

City school board rejects Vargas' offer

JUSTIN MURPHY

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Rochester School District Superintendent Bolgen Vargas offered last week to drop his lawsuit against the school board in exchange for a two-year contract extension but was rebuffed, according to three sources.

The sources spoke on condition of anonymity. Neither Vargas' lawyer, Steve Modica, nor school board president Van White would comment on the specifics of closed-door discussions regarding the dispute.

Vargas' current contract expires at the end of the 2015-16 school year and pays him \$195,000 a year. An extension would have represented a vote of confidence by the school board in a highly uncertain situation and a concession by Vargas on a point of law and principle.

The estrangement between the school board and Vargas surfaced March 3 when the board voted unanimously to abridge his hiring and firing powers, particularly relating to his 32-member nonunion executive team, the Superintendent's Employment Group (SEG).

The board argues that the scope of the superintendent's authority has mushroomed over the years beyond what state law dictates. It also voted to remove some broader personnel and contract-signing power.

Vargas responded the following day with a notice of claim to sue the school board, alleging that it had violated state law and his contract. The question revolves around how to interpret a state law on SEG hiring procedure written specifically for the school district in 1997.

The offer from Vargas would have settled the dispute with the board and let him keep his job. Now, he has to wait until April 4 to formally file his lawsuit.

Before that happens, the school board can request a pre-motion, closeddoor hearing to question Vargas on the basis of his lawsuit. That testimony could be used in court if the matter gets that far.

"I think we've made some progress in our conversations about getting these issues resolved," White said. "At some point, the district, the board and Dr. Vargas will have to be decisive about what needs to happen next. For its part, the Board Of Education will not allow this matter to linger in such a way that it hurts the students, families and staff of this district."

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