

**RECURRING NIGHTMARES:
AN INVESTIGATION INTO THE REPEATED HIRING OF
SUBSTITUTE TEACHERS UNFIT TO CARE FOR CHILDREN**

INTRODUCTION

This office has investigated a number of allegations against substitute teachers employed in community school districts in all five boroughs and in public high schools. We have not only substantiated that several of these occasional employees committed misconduct—ranging from assault and inappropriate touching of students, to falling asleep on the job, to simply bizarre behavior—we found that they should not have been hired in the first place. With a minimum background check—sometimes as simple as a review of the list of individuals who were not eligible for employment (“ineligible list”) with the Board of Education (“Board”), or a telephone call to another school—the problems created by these substitutes could have been prevented.¹

In the cases we examined, little, if any, inquiry was made into the background of individuals seeking to hold these positions. Consequently, even teachers fired from other employment with the Board, as well as some fired by other school systems, were hired as substitutes. We also learned that often, even after a problem was uncovered, these employees were not placed on the ineligible list, and were able to continue to work on a substitute basis. Finally, we found that even placement on the ineligible list was no guarantee that employment would be denied.

¹ Historically, the ineligible list has been a multi-paged document, produced monthly, consisting of rows and rows of the social security numbers assigned to individuals who are not eligible for employment with the Board. While the hard copy version still exists, in recent years it has become available “on-line” and is updated daily.

What follows are the results of investigations into the activities of eight substitute teachers. They taught in elementary, intermediate, and high schools Citywide and shared a common bond: none should have been hired for a position which would place them in contact with children. Consequently, we recommend that those individuals be kept out of New York City classrooms. Furthermore, we suggest changes to the practices used to employ substitutes in order to eliminate the danger posed to children by teachers like those detailed in this report.

THE SUBSTITUTES

JAMES BRANCH

Despite being fired from two teaching positions, James Branch was able to obtain work as a substitute. A confidential source told this office that Branch had been terminated from a full-time teaching position with the Board of Education, but nevertheless continued to work for the Board as a substitute. Not only did this information turn out to be accurate, we discovered that Branch had been fired from a teaching position in Yonkers as well.

In 1995, while Branch was a non-tenured teacher working at PS 109 in Community School District 4 in Manhattan, Principal Iraida Hada documented three separate instances where Branch used corporal punishment to discipline students in his classes. The Board's Office of Appeals & Review agreed with Hada's findings and Branch was dismissed from his position. He was not, however, placed on the ineligible list.

Branch was upset about his termination and sought to regain his position. To do so, he contacted various offices in the Board, including the Office of Special Investigations ("OSI") and the Chancellor's Office. According to a memo from Marlene Malamy, the head of OSI, to the Chancellor, Branch was convinced that new teachers were placed under surveillance through the public address system and taped. He urged OSI to obtain the tapes of him, which he claimed were maintained by the principal, because, he asserted, as a result he would be cleared. Not surprisingly, Malamy declined to investigate his far-fetched claims of wrongful dismissal.

Nevertheless, neither Branch's original dismissal, nor his bizarre reaction to it, prevented him from becoming a substitute teacher. Over the next two and one-half years, between December 1995 and June 1998, he was employed repeatedly as a substitute teacher. He worked anywhere from eight to twenty days a month for the entire 1997-98 school year in various high schools in Manhattan, the Bronx, Brooklyn, and Queens.²

The fact that a fired teacher—who repeatedly engaged in physical punishment of children—can resurface as a substitute is disturbing enough. However, we found that Branch never should have been hired by the Board of Education in any capacity. Prior to his position with the Board, Branch was employed from 1990 until 1993 as a third grade teacher by the City of Yonkers Public School District. His career there was less than stellar: he was terminated in June 1993 for poor performance, lack of effort, inferior management skills, and failure to follow administrative and written recommendations by supervisors. Additionally, the Yonkers school district cited numerous complaints by parents about Branch's teaching techniques, the fact that many parents requested that their children be transferred from his class, his insubordination, and his poor attendance.³

DANIEL SULLIVAN

In November 1997, Daniel Sullivan, yet another individual who had been fired from a teaching position, was hired as a substitute for a second grade class at PS 52 in District 22 in Brooklyn. Although he provided a copy of his teaching license and was

² Branch was placed on the ineligible list on June 11, 1998, and appears on the hard copy of that document as of July 1998.

