

## **EXHIBIT A**

**Regular Meeting (Wednesday, February 24, 2016)**

Generated by Victoria Jackson on Thursday, February 25, 2016

**Members present**

Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

**Meeting called to order at 7:15 PM**

## **1. EXECUTIVE SESSION**

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1.1 The Board anticipates that a motion to adjourn to Executive Session for approximately 1.5 hours for the purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment or employment or promotion or demotion or discipline or suspension or removal of a particular person or corporation will be made immediately after opening the meeting. The Board further anticipates to return to the open, public portion of the meeting at 7:00 p.m.

## **2. CALL TO ORDER**

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## **3. CITIZEN COMMENTS**

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3.1 Good Evening Board of Education, thank you so much for the time you are giving me today. My name is David Laffin and I am a teacher at Poughkeepsie High School. I personally have total respect for artists to express themselves in a way that they see fit or the way that they need to convey whatever emotion or message that they are trying to send out. I do not look down at someone else's music because of their message. If I feel that even though I may disagree with the words, I can at least respect what that person is trying to say. SWAG is an idea that I strongly believe in and I support sometimes to the point I am ideologically the minority when it comes to guns and gun control. I will support SWAG until there is no need for it. I am also here to protect SWAG as well as the entire Poughkeepsie School District. I am more than angered at the cheap shots that radio personality Bill Beale from K104 felt necessary to put over the airwaves about our school district. I was so angry at the snickering that I endured last Thursday night at the Dutchess County United Teachers Council that the President suggested I leave the meeting which I did not. I am sick and tired of defending my students' home town and my home town and this school district to the ignorant, arrogant and racism and beyond and I will until I am a trivia question well after I am dead and gone. However, I ask that we as a district please look deeper into the context of events. I understand a celebrity name like Jadakiss gets people in the seats and even though he is coming to talk about health with his juice drinks and his personal story about redemption, is also the same artist that

released an album a few months ago that reference the use of an AK-47 and a 45. Regardless of the purpose of this message, it is still the arrogant and the ignorant who don't know us, fuel to add to the fire that is the continual public condemnation of the Poughkeepsie City School District; however, as long as I can stand, I will fight those people every time they come looking to tear us down. Thank you for your time tonight. Hi, my name is Jessica Thompson and I am a PHS student. I came up here to thank the district and Ms. Cherry for the opportunity to use the interaction center which has been a great help to me and other students. In the center I have found a lot of help looking for jobs, internships or college classes and really think it is a great resource for us to have to thank you. My name is Colleen Lynch and I am a teacher here at Warring School and we would like to welcome you here to our building. I just wanted to say thank you for the positive changes that you have made to our building. As a representative of the teachers, our staff morale has really come up and we really feel that you are working well with our administrator. We appreciate that. Tron Melton – Morgan Avenue – I just want to speak on equal opportunity employment in the Poughkeepsie City School District because it seems like when there is a position open it is already taken by somebody. Maybe not by someone in the public but it's taken by somebody but if you have a certain requirement prerequisites that nobody has. I was trying to explain last time that Transitional D you don't get that if you were offered the position in the school district. 99% of the people don't have the transitional D so when you do that it looks like there are certain people you want to have it and everybody else needs to step aside. That's not fair to anybody that wants to have a job. They had the exam for family advocate for the Poughkeepsie City School District, there were like 50 people there for the test and everything and I ran into 2 or 3 different people and asked what happened to the family advocate and I said they got rid of it and changed the name and I don't think that's fair because that was for the PCSD and that was the name of the test – Family Advocate for the PCSD. I understand that because you want certain people in those positions that other people outside the circle can't get in, that is why it is so hard to crack. I don't know why they took that away but I think it is unfair that you did that and to put Transitional D as a prerequisite to get a position, is not fair. Why would you do that? Gus – I don't know what is happening with the tax and the PILOTS. We are being short changed on a higher level and it is in your prerogative and it should be mandatory that we get our fair share for the education system. Being poor isn't a crime but not being educated is criminal so let's get together with these PILOTS so that we don't lose out. I feel very strongly about it.

## **4. SUPERINTENDENT'S REPORTS**

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### **4.1 Warring Elementary School Presentation from Students- Principal Gerard**

4.2 Recognition of Scholar-Athlete of the Week and Dutchess County Regional Chamber of Commerce Career Action Center Intern

4.3 Recognition of Dutchess County Music Educators Association (DCMEA) Junior High All County Students and Music Teachers

4.4 Data Presentation on Attendance, Discipline, and Academics - Principal Gerard

## **5. BOARD OF EDUCATION REPORTS**

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## **6. CONSENT AGENDA**

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### 6.1 Approval of Consent Agenda Items

Resolution: Motion to Approve Consent Agenda Items

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## **7. CONSENT - DISTRICT CLERK**

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### 7.1 Approval of Minutes

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

### 7.2 Approval of Minutes

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

### 7.3 Approval of Amended Minutes

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## **8. CONSENT - TREASURER'S REPORT**

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## **9. CONSENT - PERSONNEL**

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### **9.1 Instructional Extra-Assignment Appointments Amendment to Resolution #15-605f from the November 16, 2016 Board of Education Meeting – Amended Resolution.**

Resolution: a. BE IT RESOLVED, that pursuant to the PPSTA contract, the following individuals be appointed to the following extra-assignment position for Administration of DIAL-4 Screening, effective week of August 31, 2015 at the Early Learning Center at Smith School in the Poughkeepsie City School District. These positions will be paid for from the Title 1 Fund.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

### **9.2 Classified Appointments Amendment to Resolution #15-778 from the January 10, 2016 Board of Education Meeting – Amended Resolution.**

Resolution: a. BE IT RESOLVED, that Mr. Ross Trapani be appointed provisionally to the open Accountant position in the Poughkeepsie City School District (replacing Ms. Cheryl Gross who resigned), effective February 9, 2016, at an annual salary of \$65,000.00 (pro-rated \$30,875.00), pending clearance of fingerprint supported criminal history background check. This position will be paid for from the General Fund. AMENDMENT

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

### **9.3 Administrative Appointments – Resolution #16-906**

Resolution: a. BE IT RESOLVED, that Ms. Jessica Lovinsky, who holds Initial School Building Leader certification be appointed on probation to the open Secondary Assistant Principal position, in the Poughkeepsie City School District (replacing Ms. Yvonne Palmer who accepted another position) in the Secondary Assistant Principal tenure area, effective February 29, 2016 and extending through February 28, 2020 at an annual salary of \$92,500.00 (pro-rated \$32,062.50), as recommended by the Superintendent. This position will be paid for from the General Fund. b. BE IT RESOLVED, that Ms. Sasha Barnes, who holds Initial School Building Leader be appointed on probation to the new Elementary Instructional Leaders/Assistant Principal position in the Assistant Principal tenure area (established at the November 16, 2015 Board of Education meeting) in the Poughkeepsie City School District, effective March 24, 2016 and extending through March 23, 2020, at an annual salary of \$99,500.00 (pro-rated \$27,362.50), as recommended by the Superintendent. This position will be paid for from the School Improvement Grant - 6 Grant.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.4 Administrative Extra-Assignment Appointments – Resolution #16-907

a. BE IT RESOLVED, that pursuant to the PPSAA contract, the following individuals be appointed to the extra-assignment School Administrator Part-time positions for Spring Break Academies at Morse Elementary School and Poughkeepsie Middle School, effective March 21, 2016 and extending through March 24, 2016. These positions will be paid for from the Poughkeepsie Middle School – School Improvement Grant and SIG 6.

Motion by Gregory Charter, second by Raymond Duncan.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman

Nay: Felicia Watson

## 9.5 Instructional Appointments – Resolution #16-908

Resolution: a. BE IT RESOLVED, upon the recommendation of the Superintendent, the Board of Education hereby appoints Mr. Ian Morris, who currently holds Professional Students With Disabilities 7-12 certification and Professional Social Studies 7-12 certification (replacing Ms. Cheryl Hadzic who resigned), in the Special Subject teacher tenure area of Special Education, for a four-year probationary term, effective February 29, 2016 and extending through February 28, 2020, except to the extent required by Education Law Section 3012, (in order to be granted tenure, a classroom teacher must receive composite or overall annual professional performance review ratings pursuant to Education Law §3012-c and/or §3012-d of either effective or highly effective in at least 3 of the 4 preceding years. Further, if the classroom teacher receives an ineffective composite or overall rating in the final year of the probationary period he/she shall not be eligible for tenure at that time, in which case the Board of Education, in its discretion, may extend the teacher's probationary term for an additional year), at an annual salary of MA Step 4 \$64,361.00 (pro-rated \$26,066.21). This position will be paid for from the General Fund. b. BE IT RESOLVED, upon the recommendation of the Superintendent, the Board of Education hereby appoints Mr. Michael Gendler, who currently holds Initial Biology 7-12 certification (replacing Ms. Danielle Fridstrom who resigned), in the tenure area of Science, for a four-year probationary term, effective February 17, 2016 and extending through February 16, 2020, except to the extent required by Education Law Section 3012, (in order to be granted tenure, a classroom teacher must receive composite or overall annual professional performance review ratings pursuant to Education Law §3012-c and/or §3012-d of either effective or highly effective in at least 3 of the 4 preceding years. Further, if the classroom teacher receives an ineffective composite or overall rating in the final year of the probationary period he/she shall not be eligible for tenure at that time, in which case the Board of Education, in its discretion, may extend the teacher's probationary term for an additional year), at an annual salary of \$62,279.00 (pro-rated \$27,714.16). This position will be paid for from the General Fund.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.6 Instructional Extra-Service Coaching Positions – Resolution #16-909

a. BE IT RESOLVED, that pursuant to the PPSTA contract, the following individuals be appointed to the following Extra-Service Spring Interscholastic Coaches positions at Poughkeepsie High School and Poughkeepsie Middle School for the 2015-2016 school year in the Poughkeepsie City School District. These positions will be paid for from the Interscholastic Athletics Fund.

Motion by Gregory Charter, second by Felicia Watson.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.7 Instructional Extra-Assignment Appointments – Resolution #16-910

Resolution: a. BE IT RESOLVED, that pursuant to the PPSTA contract, the following individuals be appointed to the following extra-assignment part-time positions for Spring Break Academies at Morse Elementary School and Poughkeepsie Middle School, effective March 21, 2016 and extending through March 24, 2016, in the Poughkeepsie City School District. These positions will be paid for from the Poughkeepsie Middle School – School Improvement Grant and SIG 6.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.8 Para-Professional Appointments - Resolution #16-911

Resolution: a. BE IT RESOLVED, that the Board of Education hereby approves that Mr. Joshua Rodriguez be appointed to the open probationary teaching assistant position (Established at January 6, 2016 BOE Meeting) he currently holds Continuing Teacher Assistant certification in the teaching assistant tenure area, effective March 10, 2016 and extending through March 9, 2020 at an annual salary of BS Step 4 \$24,097.00 (pro-rated \$8,795.41). This position will be paid for from the School Improvement Grant – SIG 6. b. BE IT RESOLVED, that the Board of Education hereby approves that Ms. Christine Robinson be appointed to the open probationary teaching assistant position (Established at February 10, 2016 BOE Meeting) she currently holds Continuing Teacher Assistant certification in the teaching assistant tenure area, effective February 29, 2016 and extending through February 28, 2020 at an annual salary of \$22,786.00 (pro-rated \$9,228.33). This position will be paid for from the School Improvement Grant – SIG 6. c. BE IT RESOLVED, that the Board of Education hereby approves that Ms. Kim Stofa be appointed to the open probationary teaching assistant position (Established at February 10, 2016 BOE Meeting) she currently holds Continuing Teacher Assistant certification in the teaching assistant tenure area, effective March 7, 2016 and extending through March 6, 2020 at an annual salary of \$23,480.00 (pro-rated \$8,922.40), pending clearance of fingerprint supported criminal history background check. This position will be paid for from the School Improvement Grant – SIG 6. d. BE IT RESOLVED, that the Board of Education hereby approves that Ms. Tamika Rillie be appointed to the open probationary teaching assistant position (Established at February 10, 2016 BOE Meeting) she currently holds Continuing Teacher Assistant certification in the teaching assistant tenure area, effective February 29, 2016 and extending through February 28, 2020 at an annual salary of \$23,018.00 (pro-rated \$9,322.29). This position will be paid for from the School Improvement Grant – SIG 6. e. BE IT RESOLVED, that the Board of Education hereby approves that Ms. Tracy-Ann Anson be appointed to the open probationary teaching assistant position (Established at February 10, 2016 BOE Meeting) she currently holds Continuing Teacher Assistant certification in the teaching assistant tenure area, effective March 7, 2016 and extending through March 6, 2020 at an annual salary of \$24,097.00 (pro-rated \$9,156.86). This position will be paid for from the School Improvement Grant – SIG 6.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.9 Para-Professional Extra-Assignment Appointments - Resolution #16-912

Resolution: a. BE IT RESOLVED, that the following individuals be appointed to the following part-time extra-assignment position for the Spring Break Academies at Morse Elementary School and Poughkeepsie Middle School effective March 21, 2016 and extending through March 24, 2016. This position will be paid for from the Poughkeepsie Middle School – School Improvement Grant and SIG 6.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.10 Classified Resignations – Resolution #16-913

Resolution: a. BE IT RESOLVED, that the Board of Education hereby accepts the resignation of Mr. Daniel Whiteley, from his Maintenance Helper position in the Poughkeepsie City School District, effective February 26, 2016. b. BE IT RESOLVED, that the Board of Education hereby accepts the resignation of Mr. Keron Edwards, from his 1:1 Health Aide position in the Poughkeepsie City School District, effective January 27, 2016.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.11 Rescind – Classified Resignations – Amended Resolution #15-844b – Resolution #16-914

Resolution: a. BE IT RESOLVED, that the resolution approved at the January 20, 2016 Board of Education meeting be rescinded. BE IT RESOLVED, that the Board of Education hereby accepts the resignation of Mr. David Dunn, from his Assistant to Director of School Lunch position to accept another position in the Poughkeepsie City School District, effective January 3, 2016.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.12 Classified Leave of Absence – Resolution #16-915

Resolution: a. BE IT RESOLVED, that the Board of Education hereby accepts the leave of absence of Mr. David Dunn from his Assistant to Director of School Lunch position effective January 3, 2016.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.13 Classified Appointment – Resolution #16-916

Resolution: a. BE IT RESOLVED, that Ms. Samantha Gonzalez be appointed probationary to the open full-time School Security Monitor position (replacing Mr. Elvis Taylor who resigned) in the Poughkeepsie City School District, effective February 29, 2016, at an annual salary of \$22,500.00 (pro-rated \$9,112.50), to serve the maximum probationary term, pending clearance of fingerprint supported criminal history background check. This position will be paid for from the General Fund.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson



## 9.14 Classified Temporary Assignment – Resolution #16-917

Resolution: a. BE IT RESOLVED, that Mr. Jimmy McRay be appointed as the Interim Director of Facilities and Operations in the Poughkeepsie City School District (replacing Mr. Ron Sults who resigned), in accordance with Civil Service Regulations, effective February 1, 2016 and extending through June 3, 2016 at a salary of \$26,037.00. This position will be paid for from the General Fund.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.15 Classified Extra-Assignment Appointments – Resolution #16-918

Resolution: a. BE IT RESOLVED, that the following individuals be appointed to the extra-assignment part-time Nurse position for the Spring Break Academy at Morse Elementary School and Poughkeepsie Middle School effective March 21, 2016 and extending through March 24, 2016. These positions will be paid for from the Poughkeepsie Middle School – School Improvement Grant and SIG 6. b. BE IT RESOLVED, that the following individuals be appointed to the extra-assignment part-time positions for the Spring Break Academy at Morse Elementary School and Poughkeepsie Middle School effective March 21, 2016 and extending through March 24, 2016. These positions will be paid for from the Poughkeepsie Middle School – School Improvement Grant and SIG 6. c. BE IT RESOLVED, that the following individuals be appointed to the extra-assignment part-time positions for the Spring Break Academy at Morse Elementary School and Poughkeepsie Middle School effective March 21, 2016 and extending through March 24, 2016. These positions will be paid for from the Poughkeepsie Middle School – School Improvement Grant and SIG 6.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.16 Other-Medical Examinations – Resolution #16-919

Resolution: a. BE IT RESOLVED, that the Superintendent of Schools is hereby authorized to direct a comprehensive medical examination and evaluation, including psychiatric/psychological examination and evaluation, if necessary, on Employee #4190, in accordance with Section 913 of the Education Law; and, BE IT FURTHER RESOLVED, that the Board hereby directs that Employee #4190 submit their medical records; if any, from the last two years to the school appointed physician(s) at or before such examination/evaluation.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.17 Other-Medical Examinations – Resolution #16-920

Resolution: a. BE IT RESOLVED, that the Superintendent of Schools is hereby authorized to direct a comprehensive medical examination and evaluation, including psychiatric/psychological examination and evaluation, if necessary, on Employee #8820, in accordance with Section 913 of the Education Law; and, BE IT FURTHER RESOLVED, that the Board hereby directs that Employee #8820 submit their medical records; if any, from the last two years to the school appointed physician(s) at or before such examination/evaluation.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.18 Other-Medical Examinations – Resolution #16-921

Resolution: a. BE IT RESOLVED, that the Superintendent of Schools is hereby authorized to direct a comprehensive medical examination and evaluation, including psychiatric/psychological examination and evaluation, if necessary, on Employee #3810, in accordance with Section 913 of the Education Law; and, BE IT FURTHER RESOLVED, that the Board hereby directs that Employee #3810 submit their medical records; if any, from the last two years to the school appointed physician(s) at or before such examination/evaluation.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.19 Other-Medical Examinations – Resolution #16-922

Resolution: a. BE IT RESOLVED, that the Superintendent of Schools is hereby authorized to direct a comprehensive medical examination and evaluation, including psychiatric/psychological examination and evaluation, if necessary, on Employee #1935 in accordance with Section 913 of the Education Law; and, BE IT FURTHER RESOLVED, that the Board hereby directs that Employee #1935 submit their medical records; if any, from the last two years to the school appointed physician(s) at or before such examination/evaluation.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 9.20 Per Diem Appointments – Resolution #16-923

Resolution: a. The Board of Education hereby approves the attached list of per diem appointments, effective February 25, 2016, pending clearance of fingerprint supported criminal history background check.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

# 10. CONSENT – EDUCATIONAL SERVICES

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10.1 Approval of the consultant agreement with Houghton Mifflin Harcourt Publishing Company, to provide professional learning and staff training on the topic of strengthening literacy instruction and instructional leadership to each of the four elementary schools (Warring, Krieger, Morse, and Clinton), at a cost of \$128,000 for each school, from January 1, 2016 through August 31, 2016.

