

HOWARD M. MILLER, ESQ.
hmiller@bsk.com
P: 516.267.6318
F: 516.267.6301

January 22, 2018

VIA FACSIMILE AND OVERNIGHT MAIL

MaryEllen Elia
Commissioner of Education
New York State Education Building
89 Washington Avenue
Albany, New York 12234

Re: *Nicole Williams v. Board of Education of the Poughkeepsie City School District*
Appeal No. 20813

Dear Commissioner Elia:

We are legal counsel to the Poughkeepsie City School District. We are responding on its behalf to an unauthorized supplemental submission dated January 22, 2018 served on behalf of Dr. Nicole Williams. For the reasons stated below, this unsworn letter should be rejected.

The Commissioner's Regulations do not authorize a reply to a stay application. Additionally, this unsworn reply contains gratuitous and wholly false allegations that have nothing to do with the issue on appeal.

As discussed in the District's opposition papers, Dr. Williams knew in early September that specific questions had arisen with respect to the 2013 Cohort. Dr. Williams took no action to address these issues.

The District, as is its right and responsibility, appointed special counsel to investigate. The investigation revealed several dozen potentially improperly conferred diplomas.

Dr. Williams now speculates that because there were emails between Dr. Ten Dyke and Dr. Watson and that Dr. Ten Dyke's position has now been retitled, there must be some conspiracy afoot. Putting aside the unfounded nature of these allegations, **they simply do not change the fact that students were improperly granted graduation appeals that were Dr. Williams' legal obligation to determine.** The District should not be enjoined from continuing to look at these facts on the basis of an unsworn, unfounded accusation.

Commissioner MaryEllen Elia
January 22, 2018
Page 2

Finally, the accusation itself is false. Dr. Kathleen Farrell, former Superintendent of the Catskill School District, is now the District's Assistant Superintendent for Human Resources and Professional Development. Dr. Farrell recommended the retitling of the position with a commensurate adjustment in salary. Prior to Dr. Farrell joining the District, Linda Mann, Interim Assistant Superintendent, consistently made the same recommendation. The Board, consequently, did not independently "reward" Dr. Ten Dyke for culling factual data about graduations. Even if the Board had done so, Dr. Williams fails to challenge the accuracy of the information. Nor does Dr. Williams even allege, much less prove, that a single factual finding in any aspect of the graduation investigation is not accurate.

There is simply no basis to stay the District's lawful investigation. Indeed, Dr. Williams had specific notice in early September that students were improperly awarded diplomas. It is now late January. Dr. Williams could and should have reviewed the student records in question to determine whether they were properly graduated. Inasmuch as it is her responsibility to determine graduation appeals, it is inexplicable that she has not undertaken this responsibility and has chosen instead to attack her subordinates and enjoin a fact-finding investigation.

Very truly yours,

BOND, SCHOENECK & KING, PLLC



Howard M. Miller

HMM/kb