³ Branch appealed, but the Public Employment Relations Board upheld his termination.

checked against the ineligible list, neither the principal, nor anyone else at the school, interviewed him.⁴ Had someone done so, they might have learned, as we did, that Sullivan had been fired from a parochial school in March 1997, for inappropriate contact with male students. The failure to review his work history had serious consequences as Sullivan again acted inappropriately toward young boys under his supervision—this time in the City’s public school system. Sullivan’s behavior reasonably could be seen as evincing a sexual interest in his students.

Because he appeared to do a good job when first hired as a substitute in November, PS 52 Principal Michael Carr hired Sullivan again to replace a third grade teacher for the first week in December. Two fifth grade boys who were sent to help Sullivan clean up at the end of the school day told their teacher that the substitute gave them candy, tried to hug them, and took their photograph. Both students felt uncomfortable as a result of Sullivan’s actions.

Our investigators spoke with a number of students from the second and third grade classes that Sullivan taught. We learned that these children—especially the boys—experienced the same behavior by Sullivan as the fifth graders: he gave them candy, hugged and kissed them, photographed them, and told at least one that he wished the boy were his son so that he could take him home.⁵ A seven-year-old male student reported that, while being hugged by Sullivan, the teacher also gave him “hard” pats to his buttocks. One child described Sullivan as the “stranger candy man;” another called him, “that crazy guy.”

⁴ The mother of a teacher at PS 52 employed Sullivan as a tutor. However, the teacher did not vouch for Sullivan. Furthermore, the principal told investigators that he never interviews substitutes.

⁵ Sullivan turned over some of the photos and the negatives to the principal.

When questioned, Sullivan denied any inappropriate behavior, however, his explanations were either improbable or outright falsehoods. Specifically, he denied hugging or kissing students at PS 52, although he admitted giving them candy. He claimed that generally, male students are more affectionate and sometimes hugged him. Sullivan said he gives candy to students because he believes it helps smooth the way for a substitute.

Investigators caught Sullivan telling several lies. First, he adamantly asserted that it was his decision to end the employment at Saint Vincent Ferrer. Only after he learned that we had spoken to administrators at the school, did Sullivan admit that he hugged and kissed students and, finally, that he was asked to resign from the parochial school after the principal thought she saw two boys sitting on his lap.⁶

Similarly, Sullivan lied to investigators about the photographs. Initially, he asserted that he took all the pictures on one day. Only when confronted with the negatives, which made it apparent that pictures were missing, did he concede that the photographs spanned two days. By this admission, Sullivan not only proved his inclination to prevaricate—having lied both to the principal of PS 52 and investigators—he also made it clear that his behavior was not an isolated incident. Sullivan claimed he did not tell the truth because a parent was “making a big deal” about the teacher photographing her son, and he did not want anyone to know he took photos on a second day. However, Sullivan continued to be disingenuous. The teacher omitted the fact that some of the missing photographs, which were not turned over to the principal, were taken by students and depicted Sullivan with the children in his class.

⁶ The principal had no doubts about seeing the boys on the teacher’s lap; however, Sullivan concocted a story for investigators asserting that she actually saw him trying to prevent the students from sitting on him.

SULLIVAN'S TEACHING HISTORY

Unfortunately, Sullivan should never have been allowed to work in the public school system. When we checked Sullivan's background, we discovered that he was hired to teach at the Saint Vincent Ferrer School in Brooklyn for the 1996-97 academic year. However, he was asked to resign in March 1997 after the principal caught him alone in a classroom with two male students on his lap. The principal told investigators that she was greatly disturbed by Sullivan, who was "overly affectionate with boys."

