

Subject: FW: [BoE Email] - PIA request
Date: Wednesday, July 5, 2017 at 12:27:24 PM Eastern Daylight Time
From: Cynthia Vaillancourt
To: Michael Martirano, Karalee Turner-Little
CC: akittleman@howardcountymd.gov

From: Cynthia Vaillancourt
Sent: Wednesday, July 05, 2017 10:15 AM
To: [REDACTED]
Cc: Kathleen V. Hanks; Mark Blom; Joan R. Fox; Bess Altwerger; Christina Delmont-Small; Christine O'Connor; Cynthia Vaillancourt; Kirsten Coombs; Mavis Ellis; Sandra French
Subject: FW: [BoE Email] - PIA request

From: [REDACTED]
Sent: Thursday, June 29, 2017 1:12 AM
To: BoE Email; Howard Public Education List; Superintendent; akittleman@howardcountymd.gov; Kathleen V. Hanks; Student Board Member; Linda T. Wise; HCPSS MPIA Requests; [REDACTED]; Joan R. Fox; Cynthia Vaillancourt; office@ptachc.org; Kirsten Coombs
Subject: [BoE Email] - PIA request

Good Afternoon [REDACTED]

I have been following your correspondence with the new MPIA officer. It appears to me she has been trying to provide you with the documents that you have requested, at least to the extent that they actually exist.

The MPIA generally involves documents. Your correspondence, however contains questions that do not necessarily have corresponding documents. I hope it is OK with you if I try to provide answers to the questions that appear to remain. I know there are folks in the community who do not follow every move of the Board of Education or the HCPSS who are also interested in the answers to these questions. We have tried to put this information out, but perhaps this will help fill the holes you have identified.

Specifically, you have questions about the Separation Agreement with the former Superintendent. This document has been shared with a number of people, yourself included. It includes the specifics of the payments, how they were determined and the schedule under which they will be receive. You also have questions about how these payments will be funded.

The separation agreement with the former superintendent includes payments that will be made over the next three years. The initial sums that were paid came from the budget and additional funding provided by the County Executive. As you no doubt recall, there were sums slated to be transferred to the fixed charges category to pay down the deficit in that category. Those amounts were reduced in order to keep sufficient funds in the salaries category to fund the initial payout. All fy 2017 expenses were paid out of the fy 2017 budget. All future costs involved are included, or will be included, in the approved budget for the appropriate year.

You have also asked about how the interim Superintendent was identified, and the timeline of the Board of Education's activities around searching for an interim replacement for the now former superintendent. You suggest that there was a secret process over a period of time. That is not the case.

I believe most of the Board Members had been on the lookout for a suitable replacement for the superintendent in the event there would be a parting of the ways. I know I was. There was no search. When the now former superintendent's departure was imminent, one of the considerations of the board was whether we would be able to find a suitable replacement for the interim period while we conduct a complete search. We considered internal candidates, and others with experience within HCPSS who would be able to step in, get up to speed quickly, and were fully qualified with superintendent experience.

Dr. Martirano's departure from West Virginia was well known to folks in HoCo and education in Maryland. Many of the Board Members had either met or heard of Dr. Martirano in the past. His qualifications are extensive, his HCPSS and HoCo roots and experience, and his references all fit our immediate needs. As far as I know, he is not related to anyone within HCPSS or the Board.

I can tell you that I attended a seminar at Marriotts Ridge High School several weeks before the departure of the now former superintendent where Dr. Martirano was coincidentally the keynote speaker. I was very impressed. I shared that experience with my colleagues. Others were also contacted and considered. If they choose to come forward to identify themselves, that is their prerogative. Others also contacted various Board Members offering their services. The Board did not conduct a search or make any offers prior to concluding the negotiations with the former superintendent.

When the separation agreement was finalized and we were free to speak to potential candidates, on behalf of the Board I called the candidates we had discussed.

On the morning of May 2, I called Dr. Martirano and asked if he would be available to come to Ellicott City to discuss the possibility of becoming the interim Superintendent. He agreed and met with the Board that afternoon.

In a closed meeting May 2, the Board voted to offer Dr. Martirano the position of "acting" superintendent while it evaluated the options and process available to choose an "Interim Superintendent" within the timeline required by the Statute. The Board signed a contract with Dr. Martirano for the immediate position of "Acting" Superintendent at the next Board Meeting, which I believe was May 4.

The Board then considered the options for conducting a search for an "Interim Superintendent" with a term that would be required to run from July 1, 2017 through June 30, 2018. After considering all the factors involved, we determined that the most reasonable course of action was to offer Dr. Martirano the one year Interim position, and direct our resources and attention to the process that will begin in the Fall to search for a "permanent" Superintendent whom we will be required to give a four year contract.

The Board and Dr. Martirano concluded negotiations and signed a one year contract at the June 22, 2017 Board meeting. The contract that was signed has been made available to the public, and to you, I believe. All the details of the compensation and terms of his employment are included.

You have also suggested that there were public funds used to pay the personal expenses of Board Members relative to the lawsuit filed against us in our individual capacities by the now former superintendent. This is an interesting take on the situation, but inaccurate.

Individual Board Members have immunity from these kinds of lawsuits, and never should have been included in their individual capacities. The Board Members in their individual capacities had already been dropped from the lawsuit prior to the separation agreement. That is a matter of public record. Sadly public money was used to defend the Board and the Board Members in the lawsuit that was brought against us. It was a terrible waste of resources. There are no "receipts". The costs incurred by the Board of Education for the totality of the litigation and other actions taken by the now former superintendent are public record. I don't know if there is a separate accounting for the expenses that can be attributed solely to resolving the matter of individual board members being immune from this kind of litigation.

Finally, this board and this Board Member (me) have tried to be responsive to your emails and MPIA requests, and provide answers to your questions. The HCPSS MPIA Office is absolutely going to be responding to MPIA requests in the spirit, and not just the letter, of the law. However, you frequently combine general information requests with requests for documents. Where there are no documents responsive to your information requests, that means the MPIA Office can't send you any documents. Where you have general information questions, I am happy, as the Board Chair or as an individual Board Member, to try to provide the information you seek.... even where it doesn't fall strictly under the MPIA.

It is clear you are frustrated with how this all unfolded. I dare say the rest of the Board and I might actually have found this whole process somewhat more frustrating over the past several months. I will continue to do my best to respond to your requests for information. I am also confident that the new administration will also do its' best to be responsive to your requests. Please feel free to continue to copy me on anything you send to the MPIA office. If I can figure out what you are looking for, I will be happy to try to help.

Sincerely,