## **This cost will be funded by the School Improvement Grant Cohort 6 - Resolution #16-924**

BE IT RESOLVED that the Board of Education Approves the consultant agreement with Houghton Mifflin Harcourt Publishing Company, to provide professional learning and staff training on the topic of strengthening literacy instruction and instructional leadership to each of the four elementary schools (Warring, Krieger, Morse, and Clinton), at a cost of \$128,000 for each school, from January 1, 2016 through August 31, 2016. This cost will be funded by each of the elementary school School Improvement Grant Cohort 6

Motion by Gregory Charter, second by Raymond Duncan.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## **11. CONSENT - PUPIL PERSONNEL**

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### **11.1 Placement of Students with Disabilities (Retroactive to February 10, 2016) - Resolution #16-925**

Resolution: BE IT RESOLVED that the Board of Education arranges for the placement of students with disabilities as recommended by the CPSE and CSE at meetings held on: September 30, 2015, October 29, 2015, December 2, 2015, December 10, 2015, December 16, 2015, December 21, 2015, December 22, 2015, January 6, 2016, January 12, 2016, January 13, 2016, January 14, 2016, January 15, 2016, January 19, 2016, January 20, 2016, January 21, 2016, January 26, 2016, January 27, 2016, January 28, 2016, January 29, 2016, February 1, 2016, February 2, 2016, February 3, 2016, February 4, 2016, February 5, 2016, February 8, 2016, February 9, 2016.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

### **11.2 Placement of Students with Disabilities - Resolution #16-926**

Resolution: BE IT FURTHER RESOLVED that the Board of Education arranges for the placement of students with disabilities as recommended by the CPSE and CSE at meetings held on: January 12, 2016, January 20, 2016, January 21, 2016, February 1, 2016, February 9, 2016, February 11, 2016.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## **12. CONSENT - FINANCE AND ADMINISTRATION**

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### **12.1 Tax Certiorari Proceeding: 10 Garden Street LLC v. City of Poughkeepsie - Resolution #16-927**

Resolution: BE IT RESOLVED, that the Board of Education approve a Consent Judgment in a tax certiorari proceeding captioned 10 Garden Street LLC v. City of Poughkeepsie, and it is FURTHER RESOLVED, that the Board authorizes the refund of taxes as required by the terms of the Consent Judgment.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 12.2 Approval of Boathouse Lease – Resolution #16-928

Resolution: BE IT RESOLVED, that the Board of Education approves the Agreement between the Hudson River Rowing Association, Inc. and the Poughkeepsie City School District to lease a parcel of land upon which a community boathouse is constructed containing bays for storage as well as a separate training facility to contain rowing tanks, training room and related facilities. (a copy of which shall be incorporated by reference into the minutes of this meeting). The rental fee includes Base Expenses of \$11,621 covering Tenant's rental of the premises and User Fees of \$2,710 covering Tenant's program operations during the spring season. This fee is paid from the General Fund. BE IT FURTHER RESOLVED, that the Board President shall be authorized to sign such Lease Agreement on behalf of the Board.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 12.3 Approval of Contract with Catharine Street Community Center - Resolution #16-929

Resolution: BE IT RESOLVED that the Board of Education hereby approves the agreement between the Catharine Street Community Center and the Poughkeepsie City School District to provide a Universal Pre-Kindergarten program for 15 students for the period commencing September 9, 2015 and concluding June 30, 2016, at a cost of \$37,500, to be paid through the Universal Pre-Kindergarten Grant.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 12.4 Approval of Agreement with BPAS Actuarial and Pension Services, LLC - Resolution #16-930

Resolution: BE IT RESOLVED that the Board of Education hereby approve the Medicare Part D Agreement between BPAS Actuarial and Pension Services, LLC and Poughkeepsie City School District, a copy of which shall be incorporated by reference into the minutes of this meeting. BE IT FURTHER RESOLVED that the Board President is hereby authorized to sign the Agreement on the Board's behalf.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

# 13. CONSENT SUPERINTENDENT

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### 13.1 Approval for Mr. Mario Fernandez, Mr. David Scott and Mr. Da’Ron Wilson to attend the HMH Leadership Summit on March 14, 2016-March 16, 2016, in Boston, MA. - Resolution #16-931

Resolution: BE IT RESOLVED, that the Board of Education hereby approves Mr. Mario Fernandez, Mr. David Scott and Mr. Da’Ron Wilson to attend the HMH Leadership Summit on March 14, 2016-March 16, 2016, in Boston, MA., as recommended by the Superintendent. All cost for registration, meals and room for conference will be covered by HMH. Travel will be funded through the Elementary SIG 6 Grant and P-Tech Grant.

Motion to Approve Consent Agenda Items

Motion by Felicia Watson, second by Jacqueline Roman.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 14. ACTION ITEMS/BOARD OF EDUCATION

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### 14.1 Settlement Agreement Resolution #16-932

BE IT RESOLVED that the Board hereby approves a Settlement Agreement relating to Improper Practice Charge Case No. 34640 pending before the New York State Public Employment Relations Board with the Poughkeepsie City School Administrators Association dated January, 2016 (a copy of which shall be incorporated into the minutes of this meeting); and

BE IT FURTHER RESOLVED that the Board President shall be authorized to sign this Agreement on the District's behalf.

Motion by Gregory Charter, second by Raymond Duncan.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman

Nay: Felicia Watson

### 14.2 Supplemental Memorandum of Agreement Spring Break Academies - Resolution 16-933

BE IT RESOLVED, that the Board hereby approves a Supplemental Memorandum of Agreement by and between the District, the PPSAA, Ms. Nadine Dargan, Ms. Crystal Waterman, Mr. Joseph Mazzetti and Ms. Nicole Penn dated February 24, 2016 (a copy of which shall be incorporated by reference into the minutes of this meeting); and

BE IT FURTHER RESOLVED, that the Board President shall be authorized to sign this Supplemental Memorandum of Agreement on the Board's behalf.

Motion by Gregory Charter, second by Raymond Duncan.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman

Nay: Felicia Watson

## 15. ITEMS BROUGHT ONTO AGENDA

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### 15.1 Other - Memorium Gertrude Carroll - Resolution #16-934

WHEREAS, Ms. Gertrude Carroll served the Poughkeepsie City School District as an English Teacher and Tutor prior to her death on February 16, 2016.

BE IT RESOLVED, that the Poughkeepsie City School District Board of Education, and administration, and staff extend their sincere condolences to Ms. Carroll's family and friends and join them in honoring her memory.

Motion by Gregory Charter, second by Raymond Duncan.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 15.2 Settlement Agreement between Poughkeepsie City School District and the Catherine Street Community Center - Resolution #16-935

BE IT RESOLVED that the Board hereby approves an Agreement by and between the District and the Catherine Street Community Center dated February 18, 2016 (a copy of which shall be incorporated by reference into the minutes of this meeting); and

BE IT FURTHER RESOLVED that the Board President shall be authorized to sign this Agreement on the District's behalf.

Motion by Gregory Charter, second by Felicia Watson.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 15.3 Memorandum Dr. Laval S. Wilson v. Poughkeepsie CSD, Index No. 2015-51472 - Resolution #16-936

BE IT RESOLVED that the Board hereby authorizes the law firm of Shaw, Perelson, May & Lambert, LLP to appeal the February 18, 2016 Decision and Order of the Supreme Court, County of Dutchess in Dr. Wilson v. Poughkeepsie CSD, Index No. 2015-51472 pursuant to the terms of the District's retainer agreement with that law firm.

Motion by Gregory Charter, second by Raymond Duncan.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman

Abstain: Felicia Watson

## 15.4 Classified Appointment - Dr. Steven Rappleyea - Resolution #16-937

BE IT RESOLVED that the Board hereby appoints Dr. Steven Rappleyea to act as a districtwide alternate building level Dignity Act Coordinator to conduct Dignity for All Students Act (DASA) bullying and/or harassment investigations and enforce all DASA requirements in any District school(s) when allegations of harassment and/or bullying include allegations that the building level Dignity Act Coordinator is personally involved in the bullying and/or harassment

Motion by Gregory Charter, second by Raymond Duncan.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## 15.5 Memorandum of Agreement SMOA - Resolution #16-938

BE IT RESOLVED that the Board hereby approves a Supplemental Memorandum of Agreement by and Between the District and the Poughkeepsie Public School Administrators Association dated February 24, 2016 (a copy of which shall be incorporated by reference into the minutes of this meeting); and

BE IT FURTHER RESOLVED that the Board President shall be authorized to sign this Agreement on the Board's behalf.

Motion by Gregory Charter, second by Raymond Duncan.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## **16. SUPERINTENDENT'S COMMENTS**

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16.1 Dr. Nicole Williams - As our Board President says: "Team Work Makes The Dream Work". We know that we have a dream team here in the City of Poughkeepsie School District. I would be remiss if I didn't take a moment to recognize not only is she working hard on behalf of the children but she is our 3rd Ward Council Woman, Ms. Lorraine Johnson. I would also like to recognize Ms. Cherry who is out in the hall handing out our letters for Spring Break Academy. I would like to say thank you to our Board supporting the intentional work that we are focused on for children. We know that in urban school districts not only do we have children in poverty, we realize that having educational opportunities that are rich and valuable when students are out of school for extended periods of time it is so important so I want to thank the Board for their support. Thank you to the teachers and school leaders. Please visit our website for all of the information with respect to inclement weather and all of the wonderful things going on at our schools. Our cheerleaders came in 2nd at the Varsity Cheerleading Competition this past weekend and so we are celebrating because we know extra-curricular activities are so critical to the academic work. Please come out and support our scholars. Our Varsity Basketball team also beat Monticello tonight 77-27

## **17. BOARD OF EDUCATION COMMENTS**

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17.1 Mr. Ralph Coates, Board President . I want to thank Mr. Gerard for hosting the meeting tonight at Warring Elementary. Thank you also for taking on the task of transitioning into your new role during the middle of the school year and I am sure that you can see from the staff here this evening and from Ms. Lynch who spoke about the support that they will give you as we look at the transformation and shift that is going to take place here at the Warring School. We know that there is a work to be done and thank you for your leadership in the Poughkeepsie City School district but more importantly at Warring Elementary. I don't want to repeat or rehash what my fellow Board Members have said but we are attending the Capital Conference advocating for our District. It is a very important time. We will go and speak to those who make the decisions regarding funding. It is important for the Board to go to Albany and advocate on behalf of our District. I do want to thank Mr. Duncan for standing in my stead. I have had some business and personal engagements lately. He has done a wonderful job in my absence. For the Board information, You should expect a preliminary Budget document at our March Workshop Meeting. Mr. Kurlander and Dr. Williams will be working diligently in having that document for us. We will be able to take a closer look then at the 2016-17 Budget line by line. I do want to clarify a couple of things. There was a letter

that was shared with a community member that was sent by myself as the Board President. It was not sent on behalf of the Board and also there was a comment made in regards to Press Releases and so forth. I just want the public to know that according to our policy, the Board President has the authority to respond to all media inquiries and that is according to our policy. The final comment in regards to some things that were said, the Board approves a security budget. That budget was also approved by the community. Once that is approved, the Superintendent or administration does not need approval from the Board to expend those dollars once they have been approved by the Board and by the public and the security budget did pass as part of our overall budget for the School District. Those are the items that I have for the evening. I am going to ask the Board to adjourn for executive session to discuss a personnel matter. The Board will not be coming out for any official business. Thank you everyone for attending and please get home safe.

17.2 Mr. Raymond Duncan, Board Vice-President – thank you. I would like to thank our student performers here tonight. Welcome to the new staff. This coming weekend, Dr. Watson and Mr. Charter spoke a little about. A majority of the Board is going up to Albany to meet with legislators and depending on what happens we get to meet other legislators that are in Albany. We need to make sure that this year we don't get short changed again. Last year we were short changed with the State Aid. The average across the state is over 6% and this district got under 3% and that is what I would call criminal. We need to provide programs at a higher level. The bottom line is that we don't have all of the programs that we should have. I don't think anyone up here would disagree with that. We are going to do our part this weekend. We need support from the public too. Please reach out to legislators and let them know what our needs are. Thank you very much.

17.3 Mr. Gregory Charter, Board Member It is nice to visit the Northside of Poughkeepsie. It is nice to be at Warring School. Welcome to the new employees in the District. We are approaching our budget season. My fellow Board Members and Dr. Williams are going to Albany this weekend because in the last several years we have been hit hard financially. When you look at Poughkeepsie as a whole, 4 miles by 4 miles, you drive down Hooker Avenue and you see a lot of houses for sale. This means that people are either moving or the houses are already vacant. When we look at the budget with programs and staff, the 2% tax cap has affected us because we can not go to the tax payers to help balance a budget. When we start talking about what affects our students and our community, these are really hard times. I have been doing this for over a decade. So many things affect our budget because our tax base is so small. Then you look at a 2% tax cap but it starts up in Albany with the



State. It isn't just the 5 of us that make these decision on our own, it starts with the state. I just want everyone to remember that Poughkeepsie is a small City. We can't tax people on Route 9 or the department stores. Our city is in financial crisis. We have seen some good days in Poughkeepsie. Take a ride sometime though and look at all of the For Sale signs. It will blow your mind. I think I counted 9 on Hooker Avenue alone. We as a Board make tough choices that really affect so many people. 4,700 students, veterans, senior citizens. I love Poughkeepsie and I love what we do. It starts in Albany. The state owes us \$30 million. We need the money.

17.4 Ms. Jacqueline Roman, Board Member Thank you Mr. Coates. So there are a lot of things going on. First of all I would like to thank Mr. Gerard. One of the best things about coming out to the schools is that we have so much beautiful talent. We have all of these beautiful kids performing when we are at the different schools. It is just lovely and I love it. This is really why we are here. This Saturday at the partnership is the Healthy Black and Latino Coalition celebrating Black History Month. It is a really great event. The PCSD holds a table at that event. I hope you all can join us. On March 2, 2016 it is the birthday of De. Seuss. We celebrate Read Across America in every school. I have invited community members to serve as principal of the day. This year we have the mayor and CEO of the Chamber of Commerce at the High School and we will have members of our Common Council representing every school. March 12, 2016 is our Parent University and this year is it now Family University. We have already signed up 28 participating agencies as well as numerous workshops.

17.5 Dr. Felicia Watson, Board Member - I would like to thank Mr. Gerard and the Warring community for hosting us this evening. In 7 weeks Mr. Gerard is getting the work done. I want to thank you for all of the work you are doing along with your team and putting in place a systematic approach to optimally educating our young people. To all of the students (if you can let them know over the announcements tomorrow morning) that we are telling you all that Warring is doing a phenomenal job. The reading of the poems tonight, the dancing was just so phenomenal and professional. Welcome aboard to our new employees. Welcome to our Participation in Government students and thank you for being here this evening. I am looking forward to the Capital Conference that is coming up that the Board has spoken a lot about along with the budget. The Capital Conference is this Sunday and Monday. We are going as Board Members to help and advocate for our district as well as our students. On Monday we are going to advocate to Assemblymen and Senators at the State Capital. Finally, I just want to let everyone know that we are bound by policy as School Board Members as well as the school institutions. So I want to read three specific policies to you because I want it reflected on

record specific to press releases that have gone out, the fact that we have two wonderful policemen here that I wasn't privy to so I want to just read policy and this isn't about the policemen, they are our city's finest so let's give our policemen a hand. At the last Board Meeting we had one and now we have two. I am not sure why but as a member of the Board, I should have had knowledge of this so I am just going to read this so that we are all on the same page with policies. Policy 2111 The Board of Education functions as a unit and speaks officially through the collective action of its membership. No member of the Board, as an individual, may exercise the authority of the Board, nor speak for the Board, unless authorized by the Board to do so through instructions given at a meeting of the Board. The president of the Board will be the designated spokesperson for the Board with regard to the announcement of actions which have become policy, unless other instructions are decided upon by the Board as a whole. Policy 2220 Board Officers - The Board of Education shall at the annual organizational meeting elect one of its members President, and another of its members Vice President, by a majority vote of the full Board. We do have those individuals here. The President of the Board of Education shall, in addition to statutory duties.. And I am not going to read all of them, feel free to do so on your own but I am going to skip down to #5 which says execute all documents on behalf of the Board. Now to execute all documents on behalf of the Board is once the Board has authorized the President to do so whether it's a Board Resolution or otherwise collectively. Finally, Board Policy 2110- School Board Powers and Duties #2 says to act efficiently only as a Board of Education so that is a collective unit. That concludes my remarks. Out of respect for all Board Members, wouldn't it behoove this Board to inform all Board Members with an email to the Board to let the Board know what is going on?

