

UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT

-----X
NICOLE WILLIAMS,

Petitioner,

Appeal No. 20750

-against-

AFFIDAVIT

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.

-----X

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

SHEREEN CADER, being duly sworn, says:

1. I reside in the City of Poughkeepsie, New York at the same address where I have lived alone for more than twenty-five (25) years.
2. I have never been married.
3. I am an elementary school teacher who has worked in the Poughkeepsie City School District (the "District") for fifteen (15) years
4. I became a teacher because I strongly believe that all children, especially elementary school students, have the ability through love and care to develop into life-long learners.

5. I am considered by my supervisors and peers to be an exemplary educator, and I have earned the designation as a "highly effective" teacher by the New York State Education Department.

6. I have taught at Krieger Elementary School for five (5) years.

7. My professional experience and expertise has always been at the elementary level where I work with the same small groups of students (on average a class of 25) throughout the entire day. This single class model has allowed me to get to know my students individually (tailoring my instruction to their unique learning styles, and emotional and academic needs) and forging collaborative relationships with parents. This whole child approach throughout the school year has been the cornerstone to enhancing the educational experience and success of my students.

8. On June 15, 2017, I was informed by my building Principal Ms. Andrea Moriarty that the Superintendent of Schools had assigned me out of Krieger Elementary School to Warring Elementary School. There was no written explanation as to why I was being involuntarily transferred.

9. The applicable collective bargaining agreement between the District and the teachers union provides that teacher preference be given a priority when it comes to transfers. I strenuously objected to this transfer.

10. On June 18, 2017, as a tenured teacher of 15 years, I requested to remain a 5th grade teacher at Krieger School. I wrote my building Principal Ms. Andrea Moriarty a letter

(Exhibit "A") requesting a written explanation for why the Superintendent of Schools directed my involuntary transfer to Warring Elementary.

11. On June 19, 2017, I met with Principal Moriarty along with my union representative, Ms. Traci Cillis. Ms. Moriarty told us that my involuntary transfer was directed by Superintendent Williams and that she (Ms. Moriarty) had absolutely nothing to do with this action initiated by Superintendent Williams.

12. On June 19, 2017, Principal Ms. Moriarty wrote the following to Superintendent Williams (Exhibit "B" hereto):

Good Morning [Dr. Williams],

Please see the email below in reference to the "Tentative Teaching Assignment" from Ms. Cader. She has requested a rationale in writing. While I know we had a conversation on Thursday, please clarify the rationale that you would like me to share. **I would also like to reiterate that I believe this move to [be] a destructive move to the work that we are doing at Krieger [school].**

Thank you,
Principal Andrea Moriarty (emphasis added).

13. No response was received by me.

14. On July 14, 2017, the Board of Education, during a public meeting, adopted Resolution# 18-0013, which placed a moratorium on involuntary transfers.

15. On July 21, 2017, Superintendent Williams was directed as per Board Resolution # 18-0013 to send a letter to me informing me that I was to remain at Krieger for the 2017-2018 school year. I did not receive this letter from the Superintendent or any written explanation stating otherwise.

16. On August 28, 2017, a mere 10 days before the start of school, I received an email from Superintendent Williams (Exhibit "C") directing me that my teaching assignment for the 2017-2018 school year would not remain at Krieger as per Board Resolution #18-0013, but instead I would now be transferred to the Poughkeepsie Middle School and not Warring School as previously directed on June 15, 2017.

17. I have never taught any of my fifteen (15) school years as a classroom teacher at the Middle School.

18. It is not realistic for a teacher to teach a grade he/she has never taught before in a competent manner on a mere few days' notice.

19. For the reasons stated above, working at the Poughkeepsie Middle School (PMS) would not be a preference for me, which is why I did not request PMS as one of my placement wishes. The middle school model of working with 120 students everyday does NOT align with my professional strength as a teacher or my grade level preference.

20. Again, my preference with respect to my teaching assignment was completely disregarded by the superintendent in contravention of the collective bargaining agreement between the District and the teachers union.

