



Education Law Center

Standing Up for Public School Children

By Fax and Mail

October 3, 2007

Honorable Lucille Davy
Commissioner of Education
PO Box 500
Trenton, NJ 08625-0500

Re: Pleasantville Board of Education

Dear Commissioner Davy:

As you know, Education Law Center serves as legal counsel to the plaintiff class in the Abbott v. Burke education equity case, which consists of all students attending public schools in the thirty-one (31) urban districts designated as special needs or Abbott districts. The Abbott students include those attending the Pleasantville public schools, an Abbott district. On behalf of those students, we write to request your immediate intervention and assistance.

As you are undoubtedly aware, troubling developments concerning the Pleasantville school district have recently become public. On September 6, 2007, the President of the Pleasantville Board of Education (PBOE), James Pressley, as well as school board member Rafael Velez, were arrested for alleged criminal acts committed in their roles as members of the school board. In the criminal complaints filed against Mr. Pressley and Mr. Velez, these PBOE members are alleged to have accepted corrupt cash payments, of over \$35,000 and approximately \$14,000, respectively, between May 2006 and October 2006, in exchange for assisting certain contractors in obtaining insurance brokerage and roofing contracts with the PBOE. Further, Mr. Pressley was alleged to have extracted a promise for assistance in fraudulently securing a personal home mortgage

as part of the same scheme. See Criminal complaints, available at <http://www.pressofatlanticcity.com/static/temp/PressleycomplaintFINAL.pdf> and <http://www.pressofatlanticcity.com/static/temp/VelezcomplaintFINAL.pdf>.

Since the indictments and arrests, neither Pressley nor Velez have voluntarily relinquished their positions as members of the PBOE, even temporarily pending the disposition of the criminal charges, despite requests by fellow board members, residents, and community groups that they do so, so that the school board can properly function in the coming months to meet pressing and urgent challenges faced by the district.

While Pressley and Velez are certainly entitled to a presumption of innocence on the criminal charges, their continued presence on the PBOE while these charges are pending raises serious questions about the ability of the PBOE to effectively function and perform its governance and oversight responsibilities; to act vigorously to ensure the effective and efficient implementation of all of the Abbott v. Burke programs and reforms, and the optimal use of all school funding; and to exercise leadership in a manner that fosters public confidence in the PBOE and the Pleasantville public schools.

The Board's capacity to function effectively is called into question not only by the present controversy surrounding the criminal charges against Pressley and Velez, but also by other recent set backs and short-comings, ranging from the need for appointment of a state fiscal monitor, to the hiring and firing of thirteen different superintendents since 1997, to the district's performance on academic measures.

Accordingly, we request that your Office immediately launch an investigation addressing the following issues:

- 1) whether there is sufficient evidence that Pressley and Velez utilized their board positions for personal gain;
- 2) whether the alleged criminal conduct of Pressley and Velez, and their continued presence on the PBOE, has and will continue to impair the ability of the PBOE to function properly and to execute its duties in a timely and responsible manner; and

3) whether the continued presence of Pressley and Velez on the PBOE undermines public and community confidence in its ability to act in the best interest of Pleasantville school children.

As part of your investigation, we request you examine all factors related to the PBOE that have impeded the effective and efficient operation of the Pleasantville school district in the past, and that are likely to continue in the future.

Finally, depending on the results of your investigation, we request that you take appropriate administrative action to ensure the proper functioning of the PBOE, including but not limited to the suspension or temporary removal of Pressley and Valez, until such time as the criminal matters are fully resolved.

Your Office has the authority and responsibility to act in this matter. Both the Supreme Court's Abbott rulings, and the Legislature, have recognized the paramount importance of the State's role in ensuring that the Abbott funding, programs, and reforms are implemented in a timely and effective manner to enable Abbott students to achieve State academic standards. In Abbott v. Burke, 149 N.J. 145, 193, 195 (1997), the Court made clear that the Commissioner has "an essential and affirmative role to assure that all education funding is spent effectively and efficiently" in Abbott districts, and directed your Office to take "affirmative and aggressive action" to ensure that all funds are spent effectively and efficiently by Abbott districts for the optimal educational benefit of the districts' students. In addition, the Legislature, in the Annual Appropriations Act, directs your Office "to take any affirmative action as is necessary to ensure the effective and efficient expenditure of funds for the implementation of the Abbott v. Burke programs, reforms, and remedies." P.L. 2007 c. 111.

Thus, it is clear that your Office is compelled to act to correct deficiencies in Abbott districts, including matters related to district governance by the school board, where such deficits are determined to impair or impede timely and effective implementation of the Abbott programs and reforms, or compliance with other State accountability requirements, for the direct educational benefit of the Abbott school children.

Thank you for your attention and please contact me if I can be of assistance to your Office in this matter.

Sincerely,

David Sciarra, Esq.
Abbott Counsel

cc: Heather Howard, Governor's Chief of Policy
Kenneth Zimmerman, Governor's Counsel
Robert Gilson, Director of Division of Law
Clarence Alston, Superintendent, Pleasantville
Members of Pleasantville Board of Education