

# Vargas to sue board after vote

## City schools' superintendent was stripped of some powers

**JUSTIN MURPHY**

STAFF WRITER

Rochester School District Superintendent Bolgen Vargas will begin legal action against the school board Wednesday morning after it voted Tuesday night to strip him of some hiring and firing power. Vargas' lawyer, Steve Modica, confirmed the plan Tuesday night after the vote. It marks a startling flare-up in relations between the superintendent and the board.

At a special meeting Tuesday, the school board unanimously approved a resolution that could remove some of the employees from Vargas' high-up non-union team, the Superintendent's Employment Group (SEG). There are currently about 30 people in that group, including assistant superintendents, school chiefs and other top-level administrators.

School board President Van White said the group also includes people who do not belong there. He declined to specify which positions he was referring to, and the district could not im

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mediately provide a list.

The membership of that group is dictated by state law, which limits it to "associate, assistant and district superintendents, and other supervising staff who are excluded from the right to bargain collectively." The resolution would allow the board to hire a firm that would determine how many of the current SEG members actually fit that description.

"Over a period of decades, the role and responsibility of the superintendent has gotten out of sync with what the statute says superintendent should have the power to do," White said. "This is an attempt at statutory housecleaning."

The board also unanimously approved a resolution that would lessen his ability to execute contracts and make essentially unilateral decisions on employment for educational and non-educational employees.

Vargas last month asked the state for the power to add more administrators to the SEG over the wishes of the administrators union. Modica, his lawyer, wrote a letter to the school board's attorney in advance of Tuesday's meeting to protest the proposal.

"I have advised Dr. Vargas that the proposed board resolutions are illegal and will severely impair his ability to manage the district," Modica wrote. "Left unchallenged, they will impair him and future superintendents (and his colleagues in other large districts) from executing their responsibilities as CEOs. Although we hope that legal action is not necessary, I want you to be aware that we are prepared to litigate this matter to vindicate Dr. Vargas' rights if he authorizes us to do so."

White rejected the notion that the board's action would be a rebuke to the superintendent, particularly in his disagreement with the administrators union. He said he couldn't remember whose idea the resolution was originally, a notion Modica called "curious."

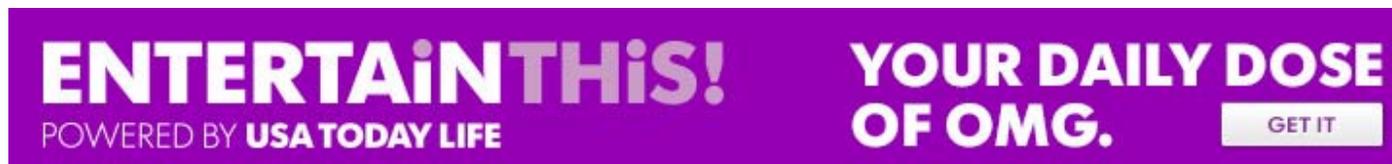
"That was the last thing on my mind," White said. "I'm not trying to make something easier for Vargas or for (the administrators union). I'm trying to make this district better."

District spokesman Chip Partner said Vargas would not comment except through Modica. The school board is represented by the

Buffalo firm Hodgson Russ and pays its legal bills with district money.

Told of Vargas' plan to file a notice of claim for a lawsuit, White said: "It's unfortunate that when I call Dr. Vargas, he says, 'Talk to my lawyer.' I hope that tomorrow he'll talk to the board. That's the only way for us to serve the kids."

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