21. I have never been provided with any legitimate educational reason for my being transferred to the Middle School after multiple requests were made.

22. On August 30, 2017, I emailed Superintendent Williams (Exhibit "D"), copying all Board of Education members. In summary, I detailed my case that Superintendent Williams was engaging in serious wrongful conduct, harassment and harm against me in a retaliatory

manner and causing me unnecessary stress, distress, frustration and pain and suffering by disregarding the Board of Education's approved Resolution# 18-0013.

23. On September 1, 2017, Superintendent Williams and I, along with other impacted district employees, received a written letter on behalf of the Board's approved action from the Board President restating the fact that the Board approved Resolution# 18-0013 was in effect and additionally stating that,

[Ms. Cader] you are hereby directed by the Board of Education to disregard the letter you may have received from Dr. Nicole Williams on August 28, 2017 and report to the same school building that you served in during the 2016-2017 school year that is NOT in "Receivership." Without further notice, this will remain your PPSTA contractual assignment for the 2017-2018 school year. We, as a Board profoundly apologize for any professional consternation and/or inconvenience this matter has caused you. Additionally, be professionally assured that there will be absolutely no retaliation against you by any employee of the Poughkeepsie City School District for following this Board approved directive. (The Board of Education received a copy)

24. On Saturday, September 2, 2017, I texted Principal Moriarty to see if she was in the Krieger School building. Upon my arrival, I informed her that I would like to place copies of the Board directive letter I received on September 1, 2017 on the furniture of my classroom. It was and still is my belief that Superintendent Williams would have someone move my classroom furniture and teaching materials without that individual being in the knowledge of the Board approved directive for me to stay at Krieger School.

25. Principal Moriarty agreed with me placing the Board directive letter on my furniture as it was still five (5) days before students were due to arrive on their first day school.

26. On September 5, 2017, Principal Moriarty was directed verbally, by Superintendent Williams, to tell me that I had four (4) hours to pack up my classroom and report to the Middle School. I reminded her of the written directive from the Board of Education that both she and I received on September 1, 2017. I also told her that she needed to get a written directive from Superintendent Williams instead of a verbal directive. No written directive was provided to me.

27. On September 6, 2017, the day before the start of the official day of school for students, and without my Principal's knowledge, I was informed that allegedly Superintendent Williams and a district custodian did come to Krieger School when students had NOT started school yet and took iPhone photographs in my classroom of the Board letters placed on my furniture.

28. On September 7, 2017, Superintendent Williams texted Principal Moriarty to remove the Board letters from my furniture. Principal Moriarty personally showed me this directive text message from Superintendent Williams that was located on her cell phone. I told Ms. Moriarty that I would never subject students to any written Board directive. Together, Principal Ms. Moriarty, Assistant Principal Curry and I removed the copied letters, and I placed them in my book bag completely out of sight of my incoming students. Again, after school that same day, I informed Ms. Moriarty verbally that I would be placing the copied Board directive letters back out now that all my students were gone and that I would remove them again in the morning before students arrived to my classroom. Again, this was solely to inform any custodian, staff or other of the Board's directive and to not participate in any unauthorized movement of my classroom furniture, teaching materials and my personal items based on the

directive, now that I understood that someone was in my classroom during after school hours, affirming my fear stated above.

29. Nonetheless, on September 13, 2017 at approximately 4 p.m., I received a suspension email from the Superintendent's secretary Becky Torres on "behalf of Superintendent Williams (Exhibit "E") that stated *I was suspended immediately*. I was also threatened with potential Section 3020-a charges.

30. On September 14, 2017, at an emergency public meeting the Board of Education rescinded my unlawful suspension, which was solely and directly initiated by Superintendent Williams.

31. On September 15, 2017, thanks to the Board of Education, I returned to Krieger Elementary School from the unwarranted and unlawful public suspension and got back to teaching my wonderful students.

