

UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT

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NICOLE WILLIAMS,

Petitioner,

Appeal No. 20750

-against-

ANSWER

BOARD OF EDUCATION OF THE POUGHKEEPSIE CITY
SCHOOL DISTRICT, SHEREEN CADER, JOHN SAMMON,

Respondents.

From actions of the Board of Education restricting teacher
transfers and rescinding a directive of the Superintendent
regarding transfer of a teacher.
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Respondents, Board of Education of the Poughkeepsie City School District, Shereen Cader and John Sammon, ("Respondents"), by their attorneys, Bond, Schoeneck & King, PLLC, answer the Petition as follows:

1. Admit the truth of the allegations set forth in paragraph "1" of the Petition.
2. Admit the truth of the allegations set forth in paragraph "2" of the Petition.
3. There is no paragraph number "3" in the Petition.
4. With respect to paragraph "4" of the Petition, admit that Cader is a tenured teacher in the District who works at Krieger Elementary School ("Krieger"), allege affirmatively that Dr. Williams purported to transfer Cader to Warring Elementary School ("Waring") on June 15, 2017, allege affirmatively that on August 28, 2017 Dr. Williams, in violation of a Board resolution, purported to transfer Cader to Poughkeepsie Middle School ("PMS") without explanation, and allege affirmatively that the purported transfers of Ms. Cader were without any sound educational basis, were done for retaliatory reasons and were not in the best interest of the young children attending Krieger.

5. With respect to paragraph “5” of the Petition, admit that Sammon is a tenured teacher in the District who works at Warring (but is out ill due to the stress caused by Petitioner’s retaliatory conduct), allege affirmatively that Dr. Williams purported to transfer Sammon to Krieger on June 15, 2017, allege affirmatively that on August 28, 2017 Dr. Williams, in violation of a Board resolution, purported to transfer Sammon to PMS without explanation, and allege affirmatively that the purported transfers of Sammon were without any sound educational basis, were done for retaliatory reasons and were not in the best interest of the young children attending Waring.

6. Admit the truth of the allegations set forth in paragraph “6” of the Petition and refer the Commissioner to the web link in paragraph “6” for its full form, meaning and import.

7. Admit the truth of the allegations set forth in paragraph “7” of the Petition and refer the Commissioner to Exhibit “A” to the Petition for its full form, meaning and import.

8. Admit the truth of the allegations set forth in paragraph “8” of the Petition and refer the Commissioner to Exhibit “B” to the Petition for its full form, meaning and import.

9. Admit the truth of the allegations set forth in paragraph “9” of the Petition.

10. Admit the truth of the allegations set forth in paragraph “10” of the Petition, but allege affirmatively that the Commissioner should remove Petitioner from her position as Receiver and from her position as Superintendent of Schools.

11. Admit the truth of the allegations set forth in paragraph “11” of the Petition.

12. Admit that, on July 14, 2017, the Board adopted Resolution 18-0013, refer the Commissioner to Exhibit “C” to the Petition for its full form, meaning and important, deny that the resolution was “preemptive” and allege affirmatively that Resolution 18-0013 was adopted in response to Petitioner’s retaliatory transfers that she refused to “immediately” (or ever) report to

the Board as expressly mandated by Education Law § 2508, and further allege affirmatively that despite repeated requests, demands and directives, Petitioner has willfully failed to provide any report to the Board as to the reasons for the transfers at issue in this appeal.

13. Admit the truth of the allegations set forth in paragraph “13” of the Petition insofar as it alleged that the Superintendent purported to make these transfers, refer the Commissioner to Exhibit “D” to the Petition for its full form, meaning and import, and allege affirmatively that the transfers directed by Petitioner were unlawful, violated the New York State Education Law, were done for retaliatory purposes and were detrimental to the young children affected by the transfers.

14. Deny the allegations in paragraph “14” of the Petition that Cader and Sammon have done anything improper, allege affirmatively that Petitioner’s transfer directives were unlawful and retaliatory, and allege affirmatively that Petitioner is fully aware that Cader and Sammon are two of the District’s most accomplished elementary school educators, members of their respective school’s Transformation Teams, and further allege affirmatively that a mere few days before the opening of school in September 2017, Petitioner sought to transfer Cader and Sammon to the PMS to teach classes that neither had ever taught before.

15. Admit the truth of the allegations set forth in paragraph “13” of the Petition, and refer the Commissioner to Exhibit “E” to the Petition for its full form, meaning and import; allege affirmatively that the Board’s directives were lawful and intended to and did in fact protect the best educational interests of young children attending the District’s schools and also protected District staff who have been subjected to abusive, retaliatory and demeaning treatment by Petitioner.

16. Deny the truth of the allegations set forth in paragraph “16” of the Petition, except admit that “swift” action by the Commissioner is necessary, but that such action should be *sua sponte* removing Petitioner Dr. Nicole Williams as Receiver, removing Petitioner Dr. Nicole Williams as Superintendent of Schools and, if the Commissioner deems appropriate, referring this matter Office of School Personnel Review and Accountability under Part 83 of the Regulations of the Commissioner of Education.

