

UNIVERSITY OF THE STATE OF NEW YORK  
THE STATE EDUCATION DEPARTMENT

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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.

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

DR. FELICIA WATSON, being duly sworn, says:

1. This case is on critical importance to the Poughkeepsie City School District and to the children it serves. Because of this, I am making this affidavit in opposition to the Petition to provide the Commissioner with the truthful account of the facts at issue in the appeal.

2. I am a lifelong resident of the City of Poughkeepsie, New York and a graduate of Poughkeepsie High School.

3. I am currently President of the Board of Education of the Poughkeepsie City School District.

4. I was first elected to the Board of Education in May 2015 to a three (3) year term of office commencing on July 1, 2015 and ending on June 30, 2018.

5. I was elected President of the Board of Education at the District's annual reorganizational meeting on July 7, 2017 following a bitterly contested election that resulted in a shift of power on the Board.

6. By way of background, in the May 16, 2017 Board election, two incumbent members of the District's Board of Education, Gregory Charter and Ralph Coates, both of whom were seeking reelection, were defeated and replaced by Doreen Clifford and Deborah Long, who were both elected to three year terms on the Board commencing July 1, 2017.

7. This change in the composition of our Board signaled a sea of change on the Board and in the District.

8. During my previous two years on the Board, my Board colleagues Gregory Charter, Ralph Coates, Randy Johnson and Raymond Duncan (the latter two members are still on the Board), routinely voted together in block on matters before the Board of Education, while I was often the lone "no" vote and lone dissenting voice, asking for explanations, clarifications or and justifications that typically were never provided.

9. Further, the relationship between the Superintendent of Schools (who is the Petitioner in this matter), and my four colleagues on the Board was very close. Together these four Board members and the Superintendent routinely marched in lockstep and ruled the District in a manner that quashed dissent.

10. The relationship between the Superintendent and former Board President, Ralph Coates, in particular, lent itself to unanimity of thought and action.

11. While serving on the Board of Education and serving as Board President, Ralph Coates was employed by Marist College in the College's "Upward Bound" program.

12. Further, during the same period of time that Ralph Coates served as President of the Board of Education, Marist College provided services to the Poughkeepsie City School District through the College's Upward Bound program, pursuant to a federal grant.

13. Further, Ralph Coates, a program coordinator of the Marist College Upward Bound program, occupied, on a more or less full-time basis, an office within Poughkeepsie High School.

14. From his office at Poughkeepsie High School, Ralph Coates, the sitting Board President and program coordinator of the Marist College Upward Bound program, in tandem

with Petitioner, exercised complete control over school District matters, often blurring the lines between his role as Board President and his role as an employee of a consultant that provided services for hire to the District.

15. Elections have consequences. However, after the May 16, 2017 Board election at which Ralph Coates and Gregory Charter were voted out of office losing by a 4:1 margin, Ralph Coates and his colleagues on the outgoing Board of Education were determined to immunize Petitioner, to the greatest extent possible, the consequences of his ouster and Gregory Charter's ouster from the Board.

16. During the month of June 2017, while the outgoing Board was still in power, the Board held five (5) Special Board meetings, plus one (1) regularly scheduled Board meeting, at which the Board took a multitude of actions that were designed to cement and enshrine their power and authority as well as the power and authority of Petitioner for years to come, and to pave the way for their return to power in the future.

17. Among the most notable and significant of actions by the outgoing Board was the action taken by the Board at its June 21, 2017 meeting to bestow upon Petitioner an entirely new contract of employment as Superintendent of Schools, for a new five year term.

18. To say that Petitioner's new employment contract contains some "unique" features would trivialize and understate the insidious provisions that were added to her contract for the purpose of eroding and undermining the legal authority of the incoming Board.

19. While Petitioner's employment contract is replete with such provisions, most notable among these is paragraph 16, captioned "Legal Representation" which provides, in pertinent, part of the following:

"In the unlikely event that the SUPERINTENDENT believes that the Board is acting in derivation (sic) of law or in a manner which violates her authority as the Superintendent of schools the SUPERINTENDENT shall be entitled, at District expense to retain separate legal counsel to advise her on the legality of the proposed actions of the BOARD."

20. While the Board and its counsel believe that this provision (and several other provisions) in the contract bestowed upon Petitioner by the outgoing Board is *ultra vires*, and as such unlawful (and further believe that the entire contract and undemocratic extension to be unlawful), I refer paragraph 16, in particular, to the Commissioner's attention, because it is pursuant to this provision that Petitioner has retained counsel and filed the Petition in the instant matter.