32. There were no legitimate educational reasons for Superintendent Williams to transfer me to the Middle School a mere few days before classes started for the September 2017 school year.

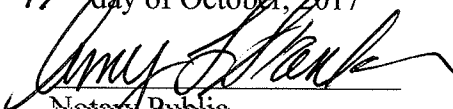
33. For the reasons stated above, the Commissioner should deny Superintendent Williams the relief requested and dismiss this appeal.

34. Finally, because I acted with sincere good faith, I respectfully request that the Commissioner provide me with a certificate of good faith pursuant to Education Law § 3811. I notified the Board in writing the day after being served with this petition of such service and

requested in writing that the School District appoint legal counsel for me. The Board duly designated the law firm of Bond, Schoeneck & King to represent me in this proceeding.


SHEREEN CADER

Sworn to before me this
19th day of October, 2017


Notary Public

AMY L STANTON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ST6283896
Qualified in Dutchess County
My Commission Expires June 17, 2021

Exhibit “A”



Shereen Cader <scader@poughkeepsieschools.org>

Involuntary move to Warring School

3 messages

Shereen Cader <scader@poughkeepsieschools.org>
To: Andrea Moriarty <amoriart@poughkeepsieschools.org>

Sun, Jun 18, 7:10 PM

June 16th, 2017

Dear Mrs. Moriarty,

I am in receipt of my tentative assignment for the 17-18 school year. I consider this assignment an involuntary grade and building transfer. My ascertainment of wishes was **Krieger Grade 5**. As a tenured teacher (16 years in the district) who has scored highly effective on every APPR, I am requesting the reasons for the change and transfer based on the effective management of the district as negotiated in the current PPSTA contract below:

ARTICLE XVIII. TEACHING AND NON-TEACHING ASSIGNMENTS

SECTION 5. Notice of Assignment. Tentative notice of assignment shall be given by June 15th, wherever possible, to all unit members, including those who are returning from leave who confirm their intent to return in writing by May 15th. **Teaching assignments will not be changed except where necessary for the effective management of the District. The wishes of tenured unit member shall be a primary factor in determining whatever changes shall be made.** A reasonable effort shall be made to ascertain these wishes by consultation with the tenured unit members.

I am respectfully requesting a meeting to discuss and would like to bring union representation. Please advise.

Sincerely,
Shereen Cader

[Quoted text hidden]

Andrea Moriarty <amoriart@poughkeepsieschools.org>
To: Shereen Cader <scader@poughkeepsieschools.org>

Mon, Jun 19, 7:01 AM

Good morning Ms. Cader.
Please let me know when you are available with Union Representation to meet.
Andrea

Principal Moriarty
G.W. Krieger Elementary School
265 Hooker Avenue
Poughkeepsie, NY 12601
(845) 451-4660
[Quoted text hidden]

Exhibit “B”



Andrea Moriarty <amoriart@poughkeepsieschools.org>

Fwd: Involuntary move to Warring School

1 message

Andrea Moriarty <amoriart@poughkeepsieschools.org>

Mon, Jun 19, 2017 at 7:58 AM

To: "Dr. Nicole Williams" <nwilliam@poughkeepsieschools.org>, Phee Simpson <psimpson@poughkeepsieschools.org>

Good Morning,

Please see the email below in reference to the "Tentative Teaching Assignment" for Ms. Cader. She has request a rationale in writing. While I know we had a conversation on Thursday, please clarify the rationale that you would like me to share.

I would also like to reiterate that I believe this move to a destructive move to the work that we are doing at Krieger.