## **18. ADJOURNMENT**

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### **18.1 Motion to adjourn @ 9:21**

Adjourn

Motion by Gregory Charter, second by Raymond Duncan.

Final Resolution: Motion Carries

Yea: Ralph Coates, Raymond Duncan, Gregory Charter, Jacqueline Roman, Felicia Watson

## **EXHIBIT B**



Poughkeepsie City Schools - Board of Education Agenda Item

**Agenda Item Details**

Meeting	Jul 07, 2017 - Annual Reorganizational Meeting of the Board of Education
Category	10. BOARD OF EDUCATION/ACTION ITEMS
Subject	10.5 Approval to Hire Special Counsel
Type	Action
Recommended Action	<p>WHEREAS, the Board of Education of the Poughkeepsie City School District (the "Board") has determined to hire special counsel to perform internal investigations surrounding the 2016 and 2017 elections and any other alleged misconduct, fraud or alleged crimes that the Board deems necessary to investigate and to prepare a report of the findings of such investigations, so that the Board may uncover facts and pursue appropriate courses of action; and NOW, THEREFORE, be it RESOLVED, that the Board will retain the services of Todd J. Aldinger, Esq., as special counsel on July 17, 2017; and be it</p> <p>RESOLVED, that, as special counsel, Todd J. Aldinger, Esq. will perform one or more internal investigations and prepare a report of the findings of such investigations to the Board; and be it</p> <p>RESOLVED, that Todd J. Aldinger, Esq. or any associate of his shall be compensated at an hourly rate of \$175.00 per hour, and be it</p> <p>RESOLVED, that the President of the Board has been authorized by the Board of Education to sign a retainer agreement for the services of Todd J. Aldinger, Esq.</p>

**Motion & Voting**

WHEREAS, the Board of Education of the Poughkeepsie City School District (the "Board") has determined to hire special counsel to perform internal investigations surrounding the 2016 and 2017 elections and any other alleged misconduct, fraud or alleged crimes that the Board deems necessary to investigate and to prepare a report of the findings of such investigations, so that the Board may uncover facts and pursue appropriate courses of action; and NOW, THEREFORE, be it RESOLVED, that the Board will retain the services of Todd J. Aldinger, Esq., as special counsel on July 17, 2017; and be it

RESOLVED, that, as special counsel, Todd J. Aldinger, Esq. will perform one or more internal investigations and prepare a report of the findings of such investigations to the Board; and be it

RESOLVED, that Todd J. Aldinger, Esq. or any associate of his shall be compensated at an hourly rate of \$175.00 per hour, and be it

RESOLVED, that the President of the Board has been authorized by the Board of Education to sign a retainer agreement for the services of Todd J. Aldinger, Esq.

Motion by Doreen Clifford, second by Debra Long.  
Final Resolution: Motion Carries  
Yea: Felicia Watson, Doreen Clifford, Debra Long  
Nay: Raymond Duncan, Randall Johnson

## **EXHIBIT C**

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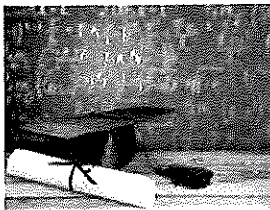


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WESTERN UNION WU

## Lawyer directed to share Poughkeepsie graduation probe findings with authorities

Nina Schutzman, Poughkeepsie Journal Published 4:51 p.m. ET Nov. 16, 2017 | Updated 6:58 p.m. ET Nov. 16, 2017



(Photo: artisteer, Gelly Images/iStockphoto)

An investigation of "improper or questionable graduations" in the Poughkeepsie City School District is ongoing, and the lawyer conducting it has been directed by the board to share his findings with authorities.

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During an executive session at Wednesday's meeting, the school board reviewed a report from attorney Todd Aldinger, which contains allegations of "potential misconduct, fraud or other crimes related to the graduation of certain students in 2017."

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But there were no details shared about the specifics of the allegations or whom they may be involved.

**GRADUATION: Probe found indications of graduation 'misconduct'**

([/story/news/education/2017/11/13/poughkeepsie-schools-probe/858335001/](http://story/news/education/2017/11/13/poughkeepsie-schools-probe/858335001/))

**REGENTS: 'Discrepancies' found on Poughkeepsie science Regents answer sheets** ([/story/news/education/2017/09/07/discrepancies-found-poughkeepsie-science-regents-answer-sheets/640708001/](http://story/news/education/2017/09/07/discrepancies-found-poughkeepsie-science-regents-answer-sheets/640708001/))

Aldinger's investigation is ongoing, said board President Felicia Watson, so there is nothing official that can be shared with the public yet. She declined further comment on the allegations.

According to the resolution that passed 3-2 on Wednesday: "The Board of Education received allegations regarding graduation eligibility for the 2013 Cohort" during a Sept. 6 presentation, given by Elizabeth Ten Dyke, director of data analysis and accountability for the district.

A cohort is a group of students who enter ninth grade in the same school year. Students who graduated in 2017 after four years of high school were part of the 2013 cohort.

A report from Aldinger (who was hired in July as special counsel to perform internal investigations as needed) indicates "potential misconduct, fraud or other crimes related to the graduation of certain students in 2017."

The board majority's vote directs Aldinger to "communicate his current findings and any future findings that result from his ongoing investigation into improper or questionable (district) graduations" to the appropriate federal, state and local authorities.

Trustees Ray Duncan and Randy Johnson voted against the measure. Both said they felt the resolution was "putting the cart before the horse" and that the board had limited time to review Aldinger's report, which Duncan said "is about 200 pages long."

And the "resolution is one-sided," Johnson said. "These are allegations. Nothing has been proven to be a fact."

Watson said the resolution gives Aldinger the opportunity to share his findings with authorities should he need to prior to the next meeting, which isn't until Dec. 13.

Through her secretary, Poughkeepsie High School Principal Phee Simpson declined comment.

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Superintendent Nicole Williams could not be reached for comment by the Journal's deadline.

The state Education Department takes August graduation rates into account when calculating a district's performance. It also calculates graduation rates by school and district. The district-wide rate includes students who attended the high school, along with those in out-of-district programs such as BOCES.

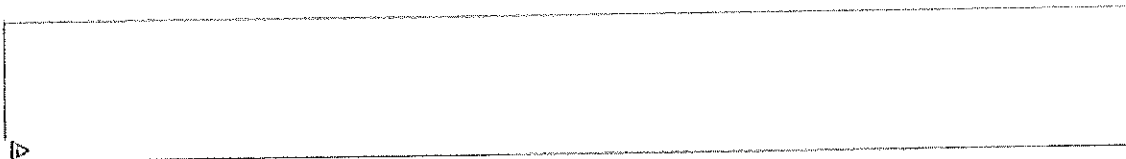
Poughkeepsie's district-wide 2017 four-year graduation rate (including August) was nearly 67 percent, according to Ten Dyke's September presentation. In the two years prior to that, the district-wide four-year August graduation rate was 60 percent.

Aldinger said he could not comment on the contents of his report, because of attorney-client privilege, which the board had not waived as of Wednesday evening. He did confirm "the text of the resolution" that's on the public agenda.

Aldinger's pay rate is \$175 an hour, according to district records.

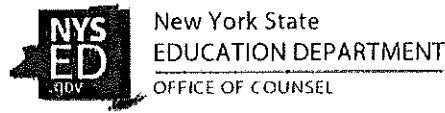
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## **EXHIBIT D**



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## Decision No. 17,298

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Appeal of NICOLE WILLIAMS from action of the Board of Education of the City School District of the City of Poughkeepsie, Shereen Cader and John Sammon regarding teacher transfers.

Decision No. 17,298

(December 22, 2017)

Law Office of Stanley J. Silverstone, attorneys for petitioner, Stanley J. Silverstone, Esq., of counsel

Bond Schoeneck & King PLLC, attorneys for respondents, Howard M. Miller, Esq., of counsel

ELIA, Commissioner.--Petitioner appeals from a July 14, 2017 resolution of the Board of Education of the City School District of the City of Poughkeepsie ("respondent board") which placed a moratorium on all involuntary transfers of teachers and administrators for the 2017-2018 school year, as well as board directives issued on September 1, 2017 and actions taken by two tenured teachers, Shereen Cader ("respondent Cader") and John Sammon ("respondent Sammon") in conformity therewith. The appeal must be sustained in part.

At all times relevant to this appeal, petitioner was the superintendent, and respondents Cader and Sammon were tenured teachers within respondent board's district.

On July 16, 2015, Poughkeepsie Middle School ("PMS" or the "receivership school") in respondent's district, was designated a "struggling school" pursuant to Education Law §211-f(1)(a).[1] Petitioner was vested with the authority of superintendent receiver with respect to PMS pursuant to Education Law §211-f(2) and continues to exercise such duties as of the time of this decision.[2]

On June 15, 2017, respondent Cader was informed by her building principal that she would be transferred from Krieger Elementary School to Warring Elementary School in respondent's district for the 2017-2018 school year. On the same day, respondent Sammon was informed by his building principal that he would be transferred from teaching fourth grade at Warring Elementary

School to teaching fifth grade at Krieger Elementary School in respondent's district. Both teachers objected to their reassignments and did not comply with these directives.

On July 14, 2017, respondent board adopted Resolution 18-0013 which "place[d] a moratorium on all involuntary transfers of teachers and administrators for the 2017-2018 school year pending further study by the Board."

On August 28, 2017, petitioner issued six directives transferring teachers in respondent board's district to different school assignments. While respondents Cader and Sammon were informed in June 2017 that they would be transferred to different elementary schools, petitioner's August 28, 2017 directives transferred respondents Cader and Sammon to PMS. Four teachers complied with petitioner's directives; respondents Cader and Sammon did not.

Also on August 28, 2017, petitioner wrote to respondent board, informing it of the six transfers including those of respondents Cader and Sammon, and affirmatively stated that she was "exercising [her] authority" pursuant to Education Law §211-f to "[s]upersede a decision [*i.e.*, the July 14, 2017 resolution] made by the Board of Education." Petitioner further explained, in her view, "why the [July 14, 2017] Board directive ... [wa]s legally impermissible." Attached to this letter was a document explaining, among other things, the reasons why petitioner ordered the involuntary transfers.[3]

On August 30, 2017, respondent board's president emailed petitioner on behalf of the board at 10:28 a.m., objecting to petitioner's directives and requesting that petitioner provide answers to five questions relating to each teacher's transfer by 5:00 p.m. that same day and reminded petitioner that the July 14 board resolution remained in effect. The questions included queries as to why petitioner ordered the August 28, 2017 transfers and why the transfers were proposed so close to the beginning of the school year. Petitioner responded to each of respondent board's questions within the requested timeframe. In her response, petitioner stated that she had ordered the transfers "[t]o support the Receivership school/Struggling school." With specific respect to respondent board's query as to why the transfers were proposed so close to the beginning of the school year, petitioner answered that the "[b]oard issued a moratorium."

On September 1, 2017, respondent board issued separate letters to respondents Cader and Sammon advising them "to disregard the letter[s] [they] may have received" from petitioner "and report to the same school building that you served in during the 2016-2017 school year that is NOT in 'Receivership'" (emphasis in original).[4][5] This appeal ensued.

Petitioner contends that respondent board's July 14, 2017 Resolution, imposing a moratorium on involuntary transfers for the 2017-2018 school year, interfered with her authority as superintendent receiver of PMS. She further asserts that the July resolution violates Education Law §§1711 and 2508 because those provisions give a superintendent authority to transfer teachers in the first instance. Petitioner also asserts that the six directives issued by respondent board in September 2017 violate her receivership authority under Education Law §211-f. Petitioner seeks a determination that respondent board's July 14, 2017 resolution and its September directives are null and void and petitioner requests that I confirm the validity and enforceability of all teacher transfers. Petitioner also seeks a determination that Board Policy 9420 is null and void to the

extent it grants the board power to approve or disapprove teacher transfers beyond the authority granted by the New York State Education Law.

Respondents contend that respondent board's actions were "lawful and necessary to protect its students and staff." Respondents further argue that petitioner's August 28, 2017 transfers did not represent the best interests of the district; that petitioner did not immediately report the transfers to respondent board; and that petitioner acted with retaliatory or otherwise improper motives.[6]

In their answer, respondents waived any defense as to timeliness and instead, requested a "swift" determination on the merits."

First, I must address a procedural matter. Respondents' memorandum of law contains newly raised assertions. A memorandum of law should consist of arguments of law (8 NYCRR §276.4) and may not be used to add belated assertions or exhibits that are not part of the pleadings (Appeal of Bruning and Coburn-Bruning, 48 Ed Dept Rep 84, Decision No. 15,799; Appeal of Wright, 47 id. 202, Decision No. 15,668). Therefore, I have not considered any arguments which respondents raise for the first time in their memorandum of law.

Further, to the extent the parties dispute the validity of the June 2017 transfers of respondents Cader and Sammon, such claims must be dismissed as moot. The Commissioner will only decide matters in actual controversy and will not render a decision on a state of facts which no longer exist or which subsequent events have laid to rest (Appeal of a Student with a Disability, 48 Ed Dept Rep 532, Decision No. 15,940; Appeal of M.M., 48 id. 527, Decision No. 15,937; Appeal of Embro, 48 id. 204, Decision No. 15,836). The June 2017 orders transferring respondents Cader and Sammon to Warring Elementary School and Krieger Elementary School, respectively, have been superseded by petitioner's August 28, 2017 directives which transferred respondents Cader and Sammon to PMS. Therefore, to the extent the parties raise claims or defenses with respect to the June 2017 transfers, this issue has been rendered academic by petitioner's August 28, 2017 directives and need not be addressed.

Additionally, in their answer respondents request that petitioner be removed as superintendent and receiver pursuant to Education Law §306. However, respondents have not filed a removal application pursuant to that section or cited any authority or basis for petitioner's removal "as receiver" in an appeal pursuant to Education Law §310 and, therefore, I need not address respondents' contentions in this regard.[7]

Turning to the merits, in an appeal to the Commissioner, a petitioner has the burden of demonstrating a clear legal right to the relief requested and the burden of establishing the facts upon which petitioner seeks relief (8 NYCRR §275.10; Appeal of Aversa, 48 Ed Dept Rep 523, Decision No. 15,936; Appeal of Hansen, 48 id. 354, Decision No. 15,884; Appeal of P.M., 48 id. 348, Decision No. 15,882).

Petitioner first contends that respondent board's July 14, 2017 resolution prohibiting involuntary transfers in the 2017-2018 school year violates Education Law §2508. I agree. With specific respect to city school districts with less than one hundred twenty-five thousand inhabitants, pursuant to Education Law §2508(5), a superintendent within such a district has the authority:

to transfer teachers from one school to another, or from one grade of the course of study to another grade in such course, and to report immediately such transfers to such board for its consideration and action.

The plain language of Education Law §2508 bestows the superintendent with the authority "to transfer teachers from one school to another." Moreover, the authority of a superintendent to assign teachers "has been held to be absolute in the absence of contractual provision otherwise or of malice, bad faith, gross error or prejudice" (Alderstein v. Bd. of Educ. of the City of New York, 64 NY2d 90). Although such decisions must be "report[ed] immediately" to the board "for its consideration and action," a board may not circumvent this procedure by removing the superintendent's authority to make such transfers in the first instance. While respondent board argues that the resolution was "lawful and necessary to protect its students and staff," respondent board has not explained how it was prohibited from "protect[ing]" its students and staff under the existing statutory procedure, where it retained ultimate authority to disallow any such transfer. Therefore, I find that the July 14, 2017 "moratorium on all involuntary transfers of teachers and administrators" conflicts with the superintendent's general authority to transfer teachers in the first instance under Education Law §2508 and must be annulled.

Moreover, I find that respondent board's September 1, 2017 directives to these teachers unlawfully interfered with petitioner's powers as a superintendent receiver to supersede a board's decision pursuant to Education Law §211-f. In April 2015, the Legislature enacted Subpart H of Part EE of Chapter 56 of the Laws of 2015 which added a new section (211-f) to the Education Law pertaining to school receivership. Section 211-f designates a school that has been identified as a "priority school" in each applicable year of the three consecutive school year period comprising 2012-2013, 2013-2014 and 2014-2015,[8] as "failing schools" (referred to in §100.19[a][1] of the Commissioner's regulations, and hereinafter, as "struggling schools") and vests the superintendent of the district with the powers of an independent receiver. As relevant to this appeal, PMS was designated a struggling school and petitioner, as a "superintendent receiver," was given two years to improve student performance. If it failed to demonstrate improvement at the conclusion of the two-year period, an independent receiver would be appointed. On October 27, 2017, the Commissioner notified petitioner that PMS made demonstrable improvement and therefore, the school continues to operate under the authority of petitioner, as superintendent receiver.

