

August 8, 2001

Hon. Harold O. Levy
Chancellor
New York City Public Schools
110 Livingston Street, Room 1010
Brooklyn, NY 11201

Re: Frank Accardi
SCI Case #2001-0279

Dear Chancellor Levy:

An investigation conducted by this office has substantiated that Home Instruction Teacher Frank Accardi, assigned to District 31 in Staten Island, repeatedly defrauded the Board of Education (“BOE”), and cheated the homebound children he was assigned to help, by claiming to teach home sessions that never took place.¹ This office conducted surveillance which proved that Accardi often spent large portions of his “work day” at home or behind the counter of his bagel shop in Staten Island.² Furthermore, he brazenly stole what was essentially overtime pay by falsely claiming that he was teaching children in per session classes beyond his assigned work hours.³ To further his scheme, Accardi falsified numerous documents and even attempted to coerce a parent to lie for him by

¹ “In accordance with Sections 200.6 and 175.21 of the Regulations of the Commissioner of Education of the State of New York, the New York City Home Instruction School provides educational services to students who cannot be accommodated in a regular school facility because of a medical/physical condition, or a severe emotional/psychological/behavioral disability.” *See* Chancellor’s Regulation A-170. According to Bonnie Brown, who is in charge of the budget for the Homebound program, the BOE spent \$18,552,840, on homebound instruction during the 2000-2001 school year.

² Accardi had an ownership interest in “Grandma’s,” a bagel store on Staten Island, until June 2001 when it was sold.

³ Accardi was not reassigned during this investigation. However, he was denied an assignment in the summer school program.

threatening that the parent would not be able to get another instructor for his child. If the eight days during which we conducted surveillance were representative, and taking into account other evidence that proves Accardi did not teach on days he claimed to, then Accardi stole much of his \$55,023 salary and per session earnings.

According to Home Instruction Assistant Principal Eileen Pryor, Home Instructors are required to work six hours and thirty minutes a day with a forty-five minute lunch break and fifteen minutes travel time between students. Lengths of lessons are determined by what grade the student is in. A teacher is given a schedule. If for any reason a scheduled child will not be receiving instruction, then it is the instructor's responsibility to notify Pryor immediately to request reassignment. If there are no students awaiting instruction during the open time period, the instructor will be assigned to a library to do paperwork, or to a school to pick up assignments. Per session assignments are those above and beyond the teacher's regular six hour and thirty minute day and the instructor is paid an hourly wage.

This investigation began after Pryor did a random telephone check at the home of one student ("Student B") when Accardi was supposed to be teaching and discovered the instructor was not there. Further scrutiny by Pryor revealed that another student ("Student A"), whom Accardi claimed to be teaching, had returned to his regular school. Pryor notified Home Instruction Principal Richard Cooperman who forwarded the information to this office.

A review of Student A's school records and Accardi's work documents revealed that the teacher falsified his paperwork. Accardi's daily logs indicated that he taught Student A every day, even after the child returned to regular school.⁴ Student A had been readmitted to PS 56 on November 22, 2000. Yet, Accardi claimed to have taught Student A at home through November, December and into January.⁵

Accardi went to great lengths to keep his scheme active. He pressured Student A's father ("Father A") to lie for him so the teacher could keep Student A on his schedule, even though the boy had returned to regular school classes. According to Father A, Accardi came to his workplace on January 23, 2001, asked Father A to call the teacher's supervisor Eileen Pryor, and instructed the parent to tell Pryor that Student A was being pulled out of school early everyday. Accardi explained that this was necessary

⁴ According to Principal Richard Cooperman, it is the home teacher's responsibility to notify his or her direct supervisor when a student is readmitted to a school.