21. Against this backdrop, and during the same period of time that the outgoing Board was working to cement its power and to set the stage for future events, Petitioner made the first of the transfer orders that is at the heart of the Petition now before the Commissioner.

22. Upon information and belief, on or about June 15, 2017, on the final day for notifying teachers of their tentative assignments for the immediately ensuing school year, Petitioner abruptly summoned Ms. Andrea Moriarty, Principal of Krieger Elementary School (Krieger) and Ms. Jason Gerard, Principal of Warring Elementary School (Warring) just before the end of the school day, to inform them that she would be transferring one of their very best teachers from each of their buildings and requiring those teachers to exchange places between the two elementary school buildings.

23. Specifically, upon information and belief, Petitioner directed Principal Moriarty to inform Ms. Shereen Cader that she would be transferred to Warring to teach fourth grade, and the Superintendent directed Principal Gerard to inform Mr. John Sammon that he would be transferred to Krieger to teach fifth grade.

24. Upon information and belief, neither Ms. Cader nor Mr. Sammon were consulted by Petitioner or by others acting at Petitioner's behest regarding these transfers, despite the fact that the applicable collective bargaining agreement requires such consultation with the District's tenured teachers.

25. Upon information and belief, both Ms. Cader and Mr. Sammon objected to these transfers.

26. Upon information and belief, both Principal Moriarty and Principal Gerard, during their meeting with Petitioner, requested an explanation for these transfers. However, no

explanation was provided. Instead, Petitioner invoked empty jargon, “high skill/high will,” to justify these transfers.

27. Further, to the best of my knowledge, Petitioner never, immediately, reported these transfers to the Board for its consideration and action as is required by New York Education Law Section 2508(5) and by Board Policy 9420.

28. When I first learned about these transfers through conversations and communications with others in the school community, I immediately found them to be suspect.

29. Both Ms. Cader and Mr. Sammon are widely regarded to be among the District’s finest teachers. No ostensible purpose would be served by requiring them to trade places, as they were providing invaluable services within their respective school buildings in their current teaching assignments. Further, Ms. Cader has a personal relationship with my brother, and Mr. Sammon is a very vocal and passionate advocate for his convictions as an educator.

30. Consequently, my initial reaction when I heard about the June 15<sup>th</sup> transfers ordered by Petitioner, was that these transfers spoke of retaliatory motives, and sadly, that these transfers were all too consistent with the steps that the outgoing Board was taking contemporaneously to imbue Petitioner with unbridled power as Superintendent and to eviscerate the power and authority of the incoming Board members and new Board majority.

31. Accordingly, on July 14, 2017, at the first Board meeting following the annual reorganizational meeting on July 7, the new Board majority adopted a resolution placing a moratorium on involuntary transfers and directing Petitioner to give notice of the Board’s moratorium to the affected teachers and to their respective building Principals.

32. Petitioner openly defied the Board of Education, and refused to notify the effected educators of the Board’s moratorium.

33. Despite repeated requests from me and from my colleagues on the Board for an explanation of the reason(s) for her proposed transfers of Ms. Cader and Mr. Sammon, Petitioner steadfastly refused to supply any such explanation. Instead, she insisted that none of the transfers were “involuntary.”

34. This standoff between the Board and Petitioner continued through the months of July and August, during which time Petitioner refused to provide any rationale whatsoever to the Board for transferring and requiring Ms. Cader and Mr. Sammon to trade places between their respective school buildings.

35. Then, on August 28, 2017, just ten (10) days before students were scheduled to return to school for the first day of instruction, as if struck by an inspirational bolt of lightning, Petitioner directed Ms. Cader and Mr. Sammon to transfer to Poughkeepsie Middle School (PMS) at the start of the school year, again without any explanation of the rationale for the proposed transfers, without reporting the transfers to the Board for its consideration and action, and without regard to fact that neither of these two seasoned teachers has ever taught at the middle school during any school year and had no time to prepare to teach middle school.

36. Instead, Petitioner sought to shield this arbitrary, capricious and outwardly retaliatory action against two of the District's finest teachers from consideration and action by the Board of Education, by invoking her authority as Receiver of PMS for her assertion that the Board had nothing to say about these transfers whatsoever.

37. In response to Petitioner's expansive and unsupported view of her Receivership authority, the Board issued a counseling memorandum (copy attached) to Petitioner in furtherance of the Board's moratorium on involuntary teacher transfers, wherein the Board asked Petitioner to explain these transfers by a specified deadline; to date no substantive explanation has been provided by Petitioner. This counseling memorandum was issued after repeated requests for such information were disregarded by the Petitioner.