Education Law §211-f provides persons or entities vested with the powers of a receiver new authority to, among other things, develop a school intervention plan; convert schools to community schools providing wrap-around services; reallocate funds in the school's budget; expand the school day or school year; establish professional development plans; replace teachers and administrators, including school leadership who are not appropriately licensed or certified; establish steps to improve hiring, induction, teacher evaluation, professional development, teacher advancement, school culture and organizational structure; order the conversion of the school to a charter school consistent with applicable state laws; remove staff and/or require staff to reapply for their jobs in collaboration with a staffing committee.

In addition, and as relevant to this appeal, a receiver, including a superintendent receiver,

shall [also] be authorized to manage and operate the failing or persistently failing school and shall have the power to supersede any decision, policy or regulation of the superintendent of schools or chief school officer, or of the board of education or another school officer or the building principal that in the sole judgment of the receiver conflicts with the school intervention plan; provided however that the receiver may not supersede decisions that are not directly linked to the school intervention plan, including but not limited to building usage plans, co-location decisions and transportation of students (Education Law §211-f[2][b] [emphasis added]).

A receiver may invoke the power to supersede so long as the receiver notifies the board of education, superintendent of schools or chief school officer, and the principal in writing "not fewer than 10 business days prior to the effective date of the supersession of the specific decision, policy or regulation that the receiver plans to supersede" (8 NYCRR §100.19[g][7]; see generally Education Law §211-f[2][b]). In such a written notice of supersession, the receiver must provide:

[T]he reasons for supersession; the specific decision, policy, or regulation that will replace the one that shall be superseded; and the time period during which the supersession shall remain in effect (8 NYCRR §100.19[g][7]).

Petitioner asserts in an affidavit that she became "aware in August 2017 of more staff vacancies at Poughkeepsie Middle School [i.e., the receivership school] than anticipated." She also states that she decided to transfer two teachers out of the receivership school due to their poor performance pursuant to her receivership authority under Education Law §211-f.[9] Petitioner further states in her reply affidavit that:

Ensuring that there are effective teachers in the classrooms in [the receivership school], as well as all schools in the district is the single most important strategy I have as a superintendent receiver and the superintendent of [respondent board's district] for increasing student learning and academic achievement. Matching skill to the needs is critically important.

On August 28, 2017, petitioner wrote to respondent board, informing it of the six transfers, including those of respondents Cader and Sammon, and affirmatively stated that she was "exercising [her] authority" pursuant to Education Law §211-f to "[s]upersede a decision [i.e., the July 14, 2017 resolution] made by the Board of Education." Petitioner further explained, in her view, "why the [July 14, 2017] Board directive ... [wa]s legally impermissible." Attached to this letter was a document explaining, among other things, the reasons why petitioner ordered the involuntary transfers. With respect to respondent Cader, petitioner stated: "[r]eceivership needs/skill set match for the sixth (6) grade. Certification is aligned with the instructional needs at PMS." With respect to respondent Sammon, petitioner indicated: "[r]eceivership needs/skill set match for the sixth (6) grade. Certification is aligned with the instructional needs at PMS as a former instructional ELA coach."

In an email to petitioner dated August 30, 2017, the board president stated: "[t]his will acknowledge receipt of your letter dated August 28, 2017 regarding teacher transfers." Petitioner's position, as expressed in the August 28, 2017 letter to the board and on appeal, is that the July 14, 2017 resolution violated the Education Law.

Petitioner also advised respondents of the "time period during which the supersession would remain in effect"; i.e., the 2017-2018 school year (8 NYCRR §100.19[g][7]). Thus, the record demonstrates that petitioner followed the supersession procedure outlined in 8 NYCRR §100.19(g) (7).

I also find that the August 28, 2017 transfers were "directly linked to the school intervention plan" as required by Education Law §211-f(2)(b). The school intervention continuation plan for PMS for the 2017-2018 school year explicitly identified "excessive teacher absences and turnover" as a concern, and noted that "staffing continues to be a challenge." The plan also includes a summary of concerns/recommendations from the community engagement team established pursuant to 8 NYCRR §100.19(b), which included, among other things, that teachers at PMS were teaching two or more subjects. Thus, I find that the board's July 14, 2017 and September 1, 2017 decisions to prohibit involuntary transfers directly conflicted with the school intervention plan by prohibiting petitioner from ensuring that there was adequate staff to address shortages and staffing at the receivership school (Education Law §211-f[2](b)).

Respondents also assert that the transfers were not in the best interest of the district and did not serve any educational purpose. However, the record reflects that petitioner became aware of more staff vacancies than expected at PMS in August 2017 and that she decided to transfer two low-performing teachers out of the receivership school. Respondents admit in their answer that respondents Cader and Sammon are "two of the [d]istrict's most accomplished elementary educators [and] members of their respective school's Transformation Teams," and it is beyond cavil that these accomplished educators' skills would aid the receivership school. Further, in her August 28, 2017 letter, petitioner indicated that respondents Cader and Sammon were transferred based upon the "[r]eceptorship needs" of PMS and the fact that their "skill set[s]" were a "match for the sixth (6) grade" and that their certifications were "aligned with the instructional needs at PMS." Petitioner also asserted in this letter that respondent Sammon's experience as a "former instructional ELA coach" matched the needs at PMS.

Respondent Cader argues that petitioner's transfer order was irrational because respondent Cader has never taught a sixth-grade classroom and has never taught at PMS. Respondent Sammon argues that he was asked to teach a subject he had never taught before. However, petitioner refutes these assertions. In her reply affidavit, petitioner states as follows:

[B]oth teachers are properly certified to teach 6<sup>th</sup> grade. In the 6<sup>th</sup> grade, teachers receive professional development daily, so they would have been brought up to the level of competence quickly as the focus is on literacy strategies, which is across grade levels. In the middle school, Cader and Sammon would have been part of a team with only one subject to prepare for as opposed to all the core subjects in elementary school. We use an interdisciplinary literacy approach, so they would have been well prepared to support a humanities team approach. Mr. Sammon, with his background and experience in academic coaching, would not have had difficulty in transferring to the middle school on short notice.

Petitioner further asserts that respondent Cader has taught "every summer in the transitional 6<sup>th</sup> grade summer program" for at least the past three years.<sup>[10]</sup>

While I acknowledge that the record contains conflicting evidence as to the benefits and appropriateness of petitioner's transfers, this evidence does not demonstrate that petitioner acted with such malice, bad faith, gross error or prejudice which might justify setting the transfers aside (Alderstein v. Bd. of Educ. of the City of New York, 64 NY2d 90; see Matter of Woicik, 2 Ed Dept Rep 171, Decision No. 7,019). Respondents further assert that petitioner's August 28 transfer orders constituted retaliation for certain actions, including respondent Sammon's declination of "a position in central administration," which petitioner "conveyed to [him] through another administrator." However, petitioner denies that she offered respondent Sammon such a position, and the record contains no proof substantiating respondent Sammon's allegations in this regard. [11] Therefore, I find that respondents have failed to demonstrate that petitioner's actions were committed with such malice, bad faith, gross error or prejudice which might justify setting the transfers aside.

I am similarly unpersuaded by respondents' argument that Education Law §211-f does not permit the challenged transfers because they would "eviscerate critical resources from every other school building in the [d]istrict." Education Law §211-f sets forth two limitations on a receiver's supersession powers: (1) any supersession must be "directly linked to the school intervention plan"; and (2) a supersession cannot relate to a superintendent's employment status (see Education Law §211-f[1][c][i], [2][b])). Given this unambiguous language, I decline to read additional exceptions into the statute. In any event, I note that respondents have submitted no proof to support a finding that, in fact, the transfers threatened the resources of every school building in respondent board's district. Therefore, I find respondents' arguments without merit.

Petitioner additionally requests that I declare Board Policy 9420 null and void insofar as it permits the board to unilaterally effectuate teacher transfers. Respondent board's Policy 9420 provides, in pertinent part:

Within the provisions of the appropriate negotiated contracts and state laws, the Superintendent of Schools will assign, transfer and reclassify district personnel subject to Board of Education approval.

Since respondent board's Policy 9420 includes language that says "[w]ithin the provisions of . . . state laws," I find that any superintendent transfers must be conducted in accordance with Education Law §§2508 and 211-f, as well as any other applicable State laws. Therefore, I decline to declare Board Policy 9420 null and void.

Respondents Cader and Sammon have requested certificates of good faith pursuant to Education Law §3811. Such certification is solely for the purpose of authorizing the board to indemnify a respondent for legal fees and expenses incurred in defending a proceeding arising out of the exercise of his or her powers or performance of duties as a board member or other title listed in §3811(1). It is appropriate to issue such certification unless it is established on the record that the requesting respondent acted in bad faith (Application of Valentin, 56 Ed Dept Rep, Decision No. 17,014; Application of Paladino, 53 *id.*, Decision No. 16,594; Application of Lieberman, 52 *id.*, Decision No. 16,483). However, Education Law §3811 applies only to board members, certain school officers and "non-instructional district employees." Respondents Cader and Sammon are tenured teachers and, thus, do not fall within the scope of Education Law §3811. Accordingly, they are not entitled to the requested certificate.

Finally, I am compelled to comment on the acrimonious relationship between petitioner and respondents detailed in the record. Although petitioner and respondent board reached differing conclusions as to the permissibility of the teacher transfers, it is troubling that the parties resorted to issuing competing directives, thereby forcing the affected teachers to decide whether they should obey the superintendent or the board. Further, the nature and tenor of the serious accusations made as part of this appeal reveal an unacceptable level of rancor that is not conducive to the effective governance of a public school district. I admonish the parties to take all steps necessary to ensure that this controversy does not continue and that the district's leadership and resources are focused on the paramount goal of providing successful outcomes for students. To this end, I am directing my Office of Innovation and School Reform to provide guidance and technical assistance to the district in order to ensure that all parties understand, and are in compliance with, the requirements related to the receivership school.

In light of the above disposition, I need not address the parties' remaining contentions.

THE APPEAL IS SUSTAINED TO THE EXTENT INDICATED.

IT IS ORDERED that respondent board's July 14, 2017 resolution is hereby annulled; and

IT IS FURTHER ORDERED that respondent board's September 1, 2017 directives are hereby annulled; and

IT IS FURTHER ORDERED that petitioner's August 28, 2017 transfer orders be given full legal force and effect.

END OF FILE

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[1] With respect to the takeover and restructuring of schools, the Education Law refers to "failing" and "persistently failing" schools while the Commissioner's regulations refer to such schools as "struggling" and "persistently struggling" schools. All references herein conform to the Commissioner's regulations.

[2] On or about October 26, 2017, the Commissioner notified petitioner that the Poughkeepsie Middle School made demonstratable improvement pursuant to Education Law §211-f.

[3] Petitioner and respondents have submitted different versions of this document. Specifically, petitioner's version contains two notes with respect to respondents Cader and Sammon indicating that they "did not transfer" in June or August. These typed notations are not included in respondents' version. Respondents have submitted an affidavit from the district's director of technology attesting that the letter and attachment were sent via email, and that respondents' version represents what was received by respondents. Counsel for petitioner, in a submission which I have accepted pursuant to 8 NYCRR §276.5, indicates that the version of the document which he submitted was a digital version maintained by petitioner. Counsel for petitioner further



admits that petitioner added the additional notations after she submitted the document to respondent board, but denies any wrongdoing in connection therewith. Therefore, I accept respondents' affidavit and evidence pursuant to 8 NYCRR §276.5 and have relied solely on the version submitted by respondents.

[4] A substantially identical copy of this letter was sent to another of the six teachers who was transferred by petitioner. However, that teacher complied with petitioner's directive and, thus, is not the subject of this appeal.

[5] On September 13, 2017, respondent Cader received an email from petitioner's secretary stating that she was suspended immediately and that her actions could result in potential charges under Education Law §3020-a. On September 14, 2017, respondent board rescinded the suspension and returned respondent Cader to Krieger Elementary School.

[6] Respondent Cader also summarily asserts in her affidavit that she was transferred involuntarily and that her teaching location preference was disregarded in violation of a collective bargaining agreement ("CBA") between the Poughkeepsie Teachers' Association and respondent board. Respondents did not raise this claim in their answer. Accordingly, this claim is not before me for review. But even assuming, arguendo, that respondents had raised this claim in their answer, I would decline to address this claim because the Civil Service Law vests exclusive jurisdiction over complaints involving collective bargaining in the Public Employment Relations Board (Civil Service Law §205(5)(d); see New York City Transit Authority v. New York State Public Employment Relations Board, et al., 19 NY3d 876). Although the Commissioner has assumed jurisdiction over a CBA which explicitly contemplated an appeal pursuant to Education Law §310 as part of its grievance procedure, neither party has asserted that the CBA here includes such a provision (Appeal of Eastern Suffolk Bd. of Cooperative Educ. Svcs. Administrative/Supervisory Unit, 52 Ed Dept Rep, Decision No. 16,413). Therefore, the effect of the CBA on the challenged actions is not before me and will not be addressed herein. Moreover, Education Law §211-f(8) provides that, in order to maximize the rapid achievement of students at the applicable school, the receiver may request that the collective bargaining unit(s) representing teachers and administrators and the receiver, on behalf of the board of education, negotiate a receivership agreement that modifies the applicable collective bargaining agreement(s) with respect to any struggling schools in receivership applicable during the period of receivership. Neither party has addressed whether such a receivership agreement was in effect for PMS.

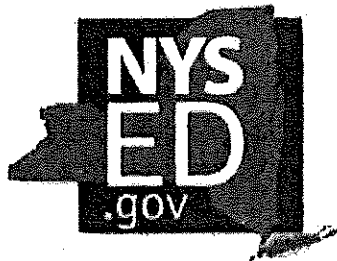
[7] Additionally, there is no basis in the record to, as respondents request, initiate a proceeding pursuant to Part 83 of the Commissioner's regulations regarding petitioner's moral character.

[8] The law provides an exception for one school year in which the school was not identified because of an approved closure plan that was not implemented.

[9] Petitioner asserts in her reply affidavit that it is not uncommon to transfer teachers in August because circumstances may change after the end of the school year.

[10] Respondent also submits an affidavit from the principal of Warring Elementary School, who provides that the "last minute decision to transfer Mr. Sammon makes no educational sense". I find this affidavit unconvincing. The principal does not provide any reason/rationale as to why the transfer was illegal and/or how the transfer would not be made for the educational benefit of the students in PMS. On the contrary, the principal himself merely states that respondent Sammon is "Warring's top educator" and as a result should not be transferred to PMS.

[11] Petitioner admits, however, that respondent Sammon was given an opportunity to create a teachers' center at Warring Elementary School in the 2013-2014 school year, and that after this program was discontinued in 2015-2016, respondent Sammon returned to his position as a classroom teacher.



New York State Education  
Building  
89 Washington Avenue  
Albany, NY 12234

#### CONTACT US

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Department

## **EXHIBIT E**

Fwd: Invitation: Mrs. Simpson Directive (Investigation into the 2013 Cohor... @ Mon Dec 18, 2017 1:30pm - 2:30pm  
(psimpson@poughkeepsieschools.org)

Phee Simpson <psimpson@poughkeepsieschools.org>

Thu 12/14/2017 7:50 AM

to: Jennifer Carlson <JCarlson@saanys.org>;

1 attachments (2 KB)

invite.ics;

Here is my new mtg date and time.

----- Forwarded message -----

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

Date: Dec 13, 2017 10:37 AM

Subject: Invitation: Mrs. Simpson Directive (Investigation into the 2013 Cohor... @ Mon Dec 18, 2017 1:30pm - 2:30pm  
(psimpson@poughkeepsieschools.org)

To: <psimpson@poughkeepsieschools.org>, "Dr. Kathleen Farrell" <kfarrell@poughkeepsieschools.org>

Cc:

**Mrs. Simpson Directive (Investigation into the 2013 Cohort Graduation )**

[more details »](#)

When Mon Dec 18, 2017 1:30pm – 2:30pm Eastern Time

Where Jane Bolin Administration Building 11 College Avenue ([map](#))

Calendar [psimpson@poughkeepsieschools.org](mailto:psimpson@poughkeepsieschools.org)

Who

- [nwilliam@poughkeepsieschools.org](mailto:nwilliam@poughkeepsieschools.org) - organizer
- [psimpson@poughkeepsieschools.org](mailto:psimpson@poughkeepsieschools.org)
- Dr. Kathleen Farrell

Going? **Yes** - **Maybe** - **No** [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account [psimpson@poughkeepsieschools.org](mailto:psimpson@poughkeepsieschools.org) because you are subscribed for invitations on calendar [psimpson@poughkeepsieschools.org](mailto:psimpson@poughkeepsieschools.org).

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

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Phoebe Simpson <[psimpson@poughkeepsieschools.org](mailto:psimpson@poughkeepsieschools.org)>

To: Jennifer Carlson <JCarlson@saanys.org>;

Please advise,

From: **Victoria Jackson** <[vjackson@poughkeepsieschools.org](mailto:vjackson@poughkeepsieschools.org)>  
Date: Thu, Dec 14, 2017 at 3:16 PM  
Subject: Superintendent Interview  
To: Phee Simpson <[psimpson@poughkeepsieschools.org](mailto:psimpson@poughkeepsieschools.org)>

I write to inform you that when you attend your "interview" with the Superintendent, Dr. Nicole Williams on Monday, December 18, 2017 that Special Counsel, Todd Aldinger will be present/participating in the meeting and it is to be understood that he is here representing the Poughkeepsie City School District, not Dr. Williams.

