

# Appeals court stops reform of teacher tenure

A California appeals court handed teacher unions a big victory yesterday by reversing a trial judge's ruling that found tenure deprived students of a good education.

The 2nd District Court of Appeal in Los Angeles said the plaintiffs failed to show tenure and other provisions of the education code were unconstitutional.

"The court's job is merely to determine [See TENURE, page 66]

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# Personal attacks and threats

BY JOSEPH MAYTON  
Daily Post Staff Writer

The former interim general manager of the San Mateo County Harbor District says in a legal claim that he was forced to resign because of unrelenting personal attacks and threats by board member Sabrina Brennan, whose behavior he claims caused other employees to quit.

Scott Grindy claims Brennan, an elected official, constantly harassed

## Former harbor district official accuses board member Brennan of harassment

him and "engaged in a relentless campaign of undermining, vilifying, and threatening Grindy and district employees."

His legal claim says Brennan repeatedly violated the Brown Act, the state's open meetings law, by discussing confi-

dential personnel matters in public and even on Facebook.

The harbor district, whose board is elected by San Mateo County voters, has 45 days to respond to the claim. If the district refuses to settle, he would have six months to sue.

Grindy, who worked for the harbor district from April 23, 2012, until Nov. 6, 2015, is currently manager and harbor master for San Francisco, according to his LinkedIn page. When contacted by the Post, he declined to answer any questions.



Brennan also refused to comment on the claim other than to [See HARBOR, page 66]

**THE UPDATE**

Dow <b>+18.15</b> 17,926.43	Nasdaq <b>-1.53</b> 4,945.89	Oil <b>-0.26</b> 41.50
Gold 1,225.00 <b>-21.80</b> NY COMEX close courtesy of Mish Int'l (650) 324-9110		

**SEAT HOGS:** People who put their feet up on BART trains or set their bag next to them could face some stiff penalties soon if they don't make room when asked. BART's Board of Directors enacted an ordinance that would fine seat hogs up to \$500 for not making room on a crowded train. The law will only be in effect for commute hours.

**JAPANESE EARTHQUAKE:** At least nine people have been killed and more than 800 injured by a magnitude 6.5 earthquake that toppled houses and buckled roads in southern Japan. With daybreak, the extent of the damage became apparent: collapsed buildings, streets warped by manholes pushed higher by the earth's movement, an expressway crunched and buckled.

**CLOUD SNOOPING:** Microsoft is suing the government over a federal law that lets authorities examine its users' email or online files without their knowledge. Law enforcement officials want freedom to view emails, photos and financial records that customers are storing in cloud [See THE UPDATE, page 4]

**BROOKLYN BRAWL**

Hillary Clinton and Bernie Sanders last night aggressively challenged each other's judgment to be president at a raucous Democratic debate in Brooklyn, N.Y. They sparred over Wall Street banks, minimum wage, gun control and foreign policy. **STORY INSIDE.** AP photo.

## Neighbors like new project on Maybell Ave.

BY JEN NOWELL  
Daily Post Staff Writer

A proposal to build 16 homes on Palo Alto's contested Maybell Avenue site is gaining neighborhood support — a plan that is in stark contrast to the high-density senior housing project City Council once favored for the property.

This site was subject to a referendum in 2013, after council approved 72 housing units for the 2.4-acre parcel.

Tim Gray, a Palo Alto resident involved with the referendum, told the Post yesterday that he is impressed by the most recent proposal.

"This is a dream outcome," he said. The original proposal for 72 housing units [See MAYBELL, page 66]

# Group fights teacher's transfer

BY JOSEPH MAYTON  
Daily Post Staff Writer

A group of residents who oppose the transfer of Burlingame High School teacher Kevin Nelson to Aragon High have asked for an investigation by the San Mateo County Civil Grand Jury.

A civil grand jury cannot bring criminal charges like a criminal grand jury.

## They ask civil grand jury to investigate

It is a committee of residents impaneled by the courts to investigate government operations and issue non-binding recommendations.

Glenn Mendelson, who is a part of

the group Citizens for Kevin Nelson, wants the grand jury to get to the bottom of the situation.

"Nelson has always been the advocate for students and maybe that doesn't make him the best of friends with other teachers," Mendelson said.

Originally it appeared that BHS [See TEACHER, page 66]

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## TENURE

whether the statutes are constitutional, not if they are ‘a good idea,’” presiding Justice Roger Boren wrote.