Thank you,

Andrea

Principal Moriarty

G.W. Krieger Elementary School

265 Hooker Avenue

Poughkeepsie, NY 12601

(845) 451-4660

Exhibit “C”



POUGHKEEPSIE CITY SCHOOL DISTRICT

11 College Avenue, Poughkeepsie, New York 12603 | Telephone 845-451-4900 | Fax 845-451-4955

Felicia Watson, Ed.D.
Board President

Doreen Clifford
Board Vice President

Raymond Duncan
Board Member

Randall Johnson
Board Member

Debra Long
Board Member

Nicole L. Williams, Ed.D.
Superintendent of
Schools

MEMORANDUM

TO: Ms. Shereen Cader
FROM: Dr. Nicolé Williams *NLW*
Superintendent of Schools
SUBJECT: Notice of Assignment 2017-2018 School Year
DATE: August 28, 2017

Pursuant to Article XVIII, Section 5 of the Collective Bargaining Agreement, **Notice of Assignment**, "Tentative notice of assignment shall be given by June 15, wherever possible, to all unit members, including those who are returning from leave who confirm their intent to return by May 15. Teaching assignments will not be changed except for the effective management of the District." In accordance with the "effective management" provision: Your assignment for the 2017-2018 school year will be Poughkeepsie Middle School (PMS).

Please contact the building principal, copied on this correspondence, for your schedule and responsibilities.

Thank you for your attention to this matter.

cc: PCSD BOE
Mr. Da'Ron Wilson, Building Principal, PMS
Mrs. Andrea Moriarty, Building Principal, Krieger
Mrs. Stephanie Green, President, PPSTA
Mrs. Phee Simpson, President, PPSAA
Personnel File

Exhibit “D”

August 30, 2017

Dr. Nicole Williams, PCSD Superintendent of Schools,

I am in receipt of your email with the SUBJECT stating for "Involuntary" TRANSFERS 2017-2018 and letter dated August 28, 2017, which is one of two different directives to involuntarily transfer me first from Krieger Elementary to Warring Elementary and now from Krieger Elementary to the Poughkeepsie Middle School.

As you clearly know, on July 14, 2017 the Board of Education passed resolution #18-0013 a Moratorium on all involuntary Transfers of Teachers and Administrators. In this board approved resolution, you were directed as Superintendent of Schools not to transfer teachers or administrators without the required Board approval based on district Policy 9420.

You are fully aware through an email correspondence sent to you by my building principal Andrea Moriarty, that I did not wish to be involuntarily transferred at the time to the Warring Elementary School, and that I also requested additional information from you that you did not provide.

At this point, I must inform you that I believe that your original involuntary transfer "directive" for me to transfer to Warring Elementary School and now your second "directive" for me to now transfer to the Poughkeepsie Middle School has absolutely nothing to do with the "effective management" of the district or the success of students. During your tenure as the PCSD Superintendent of Schools, the record clearly demonstrates that you have used building-to-building involuntary transfers as a discipline and punitive strategy for targeted teachers and administrators.

I remind you that I have earned the designation as a "highly effective" teacher by the New York State Education Department and that I have absolutely an impeccable Professional record in the Poughkeepsie City School District.

The facts are clearly stated on the New State Education Department Website Accountability Designations for the 2017- 2018. The Poughkeepsie Middle School (PMS) teachers in 2016-2017 continued to improve student performance and is no longer in "Receivership"; but instead has now been re-identified through improvement as a "Priority School" for the 2017-2018 school year. Krieger Elementary School

continues to be designated as a "Focus School" and has NOT improved enough with student performance to reach a better State designation.

For the reasons stated above, I view both of your "directives" as retaliation against me personally. Your citation of the PPSTA contract in your emailed "Involuntary" TRANSFER letter to me dated August 28th , 2017 is an inaccurate quote with omissions and is not relevant here. As you are aware from district policy 3100 and Education Law Section 2507, this misquoted PPSTA contractual language does not legally rise above district policy or law to cover your violation as the Superintendent of Schools of district policy 9420 requiring you as the Superintendent to have board approval to transfer teachers and administrators from one school building to another. I believe your impetus and or vindictive reasoning to directly harass and hurt me professionally is directly connected to the most recent board elections losses in May 2017 by two former board members that on the record supported you, my professional relationship with a newly elected board member Doreen Clifford and my personal relationship with current Board President Felicia Watson.