38. Instead, Petitioner launched a preemptive strike by filing the instant appeal with the Commissioner.

39. I respectfully submit to the Commissioner that this is arguably the most important case to come before any New York Commissioner of Education in the last twenty-five (25) years, or more.


40. Petitioner has abused her power and authority to publicly retaliate against two of the District's finest educators and a prudent Board of Education. Our students have suffered because of the Superintendent's actions.

41. Instead of rewarding Ms. Cader and Mr. Sammon for their outstanding professionalism and contributions to this District and school community, Petitioner has arbitrarily and capriciously singled them out for scorn, derision and disrespect, and in doing so, has subjected them to unwarranted emotional and physical stress.

42. Further, after obdurately defying the Board's moratorium on involuntary transfers and steadfastly refusing to provide any explanation to the Board for her transfer orders, Petitioner raced to falsely hide behind the receivership authority at PMS. This is a transparent, shameful and unlawful effort to deprive the elected Board of Education of this District from any oversight over Petitioner or her transfer determinations. Petitioner then had the temerity to ask the Commissioner to bless her defiant, unexplained and capricious actions.

43. The Commissioner cannot allow this abuse of Petitioner's receivership authority to stand and be applied to our district school buildings and related teaching staff that are not designated in "Receivership" by NYSED. Students were placed in Ms. Cader's and Mr. Sammon's classes because of their unique educational needs. The placements were done with great care by the building team. Petitioner disregarded the educational needs of these children by transferring Mr. Sammon and Ms. Cader to PMS just days before the first day of school. This is unconscionable and should not be condoned. No one official in a school should have the unreviewable and unrelated to "Receivership" power to harm children and teachers in this manner to exact personal retribution. It is vitally important that the Commissioner make clear to Petitioner that the educational needs of school children take precedence over the ego and self-aggrandizement of a Superintendent. I am aware that Dr. Williams can come across at educational conferences as a polished and caring educator. But, that is a sad façade, as evidenced by the accompanying affidavits of two of our best teachers and two of our most dedicated administrators.

44. I respectfully request that the Commissioner: (a) dismiss the Petition; (b) issue Certificates of Good Faith to Ms. Cader and Mr. Sammon; (c) remove Petitioner *sua sponte*, as Receiver of PMS and as Superintendent; and (d) notice and conduct, *sua sponte*, a Part 83 hearing to determine whether suspension or revocation of Petitioner's certification is warranted.



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DR. FELICIA WATSON

Sworn to before me this  
20<sup>th</sup> day of October, 2017



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Notary Public

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





# POUGHKEEPSIE CITY SCHOOL DISTRICT

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

Dr. Felicia Watson  
Board President

Mrs. Doreen Clifford  
Board Vice-President

Mr. Randall Johnson  
Board Member

Mr. Raymond K. Duncan  
Board Member

Ms. Debra Long  
Board Member

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

## POUGHKEEPSIE CITY SCHOOL DISTRICT BOARD OF EDUCATION

### MEMORANDUM

**To:** Dr. Nicole Williams

**From:** Board of Education

**Date:** September 13, 2017

**Re:** Counseling Memorandum

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This will confirm your response to a directive given to you regarding the transfer of teachers from building to building. By email dated August 30, 2017 (copy attached), you were directed to provide the Board with the following information with respect to each proposed transfer:

- 1) Why the transfer is being made;
- 2) With whom you consulted about the transfer;
- 3) Were the wishes of the tenured teacher ascertained as per PPSTA contract;
- 4) What, if any, support or objection was made by the principal;
- 5) Why the transfer is being proposed so close to the beginning of the school year when this is clearly not in the best interest of the students?

The directive expressly stated that the "reasons **must** be clearly and thoroughly provided and substantiated in **complete facts**." *Id.* (Emphasis in the original). You failed to comply with this directive. Instead, you provided the Board with a chart (copy attached) that did not contain "complete facts" and failed to disclose that certain principals did in fact object. You also failed to provide complete facts as to why the transfers were being done so close to the beginning of the school year.

It is imperative that you comply with Board directives and that you timely and completely provide the Board with information that is vital to its oversight responsibilities. Your failure to adhere to directives in the future could lead to disciplinary charges being preferred against you.

You are hereby directed to provide the Board with the complete facts in writing as to each of the five questions listed above. This must be done by September 19, 2017.