A Los Angeles Superior Court judge had ruled two years ago that five provisions of the state education code — including policies allowing teachers to receive tenure within two years and be dismissed during layoffs based on seniority — were unconstitutional because they deprived some of the state’s 6.2 million students of a quality education by keeping more senior, but less effective, teachers on the job.

In a ruling that threatened to shake up public schools across the state, Judge Rolf Treu had said the evidence “shocks the conscience.”

### Administrators blamed

But in reversing that ruling, the appellate court said state law wasn’t to blame for inequities.

“Although the statutes may lead to the hiring and retention of more ineffective teachers than a hypothetical alternative system would, the statutes do not address the assignment of teachers,” Boren wrote. “Instead, administrators — not the statutes — ultimately determine where teachers within a district are assigned to teach.”

The case was closely watched and highlighted tensions between teacher unions, school leaders, lawmakers and well-funded education reform groups over whether policies like tenure and last-in-first-out keep ineffective teachers in the classroom, particularly in already low-performing schools.

The lawsuit was filed by nine public school students, including Beatriz Vergara, and backed by Students Matter, a nonprofit group founded by Atherton entrepreneur David Welch.

## HARBOR

deny the Brown Act violations. “It is not in my best interest to talk to the Post,” she said. “When I’m in the Post, it is sensational.”

Grindy’s claim, filed by Oakland attorney Martin Horowitz, paints a chaotic picture of the district as a result of Brennan’s action.

“She achieved this state of dysfunction by making threats against upper management, including my client, staff and even other board members, by canceling previously approved projects, breaching agreements with contractors, creating needless controversy about leases and projects, causing investigations of misconduct, causing an exodus of trained staff, and provoking several claims and lawsuits against the district,” Horowitz writes in the claim.

Grindy claims the harassment by Brennan caused his health to decline, forcing him to see a psychiatrist.

### Yelling, smears, threats alleged

An elected board is supposed to give directions to its general manager, who in turn manages the district’s employees. But Grindy claims that Brennan constantly circumvented that chain of command and gave employees orders by “yelling, engaging in negative insinuations, smears and even threats.”

The claim says Brennan attacked Grindy publicly, through the newspapers and on her Facebook page. Grindy said that Brennan repeatedly made public confidential personnel information that the board had been told in closed session, which would be a violation of state law.

Brennan’s animosity toward Grindy was so extreme that during an Oct. 15, 2014, meeting where the board of directors was to interview him for a promotion to general manager, she “turned her chair so that she had her back to him and refused to ask questions or otherwise participate in the interview.”

An independent investigator Karen Kramer found that Brennan had “acted in an intimidating and disrespectful manner toward (Grindy) by threatening his employment with the district,” the claim states. Kramer’s report also says Brennan accused Grindy of a “smear campaign against her.” She had also accused Grindy of a financial misappropriation, which was found to have no merit.

### Employees leave

Grindy claims a number of people have resigned from the district because of Brennan including former

general manager Peter Grennell, accounting technician Abigail Dometita and HR director Marietta Harris. He points out that interim general manager Glenn Lazof had run-ins with Brennan, and that she vowed to make his “life a living hell,” according to a May 7, 2015 memo he wrote. And he stated that Nicole David resigned from the district’s board in October 2015 following repeated threats by Brennan and her colleagues. David said at the time she was resigning for health reasons, but Grindy said she had received threats from Brennan “at home via telephone calls, email and other media.”

As a result of Brennan’s actions, Grindy argues that “he was compelled to resign” in November last year. “The damage to (Grindy’s) reputation as a result of the relentless vilification of him by Commissioner Brennan and her colleagues is readily verifiable from even a cursory inquiry into social media,” the claim says.

As a result, Grindy says he had to take a harbor master position at “a significantly lower salary and with an onerous commute.”

### Another employee’s suit settled out of court

This is not the first instance of Brennan’s alleged harassment and intimidation of district employees. Former finance chief Debra Galarza last year won a \$295,000 settlement plus two years of health costs after she filed a similar claim. She argued that Brennan and the district had discriminated against her.

Nicole David was replaced on the board by Menlo Park resident Virginia Chang Kiraly, who blew the whistle on a request Brennan made to be paid \$1,057 for a trip to Morro Bay. Brennan went there in February to attend a Coastal Commission meeting where that board fired its executive director, a move that upset environmentalists.

The harbor district board had not asked Brennan to attend the meeting or taken any position on the executive director. After Kiraly raised the issue of the \$1,057 reimbursement, Brennan declined to take the money she had earlier requested.

