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CITY & REGION

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THE BUFFALO NEWS

Thursday, February 14, 2008

Board limits scope of McKinley probe

*To focus on suspension;
coach's firing dropped*

BY PETER SIMON

NEWS STAFF REPORTER

The Buffalo Board of Education Wednesday night narrowly reaffirmed its earlier decision to investigate the lengthy suspension of McKinley High School senior Jayvonna Kincannon.

But unlike the previous resolution it replaces, the motion passed Wednesday does not call for an investigation of the dismissal of Michelle Stiles as volunteer assistant basketball coach.

In addition, the board this time left open the possibility that the probe will be handled largely by the state, and not necessarily by a private investigator.

The decision to narrow the focus of the investigation was prompted largely by board President Mary Ruth Kapsiak, who said it should deal with the suspension of Jayvonna, "and that's it."

Supporters of a broader investigation said a probe of the suspension will naturally spill over to the dismissal of Stiles. But for the time being, the board will move forward with a resolution — passed by a vote of 5 to 3 — that is substantially more limited than the one it

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John Hickey/Buffalo News

Samuel A. Herbert speaks during the Board of Education meeting Wednesday addressing the McKinley High School situation.

Legality of board's previous vote questioned

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replaces.

North District board member Catherine Nugent Panepinto — who sponsored both resolutions — said she sought a re-vote Wednesday because of questions about the legality of the previous 6 to 1 vote, which was taken at a special meeting last week called to deal with an unrelated matter.

Voting in favor of the investigation Wednesday night were Panepinto, Pamela Perry-Cahill, Christopher Jacobs, Lou Petrucci and Kapsiak. Voting against it were Catherine Collins, Vivian Evans and Florence Johnson. Board member Ralph Hernandez did not attend the meeting.

Superintendent James A. Williams, as he did last week, said he supports the investigation.

"I welcome it," he said. "That's it." Then he walked away without further comment.

Jayvonna was suspended for

seven weeks — later reduced to five weeks — for using her cell phone in school to arrange to speak at a Board of Education meeting to protest the dismissal of Stiles.

Stiles was let go after questioning why James Daye, a McKinley coach, was visiting the home of a girl basketball player. Stiles said she dropped the issue after learning that Daye was there to see an adult relative of the player.

Collins said the school district has competent staff members who could review the suspension and dismissal, and that "it does not sit lightly with me" to hire outside investigators. "I would hate to see us expend a lot of funds," she said.

Evans and Johnson said they favor an investigation, but that it should only follow advice from the state Education Department or the district's Ethics Committee, which is comprised of nonboard members.

"This board — this board — will get to the bottom of it," Ev-

ans said. "But we will do it systematically."

Kapsiak said she is awaiting direction from the state Education Department, and has been told by a department staffer — who she did not name — to direct board members not to discuss the case with the media.

"No person — absolutely no person — on this board is to make any comments to the press at all," she said. "From this minute forward, it's not to be discussed."

Panepinto refused to amend her motion to include a gag order.

"I don't even think you can do that," she told Kapsiak.

In addition, Collins blasted board members who reportedly leaked information from a closed-door executive session to The Buffalo News, and offered a motion to end executive sessions until the Ethics Committee determines who the leaks came from.

"We should never — we should never — divulge any in-

formation given to us in confidence," Collins said. "I would be up in arms if I worked for this district."

Closed-door executive sessions are allowed by state law under narrowly defined circumstances. The Board of Education has been criticized several times in recent years for meeting in closed session to discuss issues that should have, under state law, been aired in meetings open to the public.

Collins' motion was referred to the board's Executive Affairs Committee, which meets next Wednesday.

Earlier, in the speaker's portion of the meeting, Samuel A. Herbert said Jayvonna acted with a sense of "justice, reason and common sense" when she spoke up for Stiles.

"I'm very proud of this young lady," he said.

e-mail: psimon@buffnews.com