Victoria Jackson <vjackson@poughkeepsieschools.org>

## Board Approved Resolution #18-0013 & Policy 9420 Is In Complete Effect!

1 message

[BOE] Dr. Felicia Watson <fwatson@poughkeepsieschools.org>

Wed, Aug 30, 2017 at 10:28 AM

To: "Dr. Nicole Williams" <nwilliam@poughkeepsieschools.org>

Cc: Board Members <boe@poughkeepsieschools.org>, jmiller@bsk.com, hmiller@bsk.com, Stephanie Green <president@ppsta.org>, "Phee Simpson" <psimpson@poughkeepsieschools.org>, Andrea Moriarty <amoriart@poughkeepsieschools.org>, Jason Gerard <jgerard@poughkeepsieschools.org>, Da'Ron Wilson <dwilson@poughkeepsieschools.org>, Mario Fernandez <mfernand@poughkeepsieschools.org>, Linda Melton Mann <lmann@poughkeepsieschools.org>, Victoria Jackson <vjackson@poughkeepsieschools.org>

Dr. Williams:

This will acknowledge receipt of your letter dated August 28, 2017 regarding teacher transfers. As expressly stated in Section 1711 of the Education Law (which critical language you omitted from your letter) and our District policy, **transfers are subject to board approval**. In conjunction with Resolution # 18-0013 approved by the Board of Education on July 14, 2017, at this juncture, the Board has **not** approved any teacher or administrator transfers from one school building to another school building.

Furthermore, you have intentionally disregarded Resolution #18-0013 as it directed you to inform teachers and administrators, that you were transferring, to be informed in writing by **July 21, 2017** of the Board's moratorium on involuntary transfers for the optimal management of the district. Additionally, you have overridden objections of these involuntary teacher transfers from principals without explanation.

**It is imperative that you provide the Board, by 5:00 pm today, August 30, 2017, with the following information for each individual proposed transfer:**

- 1) Why the transfer is being made;
- 2) With whom you consulted about the transfer;
- 3) Where the wishes of the tenured teacher ascertained as per PPSTA contract;
- 4) What, if any, support or objection was made by the principal;
- 5) Why the transfer is being proposed so close to the beginning of the school year when this is clearly not in the best interest of students?

If there are legitimate factually supported reasons for the transfers, the Board will consider them in the best interests of our students. But those reasons **must** be clearly and thoroughly provided and substantiated in **complete facts**. Finally, I remind you that Board approved Resolution #18-0013 is **still** in complete effect as of today, August 30, 2017.

Dr. Watson  
c: 914.456.5085

On Mon, Aug 28, 2017 at 3:59 PM, Dr. Nicole Williams <nwilliam@poughkeepsieschools.org> wrote:  
Good Afternoon, Honorable Board Members.

Please see the attached correspondence regarding the "Involuntary Transfer" directive, issued by the Board of Education.

Thank you.

Sincerely,

Dr. Nicole Williams  
Superintendent of Schools  
Poughkeepsie City School District  
(845) 451-4950 (W)  
(845) 391-6221 (C)  
Email: [nwilliam@poughkeepsieschools.org](mailto:nwilliam@poughkeepsieschools.org)

"Every scholar. Every day. Every classroom."

"Teamwork makes the dream work."

"Excellence is our goal."

Sent from my iPhone



## Poughkeepsie City School District

Delivering on the promise of a high-quality education

*Every scholar. Every day. Every classroom.*

### “Involuntary” Teacher Transfers 2017-2018

Teacher's Name	2016-17 Placement	2017-18 Placement	Reason for Transfer	Discussion held with Principals/Any Objections?	Discussion held with the Board
Neil Grover	PMS	PHS	Medical Request—switching with Holly Dunn (same certification area).	Yes/No	Yes
Amber Grant	PMS	PHS	Teacher and principal—skill set mathematics expertise fit for the high school level.	Yes/No	Yes
John Sammon	Warring	Krieger	Receivership needs/skill set match for the sixth (6) grade. Certification is aligned with the instructional needs at PMS as a former instructional ELA coach.	Yes/Yes Principal stated that the teacher objected.	Yes
Holly Dunn	PHS	PMS	Medical Request from Mr. Grover—switching with Mr. Grover (same certification area).	Yes/No	Yes
Shereen Cader	Krieger	PMS	Receivership needs/skill set match for the sixth (6) grade. Certification is aligned with the instructional needs at PMS.	Yes/Yes Principal stated that the teacher objected.	Yes
Kenneth Conrad	PMS	Warring	Returning from medical leave—certification is aligned with the instructional needs at Warring.	Yes/No	Yes
Andrea Boccio	PMS	Krieger	Certification is aligned with the instructional needs at Krieger.	Yes/No	Yes