Please reply to this email confirming your understanding of the above.

Victoria Jackson

Board Clerk - Poughkeepsie City School District  
11 College Avenue  
Poughkeepsie, NY 12601  
845-451-4974 - Telephone

— 12 —

Mrs. Phee Simpson  
Poughkeepsie High School Principal  
70 Forbus Street  
Poughkeepsie, NY 12603  
(845) 451-4850  
[psimpson@poughkeepsieschools.org](mailto:psimpson@poughkeepsieschools.org)

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# Fwd: Superintendent Interview

Phoe Simpson <[psimpson@poughkeepsieschools.org](mailto:psimpson@poughkeepsieschools.org)>

Fri 12/15/2017 12:06 PM

To: Jennifer Carlson <[JCarlson@saanys.org](mailto:JCarlson@saanys.org)>;

Now they changed their minds to clear themselves from having anything involvement in our interview. But they allowed this man to do a full report without speaking to us. This is a mess.

----- Forwarded message -----

From: Victoria Jackson <[vjackson@poughkeepsieschools.org](mailto:vjackson@poughkeepsieschools.org)>

Date: Fri, Dec 15, 2017 at 11:54 AM

Subject: Superintendent Interview

To: Phoe Simpson <[psimpson@poughkeepsieschools.org](mailto:psimpson@poughkeepsieschools.org)>

Good afternoon and. Simpson.

After consideration the Board has directed me to inform you that Special Counsel Todd Aldinger will not be attending the interviews on Monday, December 18, 2017, between you and Superintendent Williams, because the interviews are not sanctioned by the Board nor has he been directed to attend on behalf of the Board.

Regards,  
Victoria Jackson

*Victoria Jackson*

Board Clerk - Poughkeepsie City School District  
11 College Avenue  
Poughkeepsie, NY 12601  
845-451-4974 - Telephone

Mrs. Phoe Simpson  
Poughkeepsie High School Principal  
70 Forbus Street  
Poughkeepsie, NY 12603  
(845) 451-4850  
[psimpson@poughkeepsieschools.org](mailto:psimpson@poughkeepsieschools.org)

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# Re: PPSAA interviews

Dr. Nicole Williams <nwilliam@poughkeepsieschools.org>

Sat 12/16/2017 2:48 PM

To: Jennifer Carlson <JCarlson@saanys.org>;

Cc: Wendy DeForge <WDeForge@saanys.org>; Arthur Scheuermann <AScheuermann@saanys.org>; Phee Simpson <psimpson@poughkeepsieschools.org>; kfarrell@poughkeepsieschools.org <kfarrell@poughkeepsieschools.org>;

Thank you, Attorney Carlson. At this time, the directive for the PPSAA members to appear on Monday, December 18, 2017 is rescinded. I will keep you apprised of further developments. Please alert the SAANYS representatives for both Ms. Lovinsky and Ms. Palmer.

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."

"Excellence is our Goal: Focusing on our Scholars and our Families."

Sent from my iPhone

On Dec 11, 2017, at 4:30 AM, Carlson, Jennifer <[JCarlson@saanys.org](mailto:JCarlson@saanys.org)> wrote:

Thank you for the courtesies. As in the kidded before, I have conference concerts at 10:30 that day, so I would very much appreciate it if we could start Mrs. Simpson's interview at noon.

Have a good day

Jenn

Dictated on my iPhone. Please forgive any brevity, typos, or other nonsensical statements that the software seems to think I say.

On Dec 10, 2017, at 10:49 PM, Dr. Nicole Williams <[nwilliam@poughkeepsieschools.org](mailto:nwilliam@poughkeepsieschools.org)> wrote:

Thank you, Attorney Carlson. As per your request, the interviews will be rescheduled to Monday, December 18, 2017.

Ms. Palmer, PPSAA member, will also be scheduled for an interview.

Sincerely,

Dr. Nicole Williams

Superintendent of Schools

Poughkeepsie City School District

(845) 451-4950 (W)

(845) 391-6221 (C)

"Every scholar. Every day. Every classroom."  
*"Excellence is our Goal: Focusing on our Scholars and our Families."*

On Dec 7, 2017, at 12:44 PM, Carlson, Jennifer <[JCarlson@saanys.org](mailto:JCarlson@saanys.org)> wrote:

It has come to our attention that it is your intention to conduct a second investigation into the graduation of the 2013 Cohort and wish to interview Mrs. Simpson and Ms. Lovinsky on Monday, December 11<sup>th</sup>. Please be advised that our office is unable to secure representation for that date and respectfully request that the interviews be rescheduled for the week of the 18<sup>th</sup>, as our office is in training next week. Due to the potential for a conflict of interest, I am representing Mrs. Simpson and Ms. Lovinsky is being represented by Wendy DeForge, who is copied on this email. Kindly advise us whether you wish to interview any other PPSAA members so we may secure appropriate representation.

For Mrs. Simpson, I can be available on December 18 (except between 10:30-12:00), 20 and the morning of the 21<sup>st</sup>. As you are aware, Mrs. Simpson has already provided significant information and data to the Board of Education on this matter. Please advise whether you intend to inquire on any matters outside of that information, as it is currently my advice to her that she has already cooperated and all answers will refer back to the previously issued document.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me or Ms. DeForge should you have any questions.

Jenn

**Jennifer L. Carlson, Esq.**

Deputy General Counsel

School Administrators Association of New York State

8 Airport Park Blvd., Latham, NY 12110

518-782-0600 | fx. 518-785-0973

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Thank you.



## **EXHIBIT F**

PERSONAL INJURY

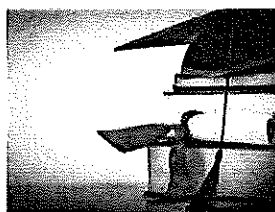
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## Poughkeepsie students graduated under 'questionable circumstances,' investigator says

Nina Schutzman, Poughkeepsie Journal Published 12:08 p.m. ET Dec. 27, 2017 | Updated 12:40 p.m. ET Jan. 8, 2018



(Photo: Getty Images)

More than 40 Poughkeepsie City School District students graduated under "questionable circumstances" in 2017, according to an attorney who's been investigating the issue.

Those circumstances allegedly include last-minute Section 504 Plans for some high school seniors, after it was clear they wouldn't be able to graduate unless they used "safety nets" meant for students with disabilities.

In other cases, students who apparently did not meet eligibility requirements were granted appeals to graduate with lower scores on Regents exams. And some students appear to have gotten diplomas without meeting general graduation requirements.

**REPORT:** See preliminary graduation probe report (<http://docdro.id/zF4nvqR>)

**FINDINGS:** Lawyer directed to share graduation probe findings with authorities (<http://story/news/education/2017/11/16/lawyer-can-share-poughkeepsie-graduation-probe-findings/869304001/>)

**GRADUATION:** Probe found indications of graduation 'misconduct' (<http://story/news/education/2017/11/13/poughkeepsie-schools-probe/858335001/>)

Attorney Todd Aldinger outlined preliminary findings of his ongoing investigation into "improper or questionable graduations" in a Nov. 15 report to the board. A copy of the report provided to the Journal was heavily redacted, with names of involved students and staff blacked out.

Superintendent Nicole Williams has requested guidance from the state Education Department regarding the investigation, according to her attorney, Stanley Silverstone.

Williams' priority is to "conduct a proper investigation into the issues raised in the Aldinger reports, and to determine whether there were in fact any irregularities... if so, (she) fully intends to address any such irregularities and bring the District into full compliance," said Silverstone, in an email to the Journal.

The state's intervention is required because the board's "investigation is so riddled with procedural and substantive flaws that an objective, constructive and fair result is impossible," Silverstone added. "The only possible reason for the Board to want to see this publicized by the media is to defame, humiliate, and retaliate against Dr. Williams..."

Board President Felicia Watson told the Journal the investigation is "not a witch hunt against anyone. There are allegedly 41 students who possibility did not meet graduation requirements. This is the premise of the Board's investigation."

The board, Silverstone said, conducted the investigation "in secret" without notifying Williams, and has since "prohibited her from conducting her own investigation, which is her duty as superintendent. As a result, she is not able at this time to respond to the specific allegations contained in the Aldinger report."

Initial evidence raised questions about Williams' compliance with education law, commissioner's regulations and district policy, Watson said. So the board determined it was "illogical" for the superintendent to lead the investigation.

## The investigation

The Poughkeepsie district, which has the highest rate of economically disadvantaged students in Dutchess County, has long struggled to improve its graduation rates.

Williams has touted the June 2017 Poughkeepsie High School graduation rate as higher than it's been in a decade, around 68 percent.

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But allegations regarding graduation eligibility for the 2013 cohort came up at an early September meeting, during a presentation from Elizabeth Ten Dyke, director of data analysis and accountability.

A cohort is a group of students who enter ninth grade in the same school year. Poughkeepsie High School had 280 students in its 2013 cohort.

Watson and trustee Doreen Clifford had recently received information about questionable graduations. The two raised questions about safety net accommodations and appeals.

Aldinger was hired over the summer as special counsel to perform internal investigations as needed. He was instructed to look into the graduation matter by consensus of the board majority, according to his report, and was given relevant documents to review in early October.

## Section 504

Section 504 of the Rehabilitation Act of 1973 seeks to protect the rights of individuals with disabilities in programs or activities that receive federal financial assistance. The intent of the law is equality in education, accomplished in part by providing eligible disabled students with specialized help in their regular classrooms.

Accommodations granted under the plans are specific to each student and may include things like extended test-taking time and adjusted class schedules.

One possible accommodation is a "safety net." If a student's 504 plan recommends a [safety net with a low-pass option](http://www.p12.nysed.gov/specialed/gradrequirements/documents/safety-net-options-available-students-with-disabilities.pdf) (<http://www.p12.nysed.gov/specialed/gradrequirements/documents/safety-net-options-available-students-with-disabilities.pdf>), he or she can meet local diploma testing requirements with a score of 55-64 on required Regents exams.

The district seems to have used 504 plans to grant the low-pass option "to marginal students at the last minute," Aldinger wrote.

Students in question "all seemed to have received 504 Plans after the date of their last Regents examination, when it was clear that these students would not graduate unless they were able to take advantage of the low-pass option. Reducing the required grade needed on exams to graduate, after the fact... can only be interpreted as a means to graduate these students."

For instance, "students (names redacted) were given Section 504 Plans the day before they took summer school finals after their senior year," according to Aldinger's report.

The state takes August graduations into account when calculating a district's performance, so a student could earn his or her diploma after summer school of senior year, and still be counted in the four-year-graduation rate.

If students were put on 504 plans "at the end of their academic careers just so they could graduate, that would be clearly inappropriate," Aldinger wrote. But it's "arguably worse if these students actually had disabilities qualifying them under Section 504," because it would mean they were deprived of help for the majority of their educations.

Federal law requires 504 placement decisions be made by a group of people who are knowledgeable about the child and can interpret any reports or evaluations related to the request for accommodations.

Records reviewed by Aldinger show that certain placement meetings that took place in June and August "were suspect," according to the report.

For example, during one teen's eligibility meeting "(redacted) is quoted as saying the student's attendance was good." But during the school year, that student had 34 to 113 unexcused absences per class period, more than the district's own policy allows for.

And a member of the Section 504 committee indicated that he or she "had to take (redacted) word for these students' attendance because printed copies of attendance records were not provided" at the meeting, Aldinger wrote.

## Appeals and credits

Students who have taken and failed a Regents exam twice can submit an appeal to graduate with a lower score on that exam. To be considered for such an appeal, a student has to meet multiple criteria.

Aldinger said he found "numerous issues" with the 2017 appeals.

Students were apparently granted appeals despite not meeting the necessary criteria — for instance, without taking the exam twice, or without obtaining a passing grade in the subject area of the Regents exam score they're appealing, or without evidence that they received academic intervention services by the school in the subject area.

It also seems that all the "appeals were signed-off by an assistant superintendent, (redacted), not the superintendent, as required by law," Aldinger wrote.

Meanwhile, some students were granted diplomas without meeting general graduation requirements — one graduated with fewer than 22 credits, three without receiving a passing grade on necessary Regents exam, and two others graduated without fulfilling the subject matter credit distribution requirements.

## Ongoing investigation

Silverstone, the superintendent's attorney, told the Journal that the board's investigation into graduation issues appears to be motivated by retaliation and started "around the same time" that a dispute arose between Williams and the board.

Williams on Sept. 28 appealed a board-issued moratorium on involuntary teacher transfers. The state education commissioner found in Williams' favor in late December.

But the superintendent "had close to a month before special counsel was brought in by the board to investigate this alleged graduation issue and did absolutely nothing," board President Watson told the Journal.

Aldinger prepared "two reports without interviewing, or even asking to interview" Williams, Poughkeepsie High School Principal Phee Simpson or an assistant principal, Silverstone said.

Simpson did not return requests for comment.

"Multiple administrative officials, including Dr. Williams, were asked to respond to the first report in writing," Aldinger told the Journal. The school chief's written response was "extremely limited and did not fully address specific concerns with specific graduations."

Williams was interviewed on Dec. 21 "in an attempt to learn more about her perspective on these issues," Aldinger said. At the superintendent's request, the interview was held off school grounds, at the Dutchess County BOCES.

An audio recording and report of the interview "will be provided to the board for their consideration," according to Aldinger.

In mid-December, Williams filed a notice of claim — a legal document that proceeds a lawsuit — against the district for breach of contract, harassment, "intentional infliction of emotional distress," and retaliation, Silverstone said.

*Nina Schutzman: [nschutzman@poughkeepsiejournal.com](mailto:nschutzman@poughkeepsiejournal.com), 845-451-4518, Twitter: @pojonschutzman*

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## **EXHIBIT G**

Motion by Doreen Clifford, second by Debra Long.  
 Final Resolution: Motion Carries  
 Yea: Felicia Watson, Debra Long, Doreen Clifford  
 Nay: Raymond Duncan, Randall Johnson

**Subject                      B. Administrative Appointment - Resolution #18-0310**

Meeting                      Jan 22, 2018 - Special Meeting

Category                    3. Special Meeting

Type                        Action

Recommended Action WHEREAS, by Resolution #16-941, adopted on March 9, 2016, the Board Resolved that that Dr. Elizabeth Ten Dyke, who holds Permanent School District Administrator certification and Permanent Social Studies 7-12 certification be appointed on probation to the Director of Data Analysis and Accountability position (replacing Ms. Vijayalakshimi Giles who accepted another position in the District) in the Poughkeepsie City School District, in the Director of Data Analysis and Accountability administrative tenure area effective January 21, 2016 and extending through January 20, 2020, at an annual salary of \$110,000.00; and  
 WHEREAS, the Board of Education has determined that Data Analysis and Accountability are of fundamental importance to the District and to ensuring that the District provides the high level of educational services required by State Law, Commissioner Regulations, and District Policy; and  
 WHEREAS, the Board of Education has determined that it is appropriate to retitle the Director of Data Analysis and Accountability position as "Assistant Superintendent of Data Analysis and Accountability;"  
 SO BE IT RESOLVED, that the Board hereby changes the title of the "Director of Data Analysis and Accountability" to "Assistant Superintendent for Director of Data Analysis and Accountability" and;  
 BE IT FURTHER RESOLVED that Resolution #16-941, adopted on March 9, 2016, is amended to reflect this title change, effective January 23, 2018, and extending through January 20, 2020, at an annual salary of \$135,000.00; and  
 BE IT FURTHER RESOLVED, that the Board hereby approves an Employment Contract by and between the District and Dr. Elizabeth Ten Dyke to serve as the Assistant Superintendent for Data Analysis and Accountability (A copy of which shall be incorporated by reference into the minutes of this meeting). This position will be funded through the SIG and the General Fund; and  
 BE IT FURTHER RESOLVED, that the Board President is hereby authorized to sign such Agreement on the District's behalf.

**Motion & Voting**

WHEREAS, by Resolution #16-941, adopted on March 9, 2016, the Board Resolved that that Dr. Elizabeth Ten Dyke, who holds Permanent School District Administrator certification and Permanent Social Studies 7-12 certification be appointed on probation to the Director of Data Analysis and Accountability position (replacing Ms. Vijayalakshimi Giles who accepted another position in the District) in the Poughkeepsie City School District, in the Director of Data Analysis and Accountability administrative tenure area effective January 21, 2016 and extending through January 20, 2020, at an annual salary of \$110,000.00; and  
 WHEREAS, the Board of Education has determined that Data Analysis and Accountability are of fundamental importance to the District and to ensuring that the District provides the high level of educational services required by State Law, Commissioner Regulations, and District Policy; and  
 WHEREAS, the Board of Education has determined that it is appropriate to retitle the Director of Data Analysis and Accountability position as "Assistant Superintendent of Data Analysis and Accountability;"  
 SO BE IT RESOLVED, that the Board hereby changes the title of the "Director of Data Analysis and Accountability" to "Assistant Superintendent for Director of Data Analysis and Accountability" and;  
 BE IT FURTHER RESOLVED that Resolution #16-941, adopted on March 9, 2016, is amended to reflect this title change, effective January 23, 2018, and extending through January 20, 2020, at an annual salary of

\$135,000.00; and

BE IT FURTHER RESOLVED, that the Board hereby approves an Employment Contract by and between the District and Dr. Elizabeth Ten Dyke to serve as the Assistant Superintendent for Data Analysis and Accountability (A copy of which shall be incorporated by reference into the minutes of this meeting). This position will be funded through the SIG and the General Fund; and

BE IT FURTHER RESOLVED, that the Board President is hereby authorized to sign such Agreement on the District's behalf.