Even after he was fired from Vincent Ferrer for inappropriate contact with boys, and exhibited similar behavior at PS 52, Sullivan was not placed on the ineligible list and continued to be hired for substitute positions. In fact, Sullivan left PS 52 on a Friday afternoon following complaints by children and parents, and was hired at PS 97 in District 21 on Monday. In total, Sullivan worked over one hundred days at more than ten schools after PS 52. A survey of administrators at some of these schools revealed that, although they checked his per diem certificate and the ineligible list, no inquiries were made to other schools where he taught, including Saint Vincent Ferrer which was prominently listed in the "Experience" section of his résumé.

ALAN SIMON

In November 1996, Alan Simon was fired from his position as a Special Education teacher at Bushwick High School in Brooklyn. Nevertheless, he, too, was able to obtain work as a substitute. Bushwick Assistant Principal Sunilda Ruiz told investigators that from the start, Simon had trouble controlling his students. His file maintained at Bushwick documents not only management problems, but instructional

deficiencies as well. After two years of service, his probationary term was discontinued. However, he was not placed on the ineligible list. Consequently, at least seven schools subsequently hired Simon to work as a substitute.

On May 14, 1997, Alan Simon's first day as a substitute teacher assigned to a seventh grade science class at JHS 216 in District 26 in Queens, he inappropriately touched one of his students. After completing a problem at the blackboard, thirteen-year-old female Student A received a pass to go to the bathroom. Upon her return, as she headed to her desk, Student A felt something touch her backside. To her surprise, Simon's hand was on her buttocks, rubbing her. Two other female students in the class observed Simon touch the girl.

Although Simon denied touching the girl, he admitted having students approach the blackboard and suggested that since the area between the board and the desks was very narrow, possibly a student brushed up against him. He said that the seventh period science class, for which he was the substitute teacher on May 14th, was very unruly and he had a hard time controlling them.

Even though he had been fired from Bushwick High School and was under investigation by this office for inappropriate touching of students at JHS 216—conduct that was later substantiated—Simon continued to be hired as a substitute. In fact, between October 1997 and April 1998, Simon worked a total of forty-eight days at Hillcrest High School in Queens.

DESIE CLEMENTE

On October 22, 1997, teacher Desie Clemente failed to intervene on behalf of a thirteen-year-old student who was assaulted in front of him during class. As a result, two

days later he was fired from his position as a social studies teacher at IS 52 in District 6 in Manhattan. Yet, despite this swift dismissal, less than two months later, in December 1997, without any inquiry regarding his past employment history, he was hired as a substitute in District 5.

Clemente was fired in the first place, after he failed to assist a thirteen-year-old female student who was sexually assaulted by a male classmate in front of the teacher.⁷ According to the girl, she was seated in the back of the classroom near the window when the male student seated to her left moved his chair next to her and began to make lewd comments. He grabbed one of her hands with one of his while using his other hand to rub her thigh. The girl took out her bookbag and, pretending to grab that, the male student grabbed her vaginal area. When she went into a crouch position to avoid his touching, he grabbed her breast. Although the female student asked Clemente to intervene, he told her to “sit down.” He denied to school officials that he made that comment, and told our investigators, “I did not see it happen, so if it happened, I did not see it.” Nevertheless, school administrators spoke with other students in the class who corroborated the victim’s account of the incident. As a result, they terminated Clemente’s employment, but never requested that he be placed on the ineligible list.⁸

Despite his termination from IS 52, Clemente was hired as a substitute teacher in another district less than two months later. In fact, between December 1997 and March 1998, he worked at IS 43 in District 5 in Manhattan for twenty-five days. At no time

⁷ Fortunately, the victim and another student who came to her aid received help from the assistant principal. The boy was arrested for sexual abuse, found guilty, and placed on probation.

⁸ Clemente filed a grievance, but his dismissal was upheld.

prior to being hired or during his employment was he asked for references, nor did anyone at IS 43 check out his work history.

According to IS 43 Assistant Principal Constantine Marinos, a faculty member referred Clemente. Upon requesting work, he provided a résumé and produced a valid teaching license to Marinos. He did not provide—nor was he requested to furnish—references and the assistant principal made no attempt to investigate his work history. In fact, Marinos did not even ask the teacher whether he had worked anywhere else within the Board. He checked the ineligible list, but Clemente was not there. Thus, based on the recommendation of Clemente’s friend on the faculty, and his bi-lingual capabilities, he was hired.

