



West New York Board of Education

6028 Broadway
West New York, NJ 07093-2808

John N. Fauta
Superintendent

Office: (201) 553-4000 x8005
Fax: (201) 865-2725
Email: jfauta@wnyschools.net

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for success in an ever-changing world.*

September 26, 2014

Monica Tone
Interim Executive County Superintendent
Hudson County
595 Newark Avenue
Jersey City, NJ 07306-2394

Re: West New York Board of Education Safe Route

Dear Ms. Tone:

As the Superintendent of Schools for the West New York Board of Education, I am compelled to respond to the specious allegations made by West New York Town Attorney Donald Scarinci regarding the issue of the safety of the pupils of the West New York School District. I will respond to each of his claims below:

Mr. Scarinci states in his opening paragraph:

"... Fauta, is refusing to provide transportation to school children, which has resulted in significant public safety concerns for the Town of West New York."

In accordance with state law, N.J.S.A. 18A:39-1, all public elementary school students (grades K-8) who live more than two miles from their school are entitled to transportation. Since the Town of West New York is no larger than one square mile, the District is not required to provide transportation.

Mr. Scarinci states in the following paragraph:

"...Fauta has temporarily closed an elementary school and opened a substitute facility some distance from it. The new facility requires children as young as Kindergarten age to walk an additional eight to ten blocks to reach their classrooms."

As you are aware, the School Development Authority has determined under its authority to renovate H.L. Bain School to address life safety concerns which would necessitate the vacating of the building during the construction period. Further, the Board had immediate and legitimate concerns for the safety of the children and the public at large based upon the deteriorating portions of the exterior parts of the school. As such, I, as the Superintendent of Schools, determined to relocate the students and staff to the newly acquired former St. Joseph High School exclusively for the safety of the said students and staff. Further, if I were to wait until the following year to relocate these students, I would have nowhere to place them as the former St. Joseph HS would

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have been occupied with current Memorial High School students. This relocation does not require any student to walk more than two miles.

Mr. Scarinci states in the following paragraph:

"...WNY has redeployed crossing guards and added extra police to the areas around the route, many parents say that this is not enough and have requested bussing for their children. Superintendent Fauta has refused to bus these children."

The District requested a meeting with Police Director Antolos to discuss crossing guard needs for this relocation during the summer. At the said meetings, a decision was mutually reached that 11 additional crossing guards would be needed to establish safe passage to the relocated school. The Town was unable to provide the additional crossing guards as they were under a hiring freeze for new personnel. They did, however, redeploy the existing crossing guards along the two most common routes to the new location. The Town also asked the District to purchase 20 traffic signs along the route, and in good faith, we complied with their request. The District through the shared service agreement with the Town has volunteered to pay for one additional police officer at the new location to assist in the arrival and departure of the students.

With regards to the refusal of the Superintendent to provide transportation, the administration on January 16, 2014, held a H.L. Bain School Renovation/Relocation Meeting that was very well attended by parents. At that meeting, the issue of transportation was discussed at length and parents were made aware that transportation would not be provided. During the meeting, there was a lengthy question and answer session where the transportation laws were explained. Throughout the summer multiple meetings were held at the Board of Education office at which no more than 12 parents at any given meeting were present. In fact, at some of those meetings there were more concerned citizens without children in the District present than parents of children affected. As a result of those meetings, I honored some parental requests to transfer some students to other neighboring elementary schools within the District.

Mr. Scarinci states in the subsequent paragraph:

"After hearing the complaints and concerns of parents of the young children involved, the Mayor and Commissioners agree that there are legitimate safety concerns resulting in this school closing. It is clear that Superintendent Fauta did not fully consider the risks to children when he made the decision to close the school."

The Town Fathers knew of the closing of H.L. Bain long before August 2014. In fact, the school administration has held ongoing meetings with the Town's Administration since February 2014 in order for the Town to prepare for safe passage of students walking to school. At no time did any Town Official advise that the Town considered any walking route an unsafe route. If such a determination was made by the Town, which is its obligation under the law to perform, then that issue should have been addressed by the Town seven months ago, not at the start of the school year. If the Town is now making a safe routes claim, that the Town take notice that, for the safety of the children, that the Town takes its lawful action to resolve the issue. In response to Mr. Scarinci's claim, the safety of students and staff has always been paramount and the driving force for the relocation during the construction period.