Motion by Doreen Clifford, second by Debra Long.

Final Resolution: Motion Carries

Yea: Felicia Watson, Debra Long, Doreen Clifford

Nay: Raymond Duncan, Randall Johnson

**Subject C. Amendment to Acting Principal Resolution from the July 7, 2017  
Reorganization Meeting - Resolution #18-0311**

Meeting Jan 22, 2018 - Special Meeting

Category 3. Special Meeting

Type Action

Recommended Action BE IT RESOLVED in the event that Ms. Phee Simpson, Executive Principal of the Poughkeepsie High School is not physically present in the Poughkeepsie High School on one or more days (or portions thereof) during the 2017-18 school year, Mr. Ronald Jackson, Dean of Students, be appointed "Acting Executive Principal" for all short-term student discipline matters pursuant to Section 3214 of the New York State Education Law; and  
BE IT FURTHER RESOLVED that in the event that Mr. Ronald Jackson is unavailable or otherwise unable to be physically present in the Poughkeepsie High School to serve as "Acting Principal," in the absence of Ms. Phee Simpson, Executive Principal, Mr. Daniel Wilson, E-TECH (school-within-a-school) Principal, be appointed "Acting Executive Principal" for all short-term student discipline matters pursuant to Section 3214 of the New York State Education Law; and  
BE IT FURTHER RESOLVED that in the event that Mr. Ronald Jackson and Mr. Daniel Wilson are both unavailable or otherwise unable to be physically present in the Poughkeepsie High School to serve as "Acting Principal," in the absence of Ms. Phee Simpson, Executive Principal, Ms. Keisha Tillman, Assistant Principal, is hereby designated to be the "Acting Principal" for all student discipline matters requiring short-term student discipline actions pursuant to Section 3214 of the New York State Education Law; and  
BE IT FURTHER RESOLVED that in the event that Ms. Phee Simpson, Executive Principal, is not physically present in the Poughkeepsie High School on one or more days (or portions thereof), during the 2017-18 school year, the operational "Acting Principal" shall be in the following order, Mr. Ronald Jackson, Mr. Daniel Wilson, and Ms. Keisha Tillman; and  
BE IT FURTHER RESOLVED that this resolution supersedes and replaces the "Acting Principals" resolution adopted by the Board of Education on July 07, 2017, to the extent the two resolutions conflict; and  
BE IT FURTHER RESOLVED that Mr. Ronald Jackson will receive a \$125 per diem stipend for every school day he serves as "Acting Principal," calculated on the basis of the projected \$120,000 salary of a newly hired principal, less Mr. Ronald Jackson's current salary of \$90,000, divided by 240;  
BE IT FURTHER RESOLVED that the District Clerk shall forward a copy of this resolution to each of the above referenced persons.

**Motion & Voting**

BE IT RESOLVED in the event that Ms. Phee Simpson, Executive Principal of the Poughkeepsie High School is not physically present in the Poughkeepsie High School on one or more days (or portions thereof) during the

2017-18 school year, Mr. Ronald Jackson, Dean of Students, be appointed "Acting Executive Principal" for all short-term student discipline matters pursuant to Section 3214 of the New York State Education Law; and BE IT FURTHER RESOLVED that in the event that Mr. Ronald Jackson is unavailable or otherwise unable to be physically present in the Poughkeepsie High School to serve as "Acting Principal," in the absence of Ms. Phee Simpson, Executive Principal, Mr. Daniel Wilson, E-TECH (school-within-a-school) Principal, be appointed "Acting Executive Principal" for all short-term student discipline matters pursuant to Section 3214 of the New York State Education Law; and

BE IT FURTHER RESOLVED that in the event that Mr. Ronald Jackson and Mr. Daniel Wilson are both unavailable or otherwise unable to be physically present in the Poughkeepsie High School to serve as "Acting Principal," in the absence of Ms. Phee Simpson, Executive Principal, Ms. Keisha Tillman, Assistant Principal, is hereby designated to be the "Acting Principal" for all student discipline matters requiring short-term student discipline actions pursuant to Section 3214 of the New York State Education Law; and

BE IT FURTHER RESOLVED that in the event that Ms. Phee Simpson, Executive Principal, is not physically present in the Poughkeepsie High School on one or more days (or portions thereof), during the 2017-18 school year, the operational "Acting Principal" shall be in the following order, Mr. Ronald Jackson, Mr. Daniel Wilson, and Ms. Keisha Tillman; and

BE IT FURTHER RESOLVED that this resolution supersedes and replaces the "Acting Principals" resolution adopted by the Board of Education on July 07, 2017, to the extent the two resolutions conflict; and

BE IT FURTHER RESOLVED that Mr. Ronald Jackson will receive a \$125 per diem stipend for every school day he serves as "Acting Principal," calculated on the basis of the projected \$120,000 salary of a newly hired principal, less Mr. Ronald Jackson's current salary of \$90,000, divided by 240;

BE IT FURTHER RESOLVED that the District Clerk shall forward a copy of this resolution to each of the above referenced persons.

Motion by Doreen Clifford, second by Debra Long.

Final Resolution: Motion Carries

Yea: Felicia Watson, Debra Long, Doreen Clifford

Nay: Raymond Duncan, Randall Johnson

#### **Subject D. Administrative Resignation – Resolution #18-0312**

Meeting Jan 22, 2018 - Special Meeting

Category 3. Special Meeting

Type Action

Recommended Action BE IT RESOLVED that the District hereby accepts the resignation of Ms. Jessica Lovinsky from her Secondary Assistant Principal position at Poughkeepsie High School effective February 18, 2018.

#### **Motion & Voting**

BE IT RESOLVED that the District hereby accepts the resignation of Ms. Jessica Lovinsky from her Secondary Assistant Principal position at Poughkeepsie High School effective February 18, 2018.

Motion by Doreen Clifford, second by Debra Long.

Final Resolution: Motion Carries

Yea: Raymond Duncan, Felicia Watson, Randall Johnson, Debra Long, Doreen Clifford

## **4. Adjournment**

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#### **Subject A. Adjournment**

Meeting Jan 22, 2018 - Special Meeting

Category 4. Adjournment



Type                      Action

Recommended Action Motion to Adjourn

**Motion & Voting**

Motion to Adjourn

Motion by Doreen Clifford, second by Debra Long.

Final Resolution: Motion Carries

Yea: Raymond Duncan, Felicia Watson, Randall Johnson, Debra Long, Doreen Clifford

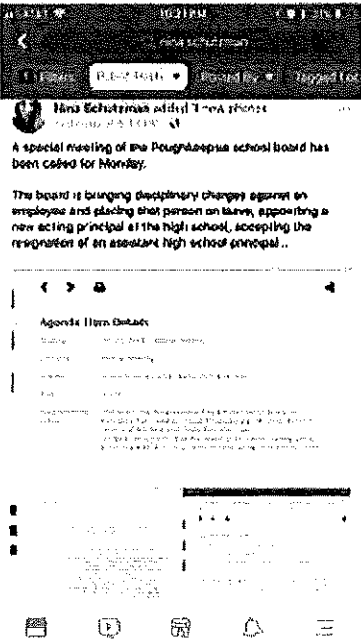
## **EXHIBIT H**

Pic 2

Jessica A. Lovinsky <lovinsky.jessica@gmail.com>

Thu 1/25/2018 9:16 AM

To: Wendy DeForge <WDeforge@saanys.org>;



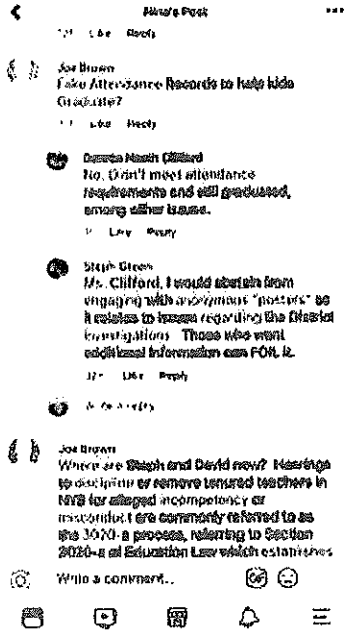
Sent from my iPhone

Item 1

Jessica A. Lovinsky <lovinsky.jessica@gmail.com>

Thu 1/25/2018 9:16 AM

To: Wendy DeForge <WDeForge@saanys.org>;



Sent from my iPhone

# EXHIBIT I

## Policy 2140 BOARD MEMBER REMOVAL FROM OFFICE

After a hearing, the Board of Education may remove from office any of its members found guilty of official misconduct. The Board may also remove any member who fails to attend three successive regular monthly meetings without sufficient excuse. Removal shall be immediate and automatic for any member who ceases to be a bona fide resident of the district.

Board members are also subject to removal by the Commissioner of Education for subversive activities, willful violation or neglect of duty, disobedience of a lawful requirement of the Commissioner and other acts in accordance with law, upon a hearing before the Commissioner.

### Cross-ref:

2120, School Board Elections

2160 Code of Ethics

### Ref:

Education Law §§306; 1706; 1709(18); 2109

Public Officers Law §35

8 NYCRR §277

Adoption date: September 25, 1991

Revised: , 2008

Poughkeepsie City School District

## **EXHIBIT J**

## Policy 2160 CODE OF ETHICS

The Board of Education adopts the following Code of Ethics setting forth for the guidance of its members, officers and employees the standards of conduct that are reasonably expected of them. More specifically, such code shall provide standards of conduct of members, officers and employees regarding confidentiality and conflicts of interest.

### I. STATUTORY CONFLICTS OF INTEREST

It shall be a conflict of interest for a board member, officer or employee to benefit personally from contracts made in their official capacity.

"Contract" is defined broadly to include any claim or demand against the School District or account or agreement with the School District, whether expressed or implied which exceeds the sum of \$750.00 in any fiscal year.

"Interest" is defined as a direct or indirect benefit that runs to the board member, officer or employee as a result of a contract with the School District.

A board member, officer or employee is deemed to have an "interest" in:

1. a firm, partnership or association in which he or she is a member or employee;
2. a corporation in which he or she is an officer, director or employee; or
3. a corporation in which he or she directly or indirectly owns or controls 5% or greater of the outstanding shares.
4. A board member, officer or employee also is deemed to have an "interest" in a contract between the district and his/her spouse, minor child or dependents, except for an employment contract entered into between the School District, a spouse, minor child or dependent of a board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

Personal interests which are prohibited by law include:

1. Interest in a contract with the School District where a Board member has the power or may appoint someone who has the power to negotiate, authorize or make payment or audit bills or claims under the contract, unless otherwise exempted by exception under law; and
2. Interest by a Chief School Officer, Treasurer or his/her Deputy or employee in a Bank or other financial institution that is used by the School District he or she serves, unless otherwise exempted by exception under law.

In order for a school board to enter into an enforceable contract where a board member, officer or employee of the School District has a prohibited conflict of interest which is not exempted by an exception to the law, the affected member, officer or employee must resign from his/her office or employment prior to the time that the board takes action upon the contract.

#### Exceptions

A board member, officer or employee shall be deemed not to have a conflict of interest in any of the exceptions listed in §802 of the General Municipal Law, including:

1. Contracts with membership corporations or other voluntary not-for-profit corporations or associations (e.g. Taylor Law collectively negotiated agreements, contract with a not-for-profit health services organization) - are exempt from the conflict of interest rules. No board member



is prohibited from voting on collectively negotiated agreements which are applicable to his/her spouse or children;

2. Appointment of a teacher as defined in §3016 of the Education Law, who is a relative or spouse of a Board member, is permitted upon a two-thirds super majority vote, without limiting any Board member's right to vote.

3. The employment of a Board member as School Physician is permitted upon a two-thirds vote of the Board.

4. Contracts entered into by the district with a person who is subsequently elected or appointed to the Board, a School District office or employment remain valid, except the contract may not thereafter be renewed.

5. A contract with a corporation of which the interest of the Board member, officer or employee, by reason of stockholding, is less than 5% of the outstanding shares.

6. Contracts between the School District and a Board member, officer or employee in which the total amount does not exceed \$750.00 in any fiscal year.

7. Where application of the conflict of interest rules would necessitate the engagement of a bank or trust company outside of the municipality or school district, the board may designate a bank or trust company in which the board president, treasurer or deputy treasurer has an interest in such entity. The designation shall be as a depository, paying agent or registration agent for the investment of funds.

8. A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest prohibited solely by reason of employment as an officer or employee of such other entity, if their compensation will not be directly affected as a result of the contract with the municipality or school district and duties do not directly involve the procurement, preparation or performance of any part of the contract.

9. The designation of a newspaper, including an official newspaper, for the publication of notices, resolutions or other proceeding where publication is otherwise required or authorized by law.

10. The purchase of real property or any interest therein when approved upon a petition to the State Supreme Court by the board of education.

11. Acquisition of real property or an interest in real property through eminent domain proceedings.

12. Sale of bonds and notes pursuant to §60.10 of the Local Finance Law.

#### Disclosure Requirements

Board members, officers and employees must publicly disclose the nature and extent of any non-excepted interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is an exception exempted under General Municipal Law §802; however, board members, officers and employees are encouraged to voluntarily make such disclosure.

If a board member is legally permitted to vote on a matter, but the matter is subject to disclosure by statute, or if the board member chooses to voluntarily disclose an excepted interest, the affected board member may request to be the last member called to vote on such matter.

## **II. OTHER PROHIBITED ACTIVITIES**

No board member, officer or employee shall:

1. Use or attempt to use his or her official position to secure unwarranted privileges or exemptions for such officer or employee or others.
2. By his or her conduct give reasonable basis for the impression that any person can improperly influence such officer or employee or unduly enjoy special favor in the performance of official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
3. Be in receipt of information regarding the District, its officers, employees or agents, that involves allegations of criminal activity, other wrongdoing, or that may adversely affect District operations and not report such information to the Board President or Superintendent of Schools, who shall be obligated to report such information to the Board of Education at its next Board meeting.

## **III. BOARD MEMBER TRAINING**

Board members elected or appointed for a term beginning on or after July 1, 2005 shall, within the first year of their term, complete a minimum of six hours of training on fiscal oversight, fiscal and other accountability and fiduciary responsibilities of a school board member from an authorized provider of such training. Each Board member must file a certificate of completion of such course issued by the provider with the District Clerk.

## **IV. CONFIDENTIALITY REQUIREMENTS FOR BOARD MEMBERS**

Board members, officers or employees are prohibited from disclosing confidential information acquired by them in the course of their official duties or using such information to further their personal interests. In addition, board members, officers and/or employees may not disclose the following matters discussed in executive session or as contained in Board informational materials issued by the Superintendent:

- Matters which will imperil the public safety if disclosed.
- Matters which may disclose the identity of a law enforcement agency or informer.
- Information relating to a current or future investigation or prosecution of a criminal offense.
- Discussion regarding proposed, pending or current litigation.
- Collective negotiations under the Taylor Law.

The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment or employment or promotion or demotion or discipline or suspension or removal of a particular person or corporation.

- The preparation, grading or administration of examinations.
- Proposed acquisition, sale or lease of real property, securities, only when publicity would substantially affect the value thereof.
- Student records pursuant to the Family Educational Rights and Privacy Act (FERPA).
- Matters subject to the attorney-client privilege.

Upon the approval of a quorum of the board at a publicly conducted open meeting, matters discussed in executive session may be disclosed, except for those matters where individual privacy rights protected by statute or regulations would be violated (e.g. student records privacy rights, health/medical privacy rights, etc.).

## **V. COMPATIBILITY OF OFFICES**

Section 2103 of the Education Law prohibits the following office holders to also hold the office of Board of Education member:

- District Superintendent
- Treasurer
- School Tax Collector
- Librarian
- Village Zoning Board of Appeals Member
- Town Supervisor
- District Attorney
- Private School Board Member of a school located within the public school district
- County Elections Commissioner

Not more than one member of a family sharing the same household shall be a member of the same board of education in any school district.

No employee of a board of education may be a member of such board.

## **VI. GIFTS**

No board member, officer or employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of \$75.00 or more under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part. If a board member, officer or employee receives any gift having a value of \$75.00 or more, such gift shall be returned.

## **VII. VOIDING OF CONTRACTS**

Contracts willfully entered into in violation of Article 18 of the General Municipal Law regarding conflicts of interest are deemed void.

## **VIII. VIOLATIONS AND CONSEQUENCES**

### Bases for Removal

A board member may be removed from office for violating their oath of office and/or neglecting their duty.

The willful violation of Article 18 of the General Municipal Law is a misdemeanor and may also result in the Board member's removal from office.

A board member may be removed from office upon the grounds of official misconduct for attempting to take official action on behalf of the board when such action is not authorized by statute, regulation or decisional law.

Pursuant to §2109 of the Education Law, a board member who refuses or neglects to attend three successive board meetings of which he or she was duly notified, without offering a good and valid excuse to the other members, may be removed from office. The vacating of office must be formalized by a board resolution declaring the same vacated.