HERMINA BRUNSON

Despite being fired from a teaching position within the Board, Clemente was not placed on the ineligible list. However, we found that even presence on the ineligible list is no guarantee that the individual will not be hired for a substitute position. District 30’s experience with Hermina Brunson illustrates this point.

On May 5, 1998, sixty-four-year-old substitute teacher Hermina Brunson was assigned to a fifth grade class at PS 127 in District 30 in Queens, despite being on the Board’s ineligible list. As the eleven-year-old children under her supervision became a bit boisterous, Brunson, as one of the students later described it, “pulled a Jerry Springer.” The teacher picked up a metal and wooden chair, struck one girl in the face, and a boy in the knee. Brunson was arrested and charged with two counts of Assault and

Endangering the Welfare of a Child. On October 27, 1998, she pleaded guilty to Endangering the Welfare of a Child and was sentenced to a conditional discharge.⁹

Following her arrest, information quickly surfaced about Brunson's past. In 1983, while teaching science at IS 8 in District 28 in Queens, her class became disruptive as she tried to show a film. Her response was to hit the students under her care with an electrical cord, causing, in one instance, welts to the body of a seventh grade girl. Ultimately, Brunson resigned from the Board of Education with charges pending against her, stemming from the attack. The Board placed her on the list of individuals who are ineligible to be hired in any capacity. However, on May 5, 1998, at PS 127, she was again allowed access to children because no one checked the ineligible list before hiring her as a substitute. Indeed, no one even asked for references.

For fifteen years following her forced departure from the school system for attacking children, Hermina Brunson attempted to be rehired by the Board. She was on the ineligible list and was repeatedly denied employment. Finally, on May 4, 1998, Brunson showed up at PS 127 and spoke with Assistant Principal Sharon Reis about getting work as a substitute. Apparently without conducting any background check, Reis passed Brunson on to the school secretary, Stephanie Patterson, who photocopied Brunson's teaching license. However, because it was the end of her workday, without reviewing the ineligible list as she was assigned to do, Patterson placed the copy in a

⁹ The Court also imposed Orders of Protection which require Brunson to stay away from the victims.

folder to be checked the next day. Although seemingly reasonable at the time, that decision would prove disastrous.¹⁰

On May 5th, Patterson was late for work. As a result, a teacher handled the duty usually performed by Patterson: calling in substitutes for the day. The teacher, not realizing the ineligible list had not been checked, hired Brunson without any inquiry into her background or status with the Board. Unfortunately, within a few hours, more children were hurt while under her “care.”

STACEY GLASSMAN

Stacey Glassman applied to the Board for per diem work at the suggestion of her mother, a former full-time teacher who was now a substitute, and who obtained jobs for Stacey. Glassman proved to be little more than a babysitter for the students under her care, and did not even perform that function very well. Even after being placed on the ineligible list for falling asleep in class while her students ran amok, she continued to obtain assignments.

On June 4, 1997, Stacey Glassman was the substitute teacher for a special education class at PS 45 in District 32 in Brooklyn. After lunch, she told the four students whom she was assigned to teach that she had a headache, and then laid her head on the desk and fell asleep. The four nine-year-olds used this opportunity to take and use

¹⁰ Patterson received a letter of discipline signed by Principal Douglas Delmonte. Above her signature she wrote: “My signature is an acknowledgement that I have received this letter. However, in no way do I agree with it, and a rebuttal will follow.” Although Patterson never filed a rebuttal, she did grieve the presence of the letter in her file, however, according to District 30 Director Of Operations William Barrish, following a hearing, it was determined that the letter should remain in her file.

the camera belonging to their regular teacher. Their experimentation with photography included taking pictures of one of their female classmates with her pants down.¹¹

When the regular classroom teacher, Carol Brown, returned the next day, she realized that someone had used her camera. As Brown questioned her students, the girl whose photo had been taken, started crying. The students then reported to Brown what had occurred the previous day under Glassman's "watch."

