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CITY & REGION

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THE BUFFALO NEWS

Wednesday, February 27, 2008

Board's role in McKinley probe raised

Critics say it should give attorney parameters for investigating controversy

By PETER SIMON

NEWS STAFF REPORTER

The attorney the Buffalo Board of Education is expected to hire tonight will not only investigate the McKinley High school controversy but have a major voice in deciding its boundaries.

David L. Edmunds Jr., the investigator, this evening is scheduled to present a formal proposal to the board on the scope of the probe. That development has sparked a new controversy surrounding the suspension of McKinley senior Jayvonna Kincannon.

Critics say the board should tell

Edmunds what it wants him to look into and it is shirking that duty by relying heavily on him for guidance.

"It's the board's responsibility to explicitly define the scope," said Jack Coyle, a former board president. "Anything short of that is an abdication of responsibility. I don't think an outside person should tell the board what they should be looking for."

Supporters of the board's approach said it is reasonable — and even desirable — for Edmunds to make suggestions on defining the in-

vestigation.

"I always yield to the professional," said the Rev. Kinzer Pointer, past president of the District Parent Coordinating Council. "You need guidance as you move forward on this. You rely on his professional judgment."

The scope of the investigation is a key element in the case.

The board is seeking to decide whether it will focus largely on Jay-

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Elements of probe are still uncertain

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vonna's suspension, and to what extent, if any, it will also examine these elements:

- Michelle Stiles' dismissal as volunteer assistant girls basketball coach at McKinley.

- Stiles' removal from the stands at a McKinley girls basketball game last week.

- A sampling of other suspensions that would put Jayvonna's seven-week suspension — later reduced to five weeks — in perspective.

North District Board Member Catherine Nugent Panepinto said the board appears poised to "hand [the investigation] over completely with no parameters set."

"You have to tell an investigator what you want him to do and tell him the scope of it," she said. "I think it's an abdication of our responsibility to turn that over to an attorney who really has no more authority than any other lawyer in town. Certain board members, for whatever reason, just want to put his behind them."

West District Board member Ralph Hernandez said he favors a broad probe and expects the board to signal that by giving Edmunds the authority to explore issues "related to" Jayvonna's suspension.

"It's virtually impossible to think that all of these issues aren't intertwined," Hernandez said. "I assume [Edmunds] is aware of that. There are no off-limits. I just don't want to tell him: 'Do this, but don't do that.'"

Board President Mary Ruth Kapsiak declined to comment.

At a meeting Monday evening, Panepinto urged the board to interview other potential applicants before formally retaining Edmunds as the investigator. She said interest was expressed to her by attorneys Edward J. Taublieb, Andrew J. Freedman, Maryann Saccomando Freedman, Mark G. Pearce, Jennifer Persico and Cheryl Meyers-Buth.

In addition, Panepinto said, she received inquiries from the University at Buffalo, Canisius College and Niagara University.

Other board members said they were happy with the selection of Edmunds — who is expected to be formally appointed this evening — and that it is time to move forward with the actual investigation.

"It's done," Board Member Catherine Collins said of the appointment. "It's over with. I don't see why we have to sit here and go through this again."

There were these other developments Tuesday in the McKinley case:

- The district Parent Coordinating Council held a rally on the steps of City Hall to voice support for Superintendent James A. Williams.

- The Board of Education's Ethics Committee was scheduled to begin taking testimony in its investigation of claims that several board members leaked information from a closed-door executive session to The Buffalo News.