The governing Board of Education's resolution# 18-0013 directed you as Superintendent to inform me in writing by July 21, 2017 that I will remain as a teacher at the Krieger Elementary School for the 2017-2018 School Year. You disregarded the execution of the board publicly approved directive and did not send me a written letter stating that I was not being involuntarily transferred. So, until the Board of Education through approved resolution rescinds or states otherwise in writing to me, I will respectfully wait and remain at Krieger School as per the board resolution#18-0013.

If you as Superintendent of Schools believe that my following the Board of Education's approved resolution# 18-0013 directive by waiting and remaining at Krieger Elementary School is insubordination to you, yet not insubordination to the Board of Education's approved resolution directive, then I remind you that I will consider any form or act of disciplinary retaliation from you as severe professional harassment, and an intentional continuation of subjecting me to a hostile and publicly humiliating work environment.

Let this letter serve as a recorded notice to you to cease and desist professional harassment and harm against me in a retaliatory manner and causing me unnecessary distress, frustration and pain and suffering by you disregarding the Board of Education's approved resolution# 18-0013. Your retaliation directives are clearly voided by the approved Board of Education's moratorium on involuntary building -to-building transfers for the 2017- 2018 school year.

If you persist regarding the above matter I will hold you personally and legally liable for the mental anguish you are professionally causing me due to your violation of the board approved resolution #18-0013.

For the "effective management" of the district, I officially request written guidance on this matter from the Board of Education and I anticipate a resolution of this pressing issue with your superior, the Board of Education by board approved resolution; so that I may continue to focus on successful planning and hard work to help students for the opening of school next week and the entire 2017-2018 school year.

Appropriately, I have copied the Board of Education, the interim Assistant Superintendent of Human Resources and Professional Development Mrs.Linda M.Mann and district employees that you copied In good professional conscience, I cannot blatantly defy a board approved resolution directive. Hence, I will "wait and remain" at Krieger Elementary School as per Board of Education approved resolution # 18- 0013 until the Board of Education in **Concert** with you directs me in writing to disregard the board approved resolution.

Respectfully submitted,

Ms. Shereen Cader,
Tenured 5th Grade teacher Krieger Elementary School

cc:

Dr. Felicia Watson, PCSD Board President
Mrs. Doreen Clifford, PCSD Board Vice President
Ms. Debra Long, PCSD Board member
Mr. Raymond Duncan, PCSD Board member
Mr. Randall Johnson, PCSD BOE member
Ms. Linda M.Mann, Interim Assistant Superintendent of Human Resources and Professional Development (for my official personnel file)
Mrs. Andrea Moriarty, Principal ,Krieger Elementary School
Mrs.Stephanie Green. PPSTA President
Ms.Phee Simpson,Principal, Poughkeepsie High School
Mr. Da'Ron Wilson,Principal, Poughkeepsie Middle School

Exhibit “E”



Poughkeepsie City School District

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September 13, 2017

Ms. Shereen Cader
91 South Hamilton St. Apt C4
Poughkeepsie, NY 12601

VIA EMAIL AND HAND DELIVERY

Dear Ms. Cader:

This letter is to inform you that you are being placed on paid administrative leave, effective immediately, September 14, 2017. This leave is to take place for the duration of an investigation into your actions on or about September 7, 2017. Throughout the duration of this administrative leave, you must refrain from visiting school grounds until such time as you are scheduled to return to work or are otherwise notified.

If further action—up to and including the filing of disciplinary charges against you—is found to be warranted, according to the results of the investigation, you will be notified in accordance with applicable law. Please ensure that the contact information for you that we have on file is correct so that we may reach you during the administrative leave, if necessary.

Sincerely,

Dr. Nicolé Williams
Superintendent of Schools

cc: Board of Education
Ms. Linda Melton Mann, Interim Assistant Superintendent for Human Resources
Ms. Stephanie Green, PPSTA President
Ms. Andrea Moriarty, Principal, Krieger Elementary School
Personnel File