GLASSMAN'S RESPONSE

Stacey Glassman denied putting her head down, denied falling asleep, denied seeing a camera, denied that any of the students complained to her, denied that any of the students seemed upset, and denied that anything unusual had occurred during her assignment at PS 45 on June 4th.¹² Instead, Glassman asserted, when she went to meet the class in the schoolyard after recess, they were not there. Although she claimed to have asked several teachers or paraprofessionals in the yard if they had seen her children, she could not name any of these individuals. Furthermore, she never told any supervisor that the children were missing.

According to Glassman, she returned to the classroom, only to find it dark and locked. However, she said, she could hear laughter inside, so she knocked. After a few minutes, Student A let her in. According to Glassman, she asked what was going on, but she got either no response or they said they had been waiting for her. The substitute never demanded to know why they were alone in a dark, locked room, why they were

¹¹ This office is in possession of this picture.

¹² Glassman was interviewed at this office under oath in the presence of her attorney.

laughing, or why they had not been in the schoolyard. She never brought the incident to the attention of any supervisor or faculty member.

GLASSMAN'S STORY IS REFUTED

Stacey Glassman's story did not comport with the other evidence gathered and in her testimony before this office, she was not candid. Nevertheless, we re-interviewed students and spoke with faculty and staff to determine whether there was any truth to Glassman's claims. None of the five teachers we interviewed could specifically remember Stacey Glassman. Nevertheless, each told us that no child is allowed to leave the schoolyard or enter the building after recess without a staff member. Furthermore, the students directly controvert Glassman's version of events. The children told investigators that the substitute met them in the schoolyard after recess and walked them to the classroom. Sometime after that, she said she had a headache, put her head down on the desk, and fell asleep.

GLASSMAN'S CAREER AS A SUBSTITUTE

Not surprisingly, as we investigated her career as a substitute, principals who had employed Glassman described her as having teaching abilities which were "barely adequate," and an appearance which was "sloppy" and inappropriate. One principal described her as "looking tired." Furthermore, these administrators said she would never be hired for a permanent position, and that she might not have been used as a substitute were coverage easier to obtain. The principal at PS 158 in District 19 in Brooklyn, described Glassman as having a "strange demeanor." She also said that Glassman was

accused of taking milk from the school and that snack money was missing from the kindergarten classroom to which she had been assigned. According to the principal, Glassman slept in the teachers' lounge during lunch. Most of the schools explained that Glassman was hired upon the recommendation of her mother and that the two often worked in the same schools on the same days.

Stacey Glassman continued to be hired even after the incident on June 4th. The allegation that Glassman had fallen asleep in class was widely reported in the local press and, thereafter, the Board of Education placed her on the ineligible list which should have prevented further employment within the New York City school system. Nevertheless, despite her presence on the list and the media attention about the incident, Glassman was employed as a substitute at least four more times before the end of the 1996-97 school year. Ultimately, the Board withheld the payroll checks for her unauthorized service, however, it took several weeks to discover that she had been employed after being placed on the list.

The principal at PS 224, who hired Stacey Glassman on June 9th, maintained that he relied on a recommendation by the principal at PS 290.¹³ He did not obtain a résumé or references from her because he does not require that information from those who will be employed a day or two. However, the principal at PS 290, where she worked on June 6th, denied recommending her to another school. He explained that he used Glassman only that one day and he could not recall the circumstances under which he hired her.¹⁴ He claimed to be unaware of the story about Glassman that had been in the press, as did

¹³ Both schools are located in District 19 in Brooklyn.

¹⁴ The principal explained that he usually hires substitutes recommended by other schools or through résumés submitted by individuals seeking work. Glassman's résumé was not on file at PS 290.

the principals at PS 198, where she worked on June 10th, and PS 121, where she worked on June 13th.¹⁵ Both these principals hired Stacey Glassman upon the recommendation of her mother, Anita, who had previously substituted at their schools.

