

**COMMISSIONER OF EDUCATION  
STATE OF NEW YORK**

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**IN THE MATTER OF THE APPLICATION OF  
JESSICA LOVINSKY and PHEE  
SIMPSON**

**PETITIONER,**

**AFFIDAVIT IN  
SUPPORT**

**FOR THE REMOVAL OF DOREEN CLIFFORD  
AND FELICIA WATSON  
MEMBERS OF THE BOARD OF EDUCATION OF THE  
POUGHKEEPSIE CITY SCHOOL DISTRICT**

**-AGAINST-**

**DOREEN CLIFFORD and FELICIA WATSON,  
in their capacity as Members of the  
Board of Education of the Poughkeepsie  
City School District and BOARD OF EDUCATION  
OF THE POUGHKEEPSIE CITY SCHOOL  
DISTRICT**

**RESPONDENTS.**

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State of New York    )  
                                  ) ss.:  
County of Albany    )

I, JESSICA LOVINSKY, a Petitioner in the instant Appeal, Lovinsky, being duly sworn, deposes and says:

1. At all relevant times here, I have resided at 43 Prestwick Court, Poughkeepsie, New York 12603, which is located within the geographic boundaries of Poughkeepsie City School District (hereinafter "District").
2. I was employed in a probationary capacity by the District as an Assistant Principal at the High School serving in the tenure area of Secondary Assistant Principal from February 24, 2016 until early January 2018.
3. During my employment with the District I faithfully performed my assigned duties as an assistant principal.

4. This affidavit is submitted in support of an instant Verified Petition and is based on personal knowledge and information and belief the sources of which include my review of documents attached herein as exhibits and conversations with other individuals.
5. As a mid-year hire, I was assigned immediately to oversee the matriculated eleventh grade class to ensure they successfully completed the requirements for graduation in 2017.
6. My duties included supervision of the eleventh graders in class scheduling, discipline, and testing to name a few major responsibilities.
7. When hired, I was aware that the District's overall academic success was obscured by the fact that one of our middle schools was placed in receivership and most of the District's schools were in and out of being designated focus schools.
8. As a result, the District has struggled with students graduating.
9. To combat the low graduation rates and high dropout rates, the District developed a system which assessed each high school student and placed them into one of three categories, based on their likelihood of graduation.
10. For example, high school students categorized as "Green" students meant that the student had satisfied all the requirements to that point to graduate.
11. Students designated "yellow" had achieved the credits necessary for graduation but had to re-take certain examinations to fulfill the requirements for graduation.
12. Students with the "red" classification were deficient in the number of required credits to graduation and also had to make-up one or more examinations, including state Regents tests.
13. This system enabled District administration to identify the students who were likely not to graduate and develop and provide an appropriate response to intervention protocol for each student consistent with current state and federal law, including the Rehabilitation Act of 1973 §504, 29 U.S.C.A. §794 ("§504").
14. One of the services provided to qualifying students were test accommodations in accordance with §504.
15. Part of the duties involved working with students categorized as yellow. Generally speaking, I reviewed the tiered intervention program to support the yellow students and then contacted their parents to discuss whether a 504 plan was a necessary service.

16. In those parent conversations, we investigated whether the student's inability to pass the Regents examinations was because of a previously unidentified disability.
17. If a student had a possible disability, I then contacted student services and requested a 504 meeting be scheduled for the affected student.
18. As it effected the class of 2017, I had checked on the status of the 504 meetings for the yellow and red students in danger of not graduating.
19. In early August, I contacted the office of the Director of Students Services for high school students and learned he was on vacation and that the 504 meetings for yellow and red students had not been scheduled.
20. The situation was urgent as the Regents examinations were to be held very shortly.
21. I immediately contacted my building principal, Petitioner Phee Simpson and advised her of the dire situation.
22. Ms. Simpson contacted Superintendent of Schools Dr. Nicole Williams to ascertain the status of scheduling these needed 504 committee meetings.
23. Upon information and belief, my source being Ms. Simpson, I learned that Dr. Williams reached out to Director of Instructional Support Services for the District, Mrs. Yvonne Palmer and instructed her to schedule the 504 committee meetings immediately since Mr. Steven Rappleyea, the Assistant Superintendent for Family and Student Support Services, was away on vacation.
24. It is the District's responsibility to schedule these meetings, notify participants, and prepare all relevant student documents including attendance, academic and disciplinary records and provide them to the participants of the meeting so that they can make an appropriate determination.
25. At the high school level, in my experience prior to August 2017, the 504 committee was comprised of usually two teachers with knowledge of the particular student, the school social worker, the school psychologist, the assistant principal and the parents of the student.
26. In August 2017, due to the vacation of the Assistant Superintendent for Family and Student Support Services, and the immediate need to have the 504 meetings conducted, resulted in the composition of the actual 504 committee not being ideal.


