The new majority began picking apart Waronker's initiatives in December, voting to cancel the contract with New American Initiative and to fire four "master teachers" that the superintendent had brought in.

Waronker struck back on the weekend of Jan. 8, posting a letter on the district's website that accused Gates, Johnson and Stith of undermining his leadership. That letter has since been removed from the website.

The board this week fired two others Waronker had brought in — Deputy Superintendent Varleton McDonald and Kenneth Klein, who was Hempstead High School's principal. The panel immediately rehired Klein as an administrator on special assignment.

The board rehired Strachan as the high school's principal.