On June 13th, nine days after she fell asleep during class at PS 45, Paul Esposito, principal at PS 121, explained that he received a call from Anita Glassman, who was not on the school's list of substitutes, indicating that she was available for work.

Coincidentally, a slot was available. By the time she arrived at PS 121 that day, the school was in need of yet another substitute and Anita suggested Stacey, who was then hired. Because the school day was about to begin, Principal Esposito hired both Glassmans without interviewing them and without checking references. He claimed he had not heard that Stacey Glassman had been fired after falling asleep during class.

Yet another glitch with the ineligible list surfaced. Both Esposito and Naomi Smartt, the PS 198 principal who hired Stacey on June 10th, maintained that they reviewed the list and, although the Board claimed that she had been placed on it after the media reported her "nap" at PS 45 on June 4th, Stacey Glassman was not on the document they reviewed. A possible reason for this is the manner in which the list was updated. A new document was produced and distributed monthly, with individuals added on separate pages.¹⁶ Presumably, since Stacey missed the cutoff for the June list, she was added separately. Consequently, Esposito and Smartt were not alerted to her presence on the list and hired her.

¹⁵ Both schools are located in Brooklyn: PS 198 in District 22; PS 121 in District 21.

¹⁶ Robert Reich, Director of the Office of Appeals & Review, which maintains the ineligible list, explained that a hard copy is generated and distributed monthly, but is also available on-line through the Board's computer system, which is updated daily. According to Reich, less than five percent of public schools do not yet have access to the computer version, however, he added that all district offices receive the on-line list, and the Office of Appeals & Review can be contacted directly, if necessary.

JOSEPH STARACE

In 1993 and 1995, Joseph Starace applied for a permanent position as a teacher in Community School District 30 in Queens. Those who interviewed Starace labeled him “unsuitable” and “unsatisfactory,” and he was not hired. Nevertheless, he obtained work as a substitute in the same district in 1997 and 1998. In fact, even after he exhibited extremely strange behavior in the classroom, he continued to be hired on a per diem basis at schools in District 30.

A review of Starace’s file at Board of Education headquarters indicates he settled into his career as a substitute after failing to obtain a position as a permanent teacher. Human Resource System Personnel Transaction Forms dated July 1993 and August 1995 indicate that the teacher was denied a permanent position after being interviewed by various principals in District 30 and found “unsuitable.” In October 1993, Starace wrote to Superintendent Angelo Gimondo complaining that he had not been offered a full-time position, stating: “I would like to file a grievance [*sic*] against District 30 for failing to assign me to a school.... I know there are vacancies in District [*sic*] 30 and many substitutes have been assigned [*sic*] to them.... I need a job and will accept a substitute [*sic*] assignment for a term and then get a permanent job....” Starace’s miserable spelling only confirms the wisdom of the district in not hiring him on a permanent basis.

Even as a substitute, Starace’s work was not satisfactory and his behavior was often bizarre. Yet he continued to be hired through 1998.

GORE AND MORE

On January 8, 1997, Lisa Delligatti, a third grade teacher at PS 149, took the day off. Joseph Starace was her replacement. The following day, her students bombarded

her with tales about the substitute. They described how Starace showed them photographs depicting bloody people, performed magic tricks, and handed out business cards.¹⁷

Students said that the substitute teacher, who called himself “Mr. S.,” tried to hypnotize a girl and performed another trick in which he showed the class how to put string through one’s neck. They described photographs Starace showed the class, including a child with a pig’s head, a man with guts coming out of his body, a monster that sucks blood and then bleeds, and a man with a broken face. He also shared pictures of people wearing make-up, including a man with his stomach cut open, a photo of a naked woman who was cut in half from head to foot, and a lady with her head in cement—whom Starace said died. The substitute told the class that he makes movies with the people in the photos. Starace handed out business cards and said to use the card if the students wanted to call him. One student observed that Starace was “shaking.”

Delligatti reported Starace’s conduct to the principal. As a result, the PS 149 school secretary wrote “X” and “Not to be hired” next to Starace’s name.