Mr. Scarinci states in the following paragraph:

"...the Mayor and Board of Commissioners sent a letter to the Superintendent. The Mayor addressed this issue in person at a Board of Education meeting on or about September 11, 2014. The Commissioners ultimately adopted a resolution in accordance with N.J.S.A 18A:39-1.2, at the September 17, 2014 Commission Meeting which authorizes my office to negotiate a shared services agreement with the Board of Education to provide a solution to this problem."

On September 8, 2014, I received a hand delivered letter from the Mayor dated September 3, 2014, "demanding" that I reconsider providing bussing. On September 8, 2014, my designee hand delivered a letter to the Mayor requesting a meeting to discuss the issue. My request for a face to face meeting went unanswered. The Mayor did attend the September 10, 2014 Board of Education meeting. At the meeting, the Mayor thanked the Superintendent for entering into a shared service agreement with the Town to provide bussing. On September 11, 2014, the administration of H.L. Bain School sent home a survey letter to parents regarding their desire to receive transportation services. On the morning of September 17, 2014, a draft copy of the shared service agreement was sent by the Business Administrator to the Town Attorney for their review and comments. In turn, they immediately responded that they would get back to us "ASAP". As of the 17th, we had already received 424 requests for transportation from the parents. The District's in house counsel, Mr. Roth, has discussions with Mr. Scarinci regarding a "wrap-around" program once we found out that the Town was only going to fund us \$100,000 which would not cover the cost of providing transportation to all the students who had requested transportation. I have requested a copy of the final adopted shared service resolution from the Town Clerk's office as I was informed that it may have changed during the Commissioners Meeting. I am still unsure whether or not the Town would be amenable to utilize the \$100,000 to fund the "wrap-around" program as those funds would be insufficient to provide transportation to the all the students that requested bussing.

Mr. Scarinci states in the following paragraph:

"...Fauta continues to refuse to provide bussing. Instead, Mr. Fauta has responded to the City's offer of assistance with an accusation that the City is "meddling" in the administration of the School District and has once again threatened to report the City Commissioners to the Department of Education as he has in the past. Superintendent Fauta's assertion of City interference with school administration once again is false."

As stated above the \$100,000 is not sufficient to provide bussing and I have in good faith worked with the Town for alternative solutions to this issue. In response to the "meddling" comment, this in reference to Mr. Scarinci contacting one of my employees without seeking my authorization to speak to my staff member. I am honoring the findings of the Office of Fiscal Accountability and Compliance report dated April 19, 2013 to protect my staff member and Mr. Scarinci.

Mr. Scarinci states in the following paragraph:

"The City has repeatedly acknowledged that the decision to provide school bussing is the Superintendent's sole decision to make. However, as Superintendent Fauta's false accusations in the past have painted the City in a false and negative light to the Department of Education, we wish to avoid the same thing from happening again."

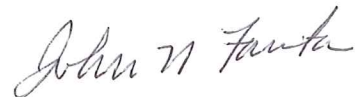
As stated previously, under these circumstances the district is not required to provide transportation to the affected students. If Mr. Scarinici's allegation is referring to the OFAC report, I support the findings and I am compelled to follow the mandates of the report. I always welcome the town's input to make the school district better.

Mr. Scarinici states in the final paragraph:

"We respectfully request that your office intercede in this matter and assist the City and Superintendent Fauta, to develop a satisfactory plan that will protect the safety of our residents."

Again, if the Town is determining that the routes are unsafe, then it is the Town's legal obligation to take action. Since all efforts by the District Administration to have fruitful discussions with the Town have turned into the Town pointing fingers at the District's Administration, I am requesting that your office direct the Town to perform its legal obligations to the residents of West New York.

Very truly yours,



John N. Fauta
Superintendent of Schools

C: Kevin Franchetta, BA/BS
All Board Members
Donald Scarinici, Esq.
Mayor and Town Commissioners