

## District lawsuit will try to halt vote

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The Rochester City School District will sue to block a city referendum aiming to dissolve the school board, claiming the move by Mayor Lovely Warren and City Council is illegal.

The school board voted Thursday night to approve the lawsuit. According to that resolution as well as paperwork served to the city on Friday, the planned November ballot question is an “advisory referendum” — essentially a poll question and therefore impermissible under state law.

Warren on Friday called the district’s action “shameful” and a “Hail Mary play.”

“What the school district has just shown is they don’t care what parents want,” Warren said, addressing the media outside her office at City Hall.

Warren met with new Superintendent Terry Dade for the first time on Friday morning, and said that Dade did not mention the lawsuit. On his way out of her office, she said, he crossed paths with the person serving the official papers for the lawsuit.

The referendum would technically ask voters to approve removing a section of the City Charter regarding “commissioners of education” altogether. The city argues that and related changes proposed to the Charter makes the referendum legal, and allow the city to put it on the ballot.

In her message to the Council before it voted in June, Warren said the purpose was to ask residents “if removal of the (school board) ... to allow the state Commissioner of Education to

institute necessary processes and procedures would provide a better educational outcome for our city students.”

The district attacks the ballot measure as an illegal, advisory referendum, claiming it is not truly an amendment to the charter, being contingent on the state changing education law; that the state action lies outside the city’s authority; and that because passage of the referendum carries no legal consequence, it is “a transparent attempt ... that avoids governmental responsibility and shifts the burden of a decision to a public poll.”

Actually removing the board would be contingent on the state Legislature.

In separate tweets on Friday, Sen. Rich Funke, R-Perinton, sided with Warren, calling the school board action “a serious error.” City officials declined to publicly discuss legal strategy. But a possible avenue will be to challenge whether the district has standing to bring the lawsuit. That is, what direct harm would the district suffer if the referendum ends up on the ballot?

elected board,” Sheppard said. “With the recent attack on our ability to strengthen our public education system ... we’re all standing as one body around these efforts.”

City Council President Loretta Scott said she was “puzzled” by the district’s opposition to the referendum.

“What it implies is that they don’t have confidence in Rochester voters to take a look at this issue and make a decision,” she said. “That’s fundamental to democracy.” *BDSHARP@Gannett.com*  
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The most obvious harm would come if the Legislature voted to disband the board, an action that the referendum would not directly trigger. The district, in a legal brief, defended its position, asserting the referendum was threatening the district's rights or setting in motion a process that would do so.

The district also criticized Warren for having spent \$10,000 to send out a letter that school officials claimed was, in essence, a request for a 'yes' vote on the referendum. That, too, is illegal, the district argues, and the court should step in to prohibit any further, similar efforts.

Warren maintains she was not advocating but educating.

The district argued the question must be resolved by Aug. 5, the county Board of Elections deadline to place it on the ballot.

Board member Natalie Sheppard said the referendum push was "just drama" that distracts from the work the board is doing to improve the school district.

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**Rochester Mayor Lovely Warren announces a citywide referendum on a proposed state takeover of the RCSD. BRIAN SHARP**

**"Nobody is going to be, or should be, fighting harder for high quality education than a community-elected board. With the recent attack on our ability to strengthen our public education system ... we're all standing as one body around these efforts." Natalie Sheppard**

Rochester City School District board member