Less than three months later, Joseph Starace exhibited the same unacceptable behavior at another school in District 30. On March 21, 1997, he was hired as a substitute to teach science to seventh and eighth graders at PS 122. Before the end of the day, school officials would discover that Starace attempted to learn personal information about students, which he then input into a laptop computer. Furthermore, he handed out business cards, subjected the children to wild tales of his life outside of the classroom,

¹⁷ Delligatti actually recovered several of the business cards and a paper containing an “800” number, however, she turned them over to the school secretary who said she might have thrown the items away. However, investigators were able to recover one card.

and showed them horror photographs depicting blood and gore. Unfortunately, his students would have been spared the exposure to his bizarre behavior if a simple telephone call had been made to PS 149 or the other Board schools listed on his résumé. Such a call would have revealed his history of similar problems.

Staff at PS 122 sensed something wrong from the start. At about 8:15 a.m., teacher Lorraine Attias thought Starace smelled of alcohol, but did not say anything because she assumed he was a parent, rather than the substitute teacher. At about 8:30 a.m., when Starace stopped teacher Richard Janofsky for directions, Janofsky also smelled alcohol on the substitute's breath. He did not report this information to anyone because he was busy with students. Unfortunately, by the time Janofsky was free, Starace's students had already been subjected to his inappropriate behavior.

Within the first few hours of the school day, reports of Starace's odd behavior had reached Assistant Principal Richard Grant. After the school secretary reported to Grant that the substitute was asking students for their home addresses and promising them parts in a movie, he went to speak with Starace. The substitute denied the allegations and Grant indicated that they should talk again later in the day.¹⁸

By 11:00 a.m., students who had already been in class with Starace arrived in teacher Mary Burke's class with various tales about the substitute. According to them, Starace claimed to be a hypnotherapist and also said he worked in the movies. Burke also learned from these upset students that Starace had given out an "800" number to call to obtain a role in "blood and gore" movies for which they might have to travel to a

¹⁸ Grant did not notice that Starace smelled of alcohol.

penthouse or upstate.¹⁹ He also said they would have to say they were sixteen-years-old, but that those chosen could earn \$1000 a day. In addition, he showed them photographs of girls wearing bathing suits, holding guns, who were covered in blood.²⁰ Then a student from Starace's current class, who had obtained a bathroom pass, came to tell Burke that the substitute was telling stories and smelled of alcohol.

Given the incredible stories she was hearing from her students, Burke immediately went to Starace's class where she saw him entering home address and telephone information into a laptop computer. Burke advised the students not to provide any further information to Starace and then questioned the substitute about his conduct. He answered: "If I have trouble with a kid, I have to call his parents." Burke told Starace to call a supervisor if he had a problem, to which he replied: "You will not embarrass me in front of the students." Starace then placed his laptop computer in a briefcase, put on his coat, and walked out of the classroom and the school.

STARACE'S RESPONSE

Joseph Starace admitted to investigators that he abruptly walked out of the classroom and out of PS 122 on March 21, 1997, leaving it unattended. Starace explained that he did this because he had been humiliated by another teacher in front of the children. The substitute also admitted that he asked students for their home addresses and phone numbers in case he had to contact their parents. Starace explained that he does this to avoid asking the school secretary who is usually busy. However, Starace

¹⁹ Investigators recovered a paper with the 800 number, which was given to a student. Starace told investigators that the number connects to his residence.

²⁰ Some photographs depicting blood, gore, and other horror scenes, were recovered by a staff member, and turned over to this office.

acknowledged that since starting with the Board of Education in the mid-1980s, he has never contacted a parent. He claimed that he throws the information away. He acknowledged having his laptop computer on the desk at PS 149 and said that it is for his personal use.

Starace admitted showing the horror photographs to students at both PS 149 and PS 122.²¹ He said he did so to get their attention and to show them the type of work he does when he is not teaching. He said he told students he sometimes has to tone down the horror or else the movie would get an “X” rating. Starace denied recruiting students to work in movies, but admitted handing out business cards to students.²² He also identified the piece of paper with the “800” number as having been written by him. He explained that he provides the cards in case students want to contact him for more information about movies and special effects. However, according to Starace, in all the years that he has been handing out cards, only one sixth grade student has called him—and that occurred three-to-four years ago.²³ Starace denied drinking alcohol on March 21, 1997. Starace explained that he uses “anbesol” for his gums and that it smells like alcohol. In fact, the teacher said he cannot use alcohol because he is a diabetic. Starace added that he suffers from neuropathy which effects the nerves in his feet and his balance.