### More retaliation?

But within a few days, a Brennan supporter, John Lynch asked California Attorney General Kamala Harris to investigate whether it’s a conflict of interest for Kiraly to serve on both the board of the harbor district and the Menlo Park Fire Protection District.

However, attorneys for the harbor district and fire district have said previously that Kiraly doesn’t have a conflict by serving on both boards. The county department of elections has said the same thing.

“This is coming up now because Commissioner Brennan is retaliating against me for uncovering her fraudulent expenses for her trip to Morro Bay,” Kiraly said.

Brennan would not say last night whether she intends to run for re-election in November when her term expires.

## MAYBELL

was overly aggressive and didn’t consider the needs of the neighborhood, he said.

This is the best way to move forward, Gray said. And all the doom and gloom that had been claimed if the project was rejected is not going to happen, he said.

The fate of the 2.4-acre parcel on Maybell Avenue became the hot-button issue in city politics in 2013. When the nonprofit Palo Alto Housing Corp. obtained City Council approval to build 60 low-income senior apartments and 12 single-family homes on the site, it drew neighborhood opposition.

### Council’s fears didn’t materialize

Despite the outcry of many neighbors, council members said they were afraid that if they didn’t approve the apartment project, the land would be maxed-out by a future developer who would bring even more big buildings to the neighborhood.

But this fear hasn’t come to fruition.

This proposal should be supported, Gray said.

“If we don’t reward good behavior, we’re going to invite some really bad projects,” he said.

Golden Gate Homes, which now owns the property, has proposed 16 two-story homes for the area.

During the lengthy debates over the Maybell property in 2013, neighbors said the Housing Corporation’s project was out of character for the residential neighborhood and would increase traffic on Maybell Avenue, a busy street used by kids who ride their bikes to schools in the area.

So they gathered signatures and got Measure D on the ballot to stop it. In November 2013, Palo Altans voted to kill the project 56.5% to 43.5%.

Prior to the current proposal, Golden Gate Homes submitted a plan for 23 homes in June. This was a further reduction from plans submitted in 2014 for 30 homes.

After speaking with the neighbors, the developer trimmed down the number of proposed homes to just 16.

### Petition supports current project

An online petition started by a resident supporting the proposal for fewer homes had 203 supporters as of last night.

“The residents of Palo Alto were gravely concerned about irresponsible high-density development in a small neighborhood that already encompasses several schools and after-school care programs,” the petition stated.

Among the supporters, Kathryn Riley said this proposal is a better solution for the safety of the children in the neighborhood.

“This represents a fair solution for the property and we should accept and move forward,” Leon Beeler wrote.

Bob Moss also supported the project, calling it “significantly better in terms of traffic and environmental impacts.”

“Congrats on developing a reasonable proposal. Looking forward to welcoming new neighbors,” Richard Huang said.

And Marc Vincenti wrote, “I’m a former Gunn High teacher who prefers low density so that kids can bike and walk safely to my school.”

The petition can be found at <http://tinyurl.com/maybell16>.

Sheldon Ah Sing, a consultant planner for the city, said the developer is currently pursuing a subdivision to divide the property into the 16 lots.

This will go to the city’s Planning and Transportation Commission on May 11, Sing said. Then it will go to City Council for a vote in June, he said.

If the subdivision is approved, the developer would then submit plans for the city’s Architectural Review Board to look at, Sing said.

## TEACHER

Principal Yi Dim was behind the move to transfer Nelson. When Dim announced his resignation effective at the end of the school year, Nelson’s supporters thought the teacher would stay at Burlingame High.

But then the school board voted unanimously on March 24 to transfer Nelson. The transfer was recommended by Superintendent Kevin Skelly. The district has been silent about the reasons for Nelson’s transfer, citing personnel confidentiality laws.

The board voted for the transfer even though Nelson’s supporters came out in large numbers to the March 24 meeting.

The board’s vote prompted Nelson’s supporters to go to the civil grand jury.

### Other teachers behind the transfer?

The petition the group submitted to the grand jury argues that it was not just Yim who was behind the transfer, but rather other teachers who had long battled with Nelson.

Nelson teaches economics and government at BHS.

“Yim may have become a catalyst for his removal,” Mendelson said.

The group’s petition urges the grand jury to look for alternatives to resolve the dispute, such as mediation.

“If there are problems, then let’s get a solution,” he said.

Students have come out in droves to show their support for Nelson. Former student Brittney McGillvary, who graduated in 2007, said Nelson “really prepared us for life outside of high school.”