

Shelved Hempstead schools chief sues for reinstatement

The attorney for Shimon Waronker says the school board's act in placing him on administrative leave violates his rights to free speech and due process.



Hempstead schools Superintendent Shimon Waronker at a special meeting of the school board on Jan. 9, 2018, the night of the panel's 3-2 vote placing him on administrative leave. Photo Credit: Danielle Finkelstein

By Andrew Smith and John Hildebrand

andrew.smith@newsday.com, john.hildebrand@newsday.com  @ziptron

Updated January 19, 2018 8:39 PM

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.”

Sign up for the Power on Trial newsletter

Get our insider's look and analysis of the key moments in the Mangano-Venditto trial.

Sign up

By clicking Sign up, you agree to our [privacy policy](#).

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 afternoon.

One of the issues that 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 – a 3-2 vote that included the current president, Maribel Touré, and vice president, Gwendolyn Jackson. At the time, he 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 revamping 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 immediate change was essential in turning around a district that had come under scrutiny by the state Education Department for high school graduation rates that are among the lowest in the state.

The changes drew criticism from community residents and others, many of whom work in the district or have relatives working there.

In November, Waronker lost his support of the board's majority after state Education Commissioner MaryEllen Elia ruled that trustee Johnson, the panel's former president, had been removed illegally by the old 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 to help with staff training.

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 also rehired Strachan as the high school's principal.

By Andrew Smith and John Hildebrand

andrew.smith@newsday.com, john.hildebrand@newsday.com  @ziptron

Andrew Smith has worked at Newsday since 1993 and has been involved in court coverage as a reporter or an