If a board member discloses to any other party any confidential information acquired by him/her in the course of his/her official duties, including confidential matters, executive session restricted information as described in Point II above, or such information as presented in the Superintendent's informational Board packets, or uses such information to further his/her personal interests, the Board may initiate a removal hearing upon the grounds of official misconduct or file a petition to the Commissioner of Education to have the member removed from office.

Board members shall be entitled to present questions regarding the confidential nature of information, in light of this policy to the school district's attorneys for a written opinion that will be made available to all members of the board. Such opinion must be solicited through the Board of Education President or in his/her absence through the Board of Education Vice President.

The willful receipt and retention of a gift having a value of \$75.00 or more may result in removal from the Board.

A board member may be removed for slapping, punching and/or assaulting another board member during a board meeting for official misconduct.

A board member may be removed for failure to timely notify the Board President or Superintendent of Schools of the receipt of information regarding the District, its officers, employees or agents, that involves allegations of criminal activity, other wrongdoing, or that may adversely affect District operations.

A board member's seat automatically becomes vacant for failing to file the signed oath of office card with the board clerk within thirty days after the commencement of the term of office, or within thirty days of notice of appointment to an appointive office.

A board member may be removed for failure to complete the minimum six hours of fiscal training and file the Certificate of Completion with the District Clerk.

A person removed from a school district office shall be ineligible for appointment or election to any district office for a period of one year from the date of removal.

#### Board Member Removal Process

In accordance with Education Law §1709(18), whenever a board member has been found guilty of any official misconduct following a hearing before the board he or she may be subject to removal by board resolution. The hearing before the Board shall be conducted by a legally trained hearing officer who shall assist in the preparation of findings of fact and conclusions of law. Any board member subject to removal proceedings shall be entitled to a type written transcript at no cost. In the event of a Board determination to remove a member from the Board, there is a right to appeal to the Commissioner of Education.

In accordance with §306 and/or §1706 of the Education Law, the board may petition the Commissioner of Education for the removal of a board member guilty of any willful violation or neglect of duty of the Education Law or any other act pertaining to school districts and/or willful disobedience of any lawful requirement of the Commissioner of Education, or a want of due diligence in obeying such requirement

In accordance with §1709(18), a board of education or, upon petition, the Commissioner of Education may remove a member, however, neither has the authority to censure or reprimand a member.

#### Discipline of Other Officers and Employees

An officer, other than a Board member, or an employee may be subject to disciplinary action, including reprimand, fine, suspension or termination of employment, in accordance with due process of law, if applicable, for violating this policy.

### **IX. DISTRIBUTION, FILING AND POSTING REQUIREMENT**

The Superintendent of Schools shall distribute to every board member, officer and employee in the School District a copy of the code of ethics.

The District's code of ethics shall be filed in the State Comptroller's Office when changes are made.

In accordance with §807, General Municipal Law, the Superintendent of Schools must ensure that a copy of Article 18, General Municipal Law is posted in each public building in a conspicuous place.

Adoption date: October 27, 2004

Revised: October 10, 2007

Revised: , 2008

Poughkeepsie City School District

## **EXHIBIT K**

## Policy 2330 EXECUTIVE SESSIONS

The Board of Education may conduct an executive session pursuant to Article 7 of the Public Officers Law upon the approval of a majority of the Board given in an open meeting and no member of the public may attend such session unless invited by a majority of those Board members present and voting, but no formal business may be transacted at such session, except voting with respect to the placement of children with disabilities and upon charges preferred against tenured teachers pursuant to Section 3020-a of the Education Law.

The following represent those subjects which may be discussed in executive session:

- a. matters which will imperil the public safety if disclosed;
- b. any matter which may disclose the identity of a law enforcement agency or informer;
- c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- d. discussions regarding proposed, pending or current litigation;
- e. collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
- f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- g. the preparations, grading or administration of examinations; and
- h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

Minutes of executive sessions will reflect all actions and votes taken by the Board in executive session without personally identifying employees or students affected thereby. The name of the person who called for the executive session will also appear in the minutes of the public meeting. The Board may permit staff and other persons whose presence is deemed necessary or appropriate to attend an executive session or any part thereof.

Ref:

Education Law §§1708; 3020-a

Open Meetings Law, Public Officers Law §§100 et seq.

8 NYCRR Part 84

Adoption date: September 25, 1991

Revised: January 24, 2001

Revised: , 2008

Poughkeepsie City School District

## **EXHIBIT L**



# Re: Resignation

Jessica Lovinsky <jlovinsk@poughkeepsieschools.org>

Tue 1/23/2018 12:29 PM

To: Dr. Kathleen Farrell <kfarrell@poughkeepsieschools.org>;

Cc: Barbara Williams <bwilliam@poughkeepsieschools.org>; Todd Aldinger <toddaldinger@gmail.com>; Wendy DeForge <WDeForge@saanys.org>;

Dear Dr. Farrell,

Yes. I am out sick today and have followed all the proper protocols to inform the school of my absence.

My attorney has been copied on this correspondence and has requested that you send her a copy of the original rescindment that was not approved by the board of education on January 22, 2017. The letter was submitted to you at our 3:30 pm meeting that you time stamped and walked over to the board clerk immediately after our meeting.

I have no further comment/request for consideration at this time and any all questions or concerns in regards to my resignation should be directed to my attorney.

Thank you,

On Tue, Jan 23, 2018 at 12:17 PM Dr. Kathleen Farrell <kfarrell@poughkeepsieschools.org> wrote:  
January 23, 2018

Good morning Ms. Lovinsky,

I know that you are absent today, or, I would try to arrange to discuss this matter in person.

Last night you stated to me that you did not intend to re-submit your request to rescind your resignation to the Board. If you have reconsidered that position, please let me know and send your letter as soon as possible for consideration.

Additionally, please have your attorney contact the district counsel on your behalf.  
I have copied Mr. Aldinger on this correspondence for your convenience.

Thank you.  
Kate Farrell

--

Kathleen P. Farrell, PhD  
Assistant Superintendent for Human Resources and Professional Development  
Poughkeepsie City School District  
(845) 451 - 4975 (W)  
(845) 392 - 7371 (C)  
[kfarrell@poughkeepsieschools.org](mailto:kfarrell@poughkeepsieschools.org)

"Every scholar. Every day. Every classroom."  
"Team work makes the dream work."  
"Excellence is our goal."

--

Respectfully,  
Mrs. Jessica A. Lovinsky  
[jlovinsk@poughkeepsieschools.org](mailto:jlovinsk@poughkeepsieschools.org)  
9th grade HS Assistant Principal  
Poughkeepsie High School

## EXHIBIT M

# Poughkeepsie charter school gets green light to submit full proposal

Nina Schutzmann, Poughkeepsie Journal    Published 5:35 p.m. ET Feb. 9, 2018 | Updated 3:54 p.m. ET Feb. 12, 2018

*\*Editor's Note: The initial version of this story misstated the name of the charter school; it is the Hudson Valley Charter School.*



(Photo: Patrick Oehler/Poughkeepsie Journal)

The Hudson Valley Charter School's applicant group has the green light to submit a full proposal after its letter of intent was accepted by the Charter Schools Institute of the State University of New York.

"It's a first successful step," said educational consultant Robert Watson, one of three members of the charter school's applicant group. "We still have lots of collaborative full application work to complete on behalf of our children, families and community ..."

The school would be in the city of Poughkeepsie, with a proposed opening in fall 2019. If approved, it would be the first charter school in Dutchess County.

**SURVEY: Take the Hudson Valley Charter School community input survey (<https://www.surveymonkey.com/r/XP3GP3L>)**

**FORUM: Charter school proposal up for discussion (</story/news/education/2018/02/08/forum-tonight-proposed-poughkeepsie-charter-school/319933002/>)**

**PROPOSAL: Poughkeepsie could get charter school (</story/news/education/2018/01/19/poughkeepsie-could-get-charter-school/1043872001/>)**

The Charter Schools Institute announced acceptance of letters of intent Friday. Acceptance of a letter of intent ([http://www.newyorkcharters.org/wp-content/uploads/2018-03\\_Letter-of-Intent-Public-List.pdf](http://www.newyorkcharters.org/wp-content/uploads/2018-03_Letter-of-Intent-Public-List.pdf)) does not mean SUNY trustees will approve the school. The applicant group must submit a full proposal by March 6.

The initial proposal (<https://thehudsonvalleycharterschool.org>) calls for serving 300 K-6 students the first year, half of whom would be special needs. Buildings currently under consideration for the school are the former YMCA on Montgomery Street, the former Circle of Courage (a Poughkeepsie district program) building, and a Dutchess County building on High Street.

Local school boards can't approve applications for new charter schools; Only SUNY trustees or the state Board of Regents can authorize charters.

But there was reportedly opposition from some in the Poughkeepsie city school district when another charter proposal was on the table a few years ago. And elsewhere in the state, there has been friction between charter schools and the public school districts in which they are located.

Watson, a former Poughkeepsie schools superintendent and the brother of school board President Felicia Watson, has told the Journal the ideal expectation is "collaboration in competition — not just competition" with the Poughkeepsie district.

The state Education Department on Thursday filed a court challenge "to declare unlawful and annul regulations adopted by the SUNY Charter Schools Committee regarding the employment of uncertified teachers in SUNY-authorized charter schools," according to a statement.

Robert Watson told the Journal that every Hudson Valley charter school teacher would be certified according to state regulations.

Charter schools are public, funded with tax dollars that follow students from their home districts. But while they get public money, they have fewer regulations and can operate by their own rules, often with longer hours than regular public schools, and no unions.

Another controversial aspect of charter schools is the lottery system by which students are selected when the number of applicants exceeds the number of spots available.

The application process to start a charter school is extensive and includes a number of community forums. The Hudson Valley school will hold its fourth forum Feb. 19 at the Catharine Street Community Center.

The SUNY institute has approved 35 percent of new charter school applications, according to its website.

## Online

For more details on the Hudson Valley Success Academy's proposal and upcoming community outreach events, visit [thehudsonvalleycharterschool.org](http://thehudsonvalleycharterschool.org) (<https://thehudsonvalleycharterschool.org>).

## If you go

**What:** Proposed Hudson Valley Success Academy Charter School's community forum

**Where:** Catharine Street Community Center, 69 Catharine St., Poughkeepsie

**When:** Feb. 19, 6-7:30 p.m.

Public comment forms will be provided

Read or Share this story: <http://pojonews.co/2nQNJk7>

## **EXHIBIT N**

# Re: J. Lovinsky Resignation/Part 83

Todd Aldinger <toddaldinger@gmail.com>

Thu 1/25/2018 10:03 AM

To: Wendy DeForge <WDeForge@saanys.org>;

Cc: fwatson@poughkeepsieschools.org <fwatson@poughkeepsieschools.org>;

2 attachments (394 KB)

attachment 1.pdf; attachment 1.pdf;

Ok. I will attempt to secure a directive from a majority of the Board and/or from the Acting Principal to specifically instruct your client to meet with me for an interview pursuant to my authority as Special Counsel (with your present obviously) before I proceed with filing a Part 83 complaint against your client on behalf of the Board. At this point, please note that I intend to advise the Board to request that NYSED suspend Ms. Lovinsky's teaching license for 5 years.

Which days next week are you available to participate in this interview ?

I have attached two documents to help you understand the gravity of the Charges that I anticipate will be filed against Ms. Lovinsky if there is no cooperation on her part to understand how this came about.

Sent from my iPhone

On Jan 25, 2018, at 9:39 AM, Wendy DeForge <[WDeForge@saanys.org](mailto:WDeForge@saanys.org)> wrote:

Mr. Aldinger: I do not have authority from my client to speak with you. As Mr. Miller is the attorney representing the district regarding employment matters I will be speaking with him regarding my clients separation of service.

**Wendy S. DeForge, Esq.**

**Counsel**

School Administrators Association of New York State

8 Airport Park Blvd., Latham, NY 12110

518-782-0600 | fx. 518-785-0973 | [saanys.org](http://saanys.org)

## **EXHIBIT O**

## Intro

Investigative reporter, education. Queen of stories & stockings. @pojonschutzman/www.pojonews.co

Reporter at Poughkeepsie Journal

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The school board voted to bring disciplinary charges against Poughkeepsie High School Principal Phee Simpson at a special meeting Monday

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**Tim Mummert** So we have yet one more employee on paid leave? And I'm guessing we will have to hire someone to make up for him not being there?

Like · Reply · 1w

Sean Harden replied · 1 Reply

**Pattie R. Horning** Oh big deal... suspended with pay, what a punishment.

Like · Reply · 1w

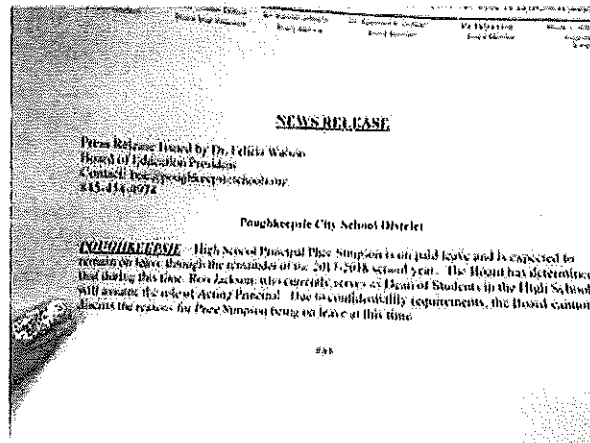
**Steph Green** It is part of the regulatory due process.

Like · Reply · 1w

Write a comment ...

**Nina Schutzman**  
January 22 at 5:59pm ·

I've been given this statement by the board



8

**John Namerow** Paid, of course.

Like · Reply · 1w

George W. Mann replied · 1 Reply

**Hawkeye Pierce** Is that the same ron Jackson who was newburgh principal

Like · Reply · 1w

Hawkeye Pierce replied · 4 Replies

**Angie Deldre Sharp** I know this is not the point of the post but I really like your nails!

Like · Reply · 1w

**Meghan Lomiento** As a city taxpayer I'd really like to know what happened...and why we are paying someone who isn't working

Like · Reply · 1w

Write a comment

**Nina Schutzman**  
January 22 at 5:58pm ·

INSTANT GAMES

MORE



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**Diana Rispoli Kowatch**

**Jennifer Kensler-Lehman**

MORE CONTACTS (5)

**Brian Wiczorek**



## **EXHIBIT P**



## Employment status of teacher charged with rape still unclear

Nina Schutzman, Poughkeepsie Journal Published 6:58 p.m. ET Nov. 19, 2015 | Updated 9:31 p.m. ET Nov. 19, 2015



(Photo: state police)

More than a day after a newly-hired Poughkeepsie teacher was charged with raping a student in his former district, city school officials have yet to say whether or not he is still employed.

Jason Horton, 31, of Maybrook, was charged Wednesday with three counts of third-degree rape and one count of third-degree criminal sexual act, felonies; along with the misdemeanor of endangering the welfare of a child, according to state police.

Horton, who was previously employed by the Sullivan County-based Tri-Valley Central School District, is accused of having "an inappropriate relationship" with a female student there who was under the age of 17 — during school hours, according to police and Tri-Valley officials.

Meanwhile, Poughkeepsie officials would not comment Thursday on Horton's current employment status, calling the issue a "personnel matter." The district did say that officials first learned of Horton's pending criminal charges Wednesday and that another certified English teacher was assigned to take over his classes

Thursday.

When asked if Horton has been placed on paid or unpaid administrative leave, deputy Superintendent Ronel Cook said: "It's a personnel matter...no comment." Cook had the same response when asked if Horton was allowed on school grounds, had been officially suspended or terminated.

Horton just started in Poughkeepsie on Nov. 6, replacing an English teacher who had resigned from the high school, according to school board documents. His four-year probationary term was approved by the city school board on Oct. 7 with an annual salary of \$62,000.

He started in the Tri-Valley district as a 10th-grade English teacher in the 2014-15 school year and was assigned to teach seventh graders this year, said Tri-Valley Superintendent Tom Palmer.

"He (Horton) told me he was looking to teach in a high school," Palmer said. Horton resigned from Tri-Valley on Oct. 8 and "I held him here for 30 days (in his job), as I can by law" while officials looked for his replacement.

Then on Tuesday, Tri-Valley district officials "ran across an email that seemed a little off," Palmer said.

Horton and the Tri-Valley student had allegedly messaged each other. The student had used a school-issued laptop and the conversation was allegedly "inappropriate," said state police spokesman Steven Nevel.

"It was not that provocative" but it raised the question of why a former teacher and a student would still be in contact," Palmer said. "We brought it to our school attorney... who said we definitely should" report it.

Palmer contacted state police, he said; the investigation led to Horton's arrest. Horton was released from Sullivan County Jail Wednesday, where he had been sent on a \$30,000 bail. He is due back in the Town of Neversink Court on Jan. 19.

Horton has not been accused of sexual contact with any other students and he has no criminal record that authorities know of, Nevel said.

In an online statement, Poughkeepsie district officials said they "understand the public's desire for more information regarding (Horton's) current employment status" and posted general information about steps that might be taken during a situation such as this.

## Employment status of teacher charged with rape still unclear

During the pendency of any such investigation, administrative steps are taken to ensure the safety of the school community while respecting the privacy, due process and employment rights of those accused," according to Poughkeepsie's statement. "Safety precautions often include restricting an employee's right to be present at work and/or on school district property during the course of an investigation. We are deeply committed to ensuring that our students have access to the quality teaching and learning opportunities they so richly deserve in a safe and secure environment."