27. All of the teachers, the school psychologist, and the school social worker were from an elementary school in the district with no knowledge of the student(s).
28. For instance, the teachers, the school psychologist, and the school social worker were not from the high school, but rather selected from an elementary school in the district with limited, if any, knowledge of the subject student(s).
29. In addition, participants were not provided with the level of documentation customarily associated with 504 committee meetings held at the high school.
30. As the assistant principal with direct oversight of the Class of 2017, I realized quickly that I was the only employee who knew anything about the students involved.
31. Moreover, almost every committee participant lacked sufficient knowledge of the §504 safety net provisions as applicable for high school students.
32. Nonetheless, the 504 Committee conducted the required business and certain students received accommodations in compliance with the law.
33. With the graduation of the eligible students of the Class of 2017, prior to the start of the 2017-18 school year, I was assigned to the new freshman class, the Class of 2021 as their administrator until graduation four years from then.
34. On or about November 16, 2017 I first learned that there was an investigation into the eligibility for graduation of a small number of students from the Class of 2017 by reading an article published in the Poughkeepsie Journal.
35. The article noted that the Respondent Board of Education hired Todd Aldinger, Esq. who conducted this “investigation. As such, I am fully familiar with the Poughkeepsie City School District, the Poughkeepsie City School District Board of Education, Dr. Nicole Williams and Mr. Todd Aldinger’s investigation and report.
36. Shockingly, the Journal article described information that could only have been learned from closed door executive session discussions by the Board of Education.
37. The Journal article recited board-related information that was never discussed in public session of the Board, which I know to be true because I either attended Board of Education meeting’s and/or read all minutes of the Board of Education meetings, up to that point and none of the information discussed in the news story was talked about by the Board in public session.

38. Furthermore, the Board's selection of Mr. Aldinger to conduct the investigation was never discussed or specifically voted on in public session. The District's retained law firm was Bond, Schoneck, and King, LLP but the firm was not involved in the investigation.
39. It is my understanding that the Board of Education hired Mr. Aldinger in July, 2017 to investigate the Board election results.
40. Evidently, Mr. Aldinger's investigation concluded without any legal action being taken, so he commenced investigating the District's graduation results with the apparent approval of the Board of Education.
41. Mr. Aldinger then selectively conducted the "investigation" without communication with Dr. Williams or with other individuals involved in the Class of 2017 graduation.
42. Mr. Aldinger acted alone.
43. The only people supposedly privy to his on-going investigation was the Board of Education members who received a copy of his subsequent report.
44. His investigation was selective because he seemed pre-occupied with a certain outcome.
45. Most importantly, Mr. Aldinger failed to interview me, the school social worker, the parents of the children involved, or even the High School Principal.
46. Further, Mr. Aldinger never asked me to submit any information to him prior to completion of his report.
47. The lack of objectivity in his "investigation" and resulting report is best illustrated by his intentional avoidance of interviewing me until **after** I resigned from the District in January 2018, when I realized that his investigation and report were nothing more than a political hatchet job demanded by a certain faction of the Board of Education.
48. With the public disclosure of Mr. Aldinger's confidential report, I decided that I could no longer work in a toxic environment that the Board of Education had cultivated through Mr. Aldinger's report and tendered by resignation to the Board of Education.
49. Although I briefly reconsidered, the Board of Education acted quickly and voted to accept my resignation letter.
50. I was then appalled to learn that his confidential report findings were provided to news media, including the Poughkeepsie Journal by him and/or Board members.
51. After the public disclosure of his report, Mr. Aldinger contacted me.

52. When I objected to him about that lack of fairness and obvious biased demonstrated in his “investigation” and attendant report, he threatened to file a Substantial Question of Moral Character, i.e., a Part 83 referral (8 NYCRR §§ 83 et. seq.) against me with New York State Department of Education if I did not agree to be interviewed by him even though his report was finished and already leaked to the Poughkeepsie Journal.
53. At this point, after conferring with counsel, I refused to participate in his sham investigation.
54. I literally read in the Poughkeepsie Journal that Ms. Simpson, the High School Principal had been suspended and the Board had voted to charge her with disciplinary charges prepared and filed by Mr. Aldinger pursuant to Education Law §3020-a.
55. I was shocked beyond belief when I read this article in the Poughkeepsie Journal for several reasons.
56. First, under the leadership of Ms. Simpson, the graduation rate for the District had begun to improve.
57. In both the 2016/2017 school year and in the 2017/2018 school year, the graduation rate for District students increased.
58. Second, it was self-evident that the Board was unconcerned about the truth.
59. Certain members of the Board illegally released confidential information to media and public to irreparable harm of the professional names and reputations of outstanding professional educators.
60. As a community member and former District employee, it is my understanding that the purpose of executive session is to discuss these matters confidentially so that the strategy of the Board does not become public knowledge.
61. It is also my understanding that a disciplinary arbitration pursuant to Education Law §3020-a is considered to be District litigation.
62. The lack of a full and fair investigation coupled with the improper release of Mr. Aldinger’s incomplete and biased report were an attempt by certain Board members to dispute the increased number of students successfully graduating by sullyng their accomplishments with baseless accusations that the graduation numbers were not justified and that District had not timely assembled the 504 committees to consider accommodations for certain students at risk of not graduating.

63. There is no legitimate reason for the Board of Education to have to disclose confidential information discussed in executive session, except to garner support from the community for a new charter school.

Dated: 2/14/18

  
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Jessica Lovinsky

Sworn to before me this 14  
Day of February 2018

  
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Notary Public

JENNIFER L. CARLSON  
Notary Public, State of New York  
Qualified in Albany County  
No. 02CA6129706  
Commission Expires July 05, 2021 