⁵ According to Student A's father, there were occasions when Student A was going to be absent from school, and either he or his wife would call Accardi directly and ask him to come teach their son. These visits were not authorized. According to Pryor, once a student is admitted to a regular school, they can no longer be in the home school program. Further, Accardi's time logs indicate that these sessions were one hour and fifteen minutes; however, according to Father A, they were only forty minutes.

so that he could continue teaching the child at home. Accardi threatened that if he had to take Student A off his schedule, it would be difficult for Father A to get his son home instruction if he needed it in the future.⁶

Student A was not the only student whom Accardi falsely claimed to teach. On January 16, 2001, Pryor did a random telephone check and called the residence of Student B at a time when Accardi was supposed to be teaching per session.⁷ However, the teacher was not present at that time. Then, on Tuesday, January 23, 2001, Pryor visited Student B's home during the time that Accardi was scheduled to be teaching the boy. Again, the teacher was not there.

Moreover, to get paid for his per session employment, Accardi signed personnel time reports certifying the exact hours that he served in the program. On the report which included January 16, 2001, Accardi claimed he taught Student B on that date. While Accardi did not indicate on his time sheet that he taught Student B on January 23rd, his schedule reflected that he should have and he never called to notify Pryor that he was not going to teach the student that day as was required.⁸

Additionally, Student B was working at a Pathmark Pharmacy and not available for home instruction on twenty days between October and December 2000 when Accardi claimed to have taught him.⁹ During this time period, Accardi was scheduled to teach and his logs reflected that he taught Student B from 3:30 p.m. until 6 p.m. However, Student B's Pathmark timesheet documents that he was at work during those hours. Moreover, according to the pharmacy's Timekeeper Mary Salerno, a manager closely supervised Student B at all times. It was not until January 29, 2001 that Accardi indicated that Student B had a job in the afternoons and the student was switched to a regular day schedule. Then, again on three days in April 2001, Accardi claimed to have taught Student B while the boy was working.¹⁰

Surveillance of Accardi by investigators from this office revealed a systemic scheme to defraud the BOE. We uncovered additional days that the instructor missed sessions with Student B, yet claimed on his logs that he was teaching. Instead of

⁶ Student A has an illness which frequently causes him to be unable to attend regular classes.

⁷ Per session activities are those in which a pedagogical employee is paid at an hourly rate for work done in addition to the individual's regular assignments. Accardi's per session hourly rate was \$33.18.

⁸ Accardi's January 2001 time sheets were returned to him because he submitted them without a signature. The teacher never resubmitted the forms and has not been paid for the per session hours that he claimed in January 2001.

⁹ There were two additional days in January 2001 that Accardi originally claimed to have taught Student B while he was working at Pathmark. However, as stated above, Accardi never resubmitted the forms and has not been paid for his per session hours in the month of January.

¹⁰ On a fourth day, Student B's Pathmark schedule overlapped with Accardi's claimed instruction period by approximately forty minutes.

instructing the student at the Victory Boulevard Library from 1 p.m. until 3 p.m. every day, as he was supposed to, Accardi was conducting other activities:

- ?? On April 25, 2001, after checking the library and not seeing Accardi there, the investigators went to Accardi's home and at approximately 2:40 p.m., and observed both vehicles that Accardi has registered parked at his house.
- ?? On April 26, 2001, the investigators observed Accardi exit the home of one student at 11:50 a.m. and drive directly to his own home where he remained until surveillance was terminated at 1:50 p.m.
- ?? On April 30th, Accardi taught one student and then returned to his home at around noon where he remained until surveillance was terminated at 3:00 p.m.¹¹
- ?? On various dates in May 2001, investigators followed Accardi to Grandma's Bagel Store. Accardi was observed behind the counter and at the cash register. On two occasions, investigators went to the bagel store with hidden video equipment and recorded Accardi as he went through paperwork behind the counter even though he was scheduled to be teaching Student B.

Student B and his father confirmed that Accardi missed sessions with the child. According to them, beginning around March, Accardi began to instruct Student B less frequently. Student B stated that Accardi only came, on average, two days a week. Then, according to father and son, in the middle of May, Accardi called and left a message stating that his wife was ill and that he would not be able to instruct the student anymore until further notice.