Horton was a probationary teacher not set to receive tenure in Poughkeepsie until 2019, according to board meeting minutes.

According to education law, "a teacher's probationary appointment may be terminated at any time on the recommendation of the superintendent, provided the dismissal is approved by a majority vote of the school board."

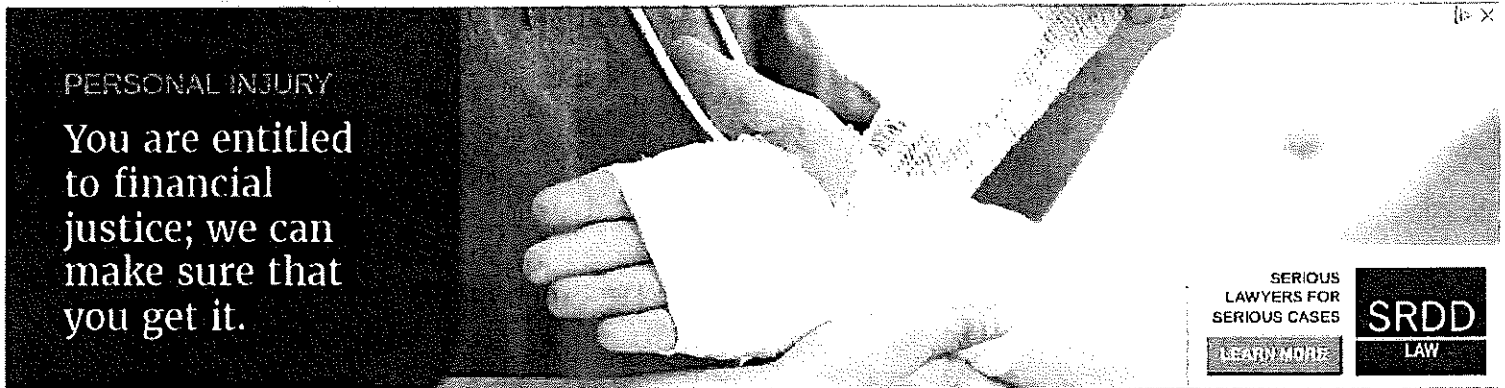
Anyone with information about the investigation is asked to call state police at 845-292-6600.

*Nina Schutzman: nschutzman@poughkeepsiejournal.com, 845-451-4518, Twitter: @pojonschutzman*

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## Poughkeepsie schools employee suspended with pay

Nina Schutzman, Poughkeepsie Journal Published 6:49 p.m. ET Nov. 23, 2015 | Updated 10:15 p.m. ET Nov. 23, 2015



(Photo: Nina Schutzman/Poughkeepsie Journal)

A Poughkeepsie City School District employee was suspended for three months with pay on Monday night.

The board would not identify the suspended employee by name.

On Monday, the board held an executive session before publicly passing a resolution to pay the suspended employee until Feb. 24, 2016. The executive session was the only agenda item at the meeting and the board did reference the employee's identification number.

The action follows a tumultuous week for the district, after a Poughkeepsie English teacher was charged with rape Wednesday for his alleged involvement with a student at the district in which he used to teach, and his classes have since been assigned to a different teacher.

Jason Horton, 31, of Maybrook, was charged with three counts of third-degree rape (/story/news/education/2015/11/18/police-poughkeepsie-teacher-charged-rape/76022376/) and one count of third-degree criminal sexual act, felonies; along with the misdemeanor of endangering the welfare of a child, according to state police.

Horton, who was previously employed (/story/news/education/2015/11/18/police-poughkeepsie-teacher-charged-rape/76022376/) by the Sullivan County-based Tri-Valley Central School District, is accused of having "an inappropriate relationship" with a female student there who was under the age of 17, during school hours, according to police and Tri-Valley officials.

Horton just started in Poughkeepsie on Nov. 6, replacing an English teacher who had resigned from the high school, according to school board documents. His four-year probationary term was approved by the city school board on Oct. 7 with an annual salary of \$62,000.

The district would still need to pay the probationary teacher (/story/news/education/2015/11/20/teacher-follow-horton-license/76117254/) — one without tenure — for 90 days, if officials decided to terminate him or her, said board Vice President Ray Duncan. Education law calls for a 60-day paid notice of termination — the only exception would be if the teacher lacked a teaching certificate. The Poughkeepsie teachers union contract calls for an additional 30 days.

Poughkeepsie district officials have so far declined comment (/story/news/education/2015/11/19/teacher-follow-jason-horton/76056544/) on Horton's employment status, except to say that another certified English teacher was assigned to take over his classes Thursday.

Duncan said Monday that besides a press release the district issued Thursday, officials would not likely be making further comments on the situation.

## Poughkeepsie schools employee suspended with pay

District resident Gus Kazolias told the board that he doesn't understand why a probationary teacher would get 90 days pay.

"The law is the law ... but to me, these laws leave much to be desired," Kazolias said.

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The Tri-Valley district superintendent contacted police on Nov. 17 to report that Horton and the Tri-Valley high school student had messaged each other, said state police spokesman Steven Nevel. The student had used a school-issued laptop; the conversation was allegedly "inappropriate."

The investigation led to Horton's arrest on Wednesday, officials said. Horton was released from Sullivan County Jail that same day, where he had been sent on a \$30,000 bail. He is due back in the Town of Neversink Court on Jan. 19.

Horton has not been accused of sexual contact with any other students and he has no criminal record that authorities know of, Nevel said.

Nina Schutzman: [nschutzman@poughkeepsiejournal.com](mailto:nschutzman@poughkeepsiejournal.com), 845-451-4518, Twitter: @pojonschutzman

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## **EXHIBIT Q**



## Poughkeepsie High School principal suspended

Nina Schufzman, Poughkeepsie Journal Published 6:12 p.m. ET Jan. 22, 2018 | Updated 3:18 p.m. ET Jan. 23, 2018



(Photo: Journal file)

Poughkeepsie High School Principal Phee Simpson's suspension is expected to last through the rest of the 2017-18 academic year.

The school board voted at a special meeting Monday night to bring disciplinary charges against Simpson under section 3020-a of state education law, and place her on paid administrative leave until further notice.

The board would not comment on the reason for Simpson's suspension, but it comes on the heels of an investigation into improper Poughkeepsie High School graduations.

**MEMO: Attendance policy must be followed, Poughkeepsie school board says**

**(/story/news/education/2018/01/19/poughkeepsie-school-board-attendance-policy-must-followed/1031401001/)**

**LAWSUIT: School chief wants \$1 million for emotional distress, contract breach (/story/news/education/2018/01/10/poughkeepsie-chief-1-m-emotional-distress-contract/1001762001/)**

**REPORT: Poughkeepsie students graduated under 'questionable circumstances' (/story/news/education/2017/12/27/poughkeepsie-students-graduated-under-questionable-circumstances-investigator-says/962246001/)**

Simpson is "on paid leave and is expected to remain on leave through the remainder of the 2017-2018 school year," board President Felicia Watson said in a statement, released after Monday's meeting. "Due to confidentiality requirements, the Board cannot discuss the reasons for Phee Simpson being on leave at this time."

As executive principal of the high school, Simpson's salary is about \$144,000 this year, according to district payroll records.

The board has appointed high school Dean of Students Ronald Jackson as acting executive principal.

Simpson could not be reached for comment.

Jennifer Carlson, a lawyer with the School Administrators Association of New York State, which represents Simpson and Poughkeepsie's administrators' union, told the Journal via email: "We are not at liberty to comment on the employment matters of our members; however, any district must meet its burden of proof under the law for formal discipline and we provide our members with a thorough and vigorous defense with the goal of clearing the administrator's good name."

An ongoing investigation into improper Poughkeepsie High School graduations is being conducted by special counsel Todd Aldinger. He reported in November that more than 40 students allegedly graduated under "questionable circumstances" last year.

The investigation prompted the board to issue a memo to staff on Jan. 3, reminding them that the district's attendance policy must be "consistently and neutrally applied to all students. Unfortunately, this does not appear to have happened in the past."

Students must attend 85 percent of all classes per course to receive credit for it. If students miss more classes than allowed, they are supposed to be denied credit for the course, unless they complete make-up work.

"Aldinger has reported to the Board that numerous students graduated in 2017 by virtue of receiving credits in classes in which they greatly exceeded the attendance policy," the board said in its memo. "In fact, it appears that some students graduated while exceeding the attendance policy for ALL of their senior year classes and being absent from yearlong courses more than 100 times."

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District emails provided to the Journal offer contradictory information about whether the attendance policy has been enforced.

In a Jan. 3 email from Simpson to high school staff, the principal says she is "disheartened by the allegations within this (attendance) memo, based on a one-sided report, stated as 'fact', from Attorney Aldinger... As a school community, we will continue to ensure our scholars make up work in order to pass their classes in accordance with the Board Policy 5100 (the attendance policy), as we have done in the past."

In a Jan. 12 email to Aldinger, Simpson said: "... the district has never enforced this policy until now."



Buy Photo

Poughkeepsie High School  
Executive Principal Phee Simpson  
speaks to students at the June  
2016 commencement  
ceremony. (Photo: Nina  
Schutzman/Poughkeepsie Journal)

Students graduating despite frequent absences was one issue that came up during the graduation investigation, according to Aldinger's report.

Other — and sometimes interconnected — circumstances allegedly include last-minute Section 504 Plans for some high school seniors, after it was clear they wouldn't be able to graduate unless they used "safety nets" meant for students with disabilities. In other cases, students who apparently did not meet eligibility requirements were granted appeals to graduate with lower scores on Regents exams. Some students, meanwhile, appear to have gotten diplomas without meeting general graduation requirements.

Section 3020-a gives tenured teachers and administrators who are accused of wrongdoing the right to a quasi-judicial hearing to determine whether a violation has occurred and, if so, what the penalty ought to be, according to the New York State School Boards Association. Suspended employees accused of misconduct are paid, except in certain circumstances, until their cases are resolved.

Simpson took over at Poughkeepsie High School in 2013, following a testing scandal involving the former principal, who was suspended and later resigned.

Prior to that, Simpson was principal of Poughkeepsie Middle School.

As acting principal, Ronald Jackson will receive a \$125 per diem stipend for every school day he serves in the role, according to a resolution. That amount was "calculated on the basis of the projected \$120,000 salary of a newly hired principal, less (Jackson's) current salary of \$90,000, divided by 240 (work days)."

Monday's meeting was heated, with trustees Randy Johnson and Ray Duncan decrying resolutions on the special agenda. All of the resolutions were approved by a majority vote of Watson, trustees Doreen Clifford and Debra Long.

Johnson and Duncan said the board majority was making decisions that were detrimental to the district.

"You're destroying one of our schools during Regents (exams) week," Johnson said. "All we have is allegations...we have no facts."

The board also accepted the resignation of Jessica Lovinsky from a high school assistant principal position.

On the school's website, Lovinsky is listed as the ninth-grade assistant principal. The assistant principals follow a specific grade and class; Lovinsky was the 12th grade assistant principal during the 2016-17 year, according to district records.

Other actions the board took at the special meeting included changing an administrative position title and salary.

Elizabeth Ten Dyke, who has been director of data analysis and accountability for two years, was made assistant superintendent for data analysis and accountability. Her salary, which has been \$110,000 a year, is being increased to \$135,000 a year.

The resolution to change the job title says data analysis and accountability "are of fundamental importance to the district," but it's unclear what the differences are between the two positions.


Nina Schutzman: [nschutzman@poughkeepsiejournal.com](mailto:nschutzman@poughkeepsiejournal.com), 845-451-4518, Twitter: @pojonschutzman


<https://www.poughkeepsiejournal.com/story/news/education/2018/01/22/poughkeepsie-high-school-prin...> 2/13/2018




7

# EXHIBIT R

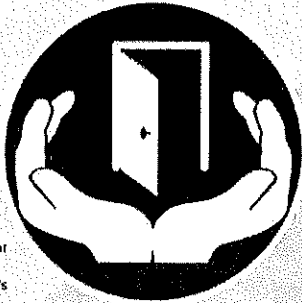
 Write a comment...

 Nina Schutzman shared Shanna Andrawis's post  
January 23 at 6:59pm

 Shanna Andrawis shared Teen Closet's post to the group People For A Better Poughkeepsie.  
January 23 at 6:59pm

**The following items are currently needed to stock Teen Closet:**


- body lotion
- conditioner
- chapstick
- face wash
- toothpaste
- men's winter gloves
- new/unopened men's and women's underwear and socks all sizes
- new/unopened women's black leggings all sizes
- new/unopened men's undershirts all sizes



**Items can be dropped off at Poughkeepsie High School during school hours, M-F, 7:45-2:40.**


Teen Closet  
January 23 at 4:48pm


Like Page


Are you looking to contribute to the Closet? Here is how you can help   
#TeenCloset #Poughkeepsie


5


1 Share

 Anne Walsh Should we leave the items with the front security?  
Like Reply 1w

 Anne Walsh replied 2 Replies

 Nina Schutzman Shanna Andrawis?  
Like Reply 1w

 Write a comment

 Nina Schutzman  
January 23 at 3:42pm Twitter

Poughkeepsie High School principal suspended; Article now includes my Facebook Live video of Monday's heated school board meeting:



Poughkeepsie High School principal suspended

INSTANT GAMES


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TRENDING AMONG FRIENDS MORE



 Michelle Apple

 Deborah A Tebo

 Nicole Nikki

 Tiffany Jayde G

 Andrew Ward

 CrisNina Velez

 Diana Rispoli Kowatch

 Jennifer Kensler-Leh ..

MORE CONTACTS (5)

 Brian Waczorek

The school board voted to bring disciplinary charges against Poughkeepsie High School Principal Phee Simpson at a special meeting Monday.

POUGHKEEPSIEJOURNAL.COM

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2 Shares

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**Robert Pemberton** Gus T Kazillas why are you always attacking Nina Schutzman ?? And don't think for one second anyone forgot about your comments at the city meeting. I can't believe the BOE allows you to personally insult Nina week in week out

Like Reply 1w

3



**Olga Mirabillo** He should be banned from attending. He's the biggest jerk I know.

Like Reply 1w



John Namerow replied · 1 Reply



**Nina Schutzman** Gus, you there? 3

Like Reply · 1w



**Robert Pemberton** Gus T Kazillas. Seriously.. Why?? why every chance you get you attack a FEMALE.. I won't even try to recall your sexist out of touch comments about spandex and girls because I can't quote the entire thing. But back to ALWAYS BASHING A UPFRONT AND HONEST... See More

Like Reply 1w

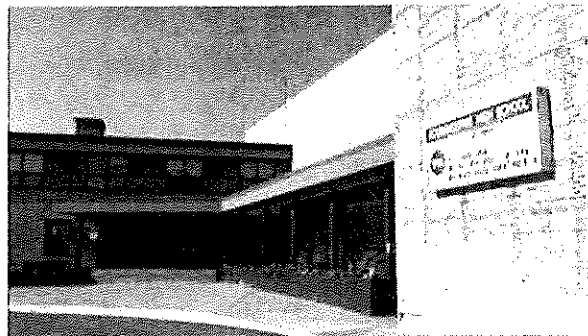


Write a comment...

**Kevin P. Lenihan**

January 23 at 1:58pm

The latest from the Poughkeepsie School District. Nina Schutzman has been shining a light on the troubling developments in the district with each watchdog article. Excellent work!



### Poughkeepsie High School principal suspended

The school board voted to bring disciplinary charges against Poughkeepsie High School Principal Phee Simpson at a special meeting Monday.

POUGHKEEPSIEJOURNAL.COM

1



**Gus T Kazillas** I WAS TALKING WITH A PERSON AT LAST NIGHT'S BOE MEETING AND WAS INFORMED THAT A FORMAL EMPLOYEE WHO WAS CALLED IN TO WORK BY THE POUGHKEEPSIE SCHOOL DISTRICT HAS NOT BEEN PAID THE MONEY FOR HIS WORK. WHY IS IT? IS IT BECAUSE HE IS RELATED TO A BOARD ME... See More

Like Reply 1w



**Jaclyn Creavy** Stop internet yelling! The caps hurt people's eyes

Like Reply 1w

1



Write a comment

INSTANT GAMES

MORE



TRENDING AMONG FRIENDS MORE



Michelle Apple



Deborah A Teho



Nicole Nikki



Tiffany Jayde G



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Jennifer Kensler-Leh..

MORE CONTACTS (5)



Brian Wiecezorek

Search

# EXHIBIT S

# Article on Poughkeepsie graduation investigation/appeal

Schutzman, Nina <nschutzman@poughkeepsiejournal.com>

Mon 2/12/2018 4:11 PM

To: Jennifer Carlson <JCarlson@saanys.org>;

Cc: Phee Simpson <pheelynn@aol.com>;

📎 3 attachments (616 KB)

PheeSimpsonresponse.pdf; TADecemberreport.pdf; TDresponsetoPS.pdf;

Hi Jenn,

I'm writing an article on the Poughkeepsie district's graduation investigation and subsequent appeal filed by Superintendent Nicole Williams. As part of that, I'm citing records that relate to Phee Simpson (see attached). I have contacted Ms. Simpson via email a number of times (I don't have a phone number), and haven't heard back, but wanted to reach out and see if you have any comment for my article – on the reports, on the investigation, on her suspension, or any related matter.

Best wishes,  
Nina

**Nina Schutzman**  
Investigative reporter

**poughkeepsie journal**

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