17. With respect to the allegations set forth in Paragraph “17” of the Petition, refer the Commissioner to sections 1711(2)(e) and 2508(5) of the Education Law for their full form, meaning and import and allege affirmatively that Petitioner has acted in willful violation of these provisions of law.

18. Deny the truth of the allegations set forth in paragraph “18” of the Petition and allege affirmatively that Petitioner willfully failed to “immediately,” or indeed to ever, report her transfers to the Board for the Board’s consideration and action, repeatedly refused to comply with directives requesting an explanation for such transfers, and directed such transfers for personal motives, despite the fact that they were plainly detrimental to the best educational interests of the District and the young children it educates.

19. Deny the truth of the allegations set forth in paragraph “19” of the Petition and allege affirmatively that Petitioner willfully failed to “immediately” report transfers to the Board, repeatedly refused to comply with directives requesting an explanation for such transfers and directed such transfers for personal motives despite the fact that they were plainly detrimental to the best educational interests of the District and the young children it educates.

20. Admits that Board Policy 9420, by its express terms, authorizes Petitioner to make transfers “subject to Board of Education approval”; deny the truth of the remaining

allegations set forth in paragraph “20” of the Petition, and refer the Commissioner to Exhibit “F” to the Petition for its full form, meaning and import.

21. Deny the truth of the allegations set forth in paragraph “21” of the Petition and refer the Commissioner to Exhibit “F” to the Petition for its full form, meaning and import

22. Deny the truth of the allegations set forth in paragraph “22” of the Petition, but expressly waives any time-bar defense and affirmatively requests that the Commissioner decline to dismiss this appeal as untimely but instead, as also requested by Petitioner, render a “swift” determination on the merits and remove Petitioner as Receiver and as Superintendent of Schools.

23. With respect to the allegations set forth in Paragraph “23” of the Petition, refer the Commissioner to section 211 of the Education Law for its full form, meaning and import, and allege affirmatively that Petitioner is in willful violation of that provision of law and that Petitioner should be removed as Receiver.

24. With respect to the allegations set forth in Paragraph “24” of the Petition, refer the Commissioner to section 211 of the Education Law for its full form, meaning and import, and allege affirmatively that Petitioner is in willful violation of that provision of law and that Petitioner should be removed as Receiver.

25. Deny the truth of the allegations set forth in Paragraph “25” of the Petition.

26. Deny the truth of the allegations set forth in Paragraph “26” of the Petition.

27. Deny the truth of the allegations set forth in Paragraph “27” of the Petition.

AS AND FOR RESPONDENTS’ AFFIRMATIVE DEFENSES

1. The actions of the Board of Education as alleged in the Petition were lawful and necessary to protect its students and staff.

2. The actions of Petitioner constituted willful violations of law and lawful Board directives.

3. The actions of Petitioner in twice directing Cader and Sammon to teach at two different buildings and two different subject matters were done out retaliatory motives at the expense of the very young children who Petitioner is duty bound to protect.

4. The actions of Petitioner in failing to immediately report transfers to the Board for the Board's consideration and action was a willful violation of law.

5. As of August 27, 2017, Cader and Sammon were scheduled to teach in their respective elementary schools.

6. Students were placed in Cader's and Sammon's respective classes with great care, planning and forethought because their unique educational needs and learning styles were the best educational match (as determined by the building team who know them) for the specific skill set and experience of Cader and Sammon.

7. By directing Cader and Sammon on August 28, 2017 to move to PMS to teach courses they had never before taught, Petitioner acted with willful disregard to the elementary school students who had been carefully placed in Cader's and Sammon's classes and in willful disregard of the middle school students in whose classes Cader and Sammon would be placed (because they were given no time to prepare to teach an entirely new course).

8. Both Cader and Sammon are on their elementary school Transformation Teams.

9. By transferring Cader and Sammon to PMS on August 28, 2017, Petitioner acted in willful disregard of the wishes of Cader, Sammon and the respective principals of Warring and Krieger and in willful disregard of the students at both schools and the parents of those students who entrusted Petitioner with acting in the best interests of their children.


AS AND FOR A SECOND AFFIRMATIVE DEFENSE

10. The Petition fails to state a cause of action.

WHEREFORE, Respondents respectfully request that this appeal be dismissed in its entirety, that Respondents Cader and Sammon each be issued a Certificate of Good Faith by the Commissioner, that the Commissioner *sua sponte* remove Petitioner as Receiver and as Superintendent of Schools, and that a hearing be noticed and conducted pursuant to Part 83 of the Commissioner's regulations to determine whether suspension or revocation of Petitioner's certification is warranted.

Dated: Garden City, New York
October 20, 2017

BOND, SCHOENECK & KING, PLLC

By: 
Howard M. Miller
Attorneys for the Respondents
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Garden City, New York 11530
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VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

FELICIA WATSON, being duly sworn, deposes and says that she is the President of the Board of Education of Poughkeepsie City School District; that she has read the annexed Verified Answer and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters she believes it to be true.



FELICIA WATSON

Sworn to before me this
20th day of October, 2017


Notary Public

SHERRY MCGRATH
Notary Public State of New York
Qualified in Dutchess County
No. 01MC6055717
Commission Expires March 5, 2019