Accardi attempted to extricate himself from trouble by omitting Student B from his daily logs for the month of May 2001.¹² In early June, Pryor received the teacher's logs for the month of May and noticed that in place of his instruction sessions with Student B, Accardi indicated that he was at the College of Staten Island Library during that time period.¹³ However, Accardi never notified Pryor of that change as is required. Pryor confronted Accardi about the change and the teacher falsely told her that Student B had dropped out of school. When Pryor asked Accardi if he had obtained a note from Student B or his parents, and filled out an absentee report, as is required, Accardi told

¹¹ Oddly, Accardi left his daily log for April 30th blank with no explanation to Pryor.

¹² It is our belief that by this time, Accardi was aware that he was being investigated.

¹³ Accardi claimed on his daily logs that he was doing clerical work and lesson plans at the library.

Pryor he could not talk to her about it and gave her the phone number of his attorney whom she could call with questions.

Through his attorney, Accardi refused to be interviewed by this office.

Accardi failed to notify Pryor immediately when a student was no longer in the Home Instruction Program. Therefore, instead of working a full six hour and thirty minute day, Accardi taught one student for two hours and then took the rest of the day off. Besides Student B, there was another student who was no longer in the Home Instruction Program that Accardi failed to notify Pryor about immediately. Surveillance revealed that on April 25th, 26th, and 30th Accardi did not arrive at the home of Student H at the scheduled time. It was not until April 30th that the instructor left a message for Pryor advising her that Student H had returned to school on April 25th. During that time, Accardi did not work a complete day because of his failure to do what is required, specifically, to inform his supervisor as soon as he was no longer teaching a child. Therefore, instead of getting a new assignment, Accardi was paid his salary to teach two hours a day.

Accardi's scheme to defraud affected other students as well:

- ?? On May 4, 2001, investigators observed Accardi at the home of one student ("Student J"). Yet, when he left Student J, instead of going to his next assignment ("Student I"), the teacher stopped at a drug store and Grandma's Bagels before returning home. However, Accardi's daily log indicates that he taught Student I that day.
- ?? On May 31, 2001, Accardi called the homes of Student I and Student J and advised each that he was sick and would not be keeping his scheduled instruction appointments for that day and the next. Yet, Accardi never called in sick to Pryor and when he turned in his daily logs, May 31st and June 1st both reflected that he taught Student I and Student J those days.
- ?? On another occasion, instead of teaching a student ("Student D") as he claimed in his logs, Accardi was attempting to cover his tracks with Student B. At the time Accardi was supposed to be at the home of Student D, he was faxing the note to Pryor from Grandma's Bagel Store switching Student B to a regular day schedule.

Besides the daily log, which was prepared weekly by the home instructor, Accardi also falsified his yearly roll book. This book, called the "School Record of Attendance" is a legal record that may be subpoenaed by the courts as evidence. Accardi submitted

his roll book to Pryor on June 27, 2001. It reflected the same false entries for all the students as the daily logs.¹⁴

Frank Accardi not only falsified records and claimed that he was teaching students when he was not, but he cheated students who were unable to attend regular school out of the education to which they were entitled. It is therefore the recommendation of this office that Accardi's employment be terminated, and that this matter be considered should he ever re-apply for any type of position with the Board.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We are also forwarding a copy of our report to the State Education Department for whatever action they deem appropriate. Should you have any inquiries regarding the above, please contact Vicki L. Multer, the attorney assigned to the case. She can be reached at (212) 510-1454. Please notify Ms. Multer within 30 days of this letter, what, if any, action has been taken or is contemplated against Frank Accardi. Thank you for your attention to this matter.

Sincerely,

Edward F. Stancik
Special Commissioner
Of Investigation for the
New York City School District

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c: Chad Vignola, Esq.

¹⁴ Except where the daily log has no entries for April 30, 2001, the roll book indicates that Accardi taught Student B and Student I.