²¹ Starace identified the photographs recovered by investigators as being those shown to students.

²² Starace identified the business cards he handed out at PS 149 and PS 122.

²³ Starace also admitted giving a ring to a child at PS 149, although investigators recovered the ring from a student at PS 122. He claimed it was a reward and was valued at approximately one dollar. He identified the ring for investigators. Starace denied that he tried to hypnotize a third grader at PS 149, but acknowledged that he may have shown the class how to hypnotize someone.

NO BACKGROUND CHECK

Parents could be understandably alarmed by Starace's behavior in the classroom. The fact that PS 122 Principal Harvey Raizer hired Starace in March after he exhibited such bizarre conduct at PS 149 in January demonstrates that even the most basic, minimal inquiries into his background were not done. The principal explained that Joseph Starace mailed his résumé and a copy of his license to the school in early March 1997. Raizer took no steps to verify the information on the résumé, did not contact any of the listed schools for a reference, and did not check with the Board of Education or the State Education Department to confirm that Starace was still qualified to teach. Nevertheless, he hired Starace to fill in as a fourth grade science teacher on March 14, 1997. Raizer said that he closely monitored Starace that day and felt that the substitute did a good job. Consequently, when a substitute science teacher was needed for the seventh and eighth grade classes on March 21, 1997, and Starace just happened to call the school that morning looking for work, he was hired.

WHAT RAIZER MIGHT HAVE LEARNED HAD HE ASKED

Starace's odd behavior at PS 149 on January 8, 1997, is documented earlier in this report. As a result of his conduct, Starace's card, kept on file at the school for the purpose of hiring substitutes, contains a large "X" and the notation "not to be hired." The secretary who wrote the comment on the card explained that after the teacher for whom Starace filled in on January 8, 1997, complained to the principal, she was told that Starace was not to be rehired at PS 149 and that she should contact the District Office. Although the secretary reported a problem with Starace to the district office, apparently

she did not describe his behavior in any detail. Regardless, Raizer contacted neither PS 149 nor the district office before hiring the teacher.

In fact, if Raizer had called other schools on Starace's résumé, he would have received additional warnings. The principal at PS 145 recalled that Starace had been a substitute at the school several years ago. The school stopped using him because Starace had a problem controlling students, and the last time the principal saw the substitute, he thought there was "something wrong" with him. Specifically, the principal remembered that Starace was "shaking" and he had a feeling that the substitute had emotional problems.

NOT THE LAST TIME

Starace was not placed on the ineligible list after his bizarre behavior at PS 149 in January 1997, or after his equally strange stint at PS 122. In fact, he was hired at various schools in Queens during the 1997-98 school year. A check at some of these schools revealed that, as with other per diem substitutes, when Starace produced a valid license and was not on the ineligible list, he was hired. No other reference or background review was conducted.

Starace was even able to return to work at a location where he had problems previously. He was rehired for a two-day assignment in October 1997 at PS 149—where he had been literally crossed off the list the preceding January—after personnel changes resulted in a new principal, payroll secretary, and school secretary.²⁴ The new

²⁴ When the secretary returned to work at the school on a part-time basis, and learned that Starace had been used as a substitute, she put a stop to it.

administration was unfamiliar with Starace, and he did not appear on the official ineligible list. Thus, he was able obtain substitute work at the school.

Fortunately, no incidents of unusual conduct occurred when Starace returned to PS 149 in October 1997. However, PS 196 in District 28 was not as lucky. On November 14, 1997, Starace was hired at PS 196 to replace fourth grade teacher Ourania Katsanos who was absent. The next school day, that teacher reported that the substitute failed to cover the work she left the class. Moreover, he told her students about Creedmoor Psychiatric Hospital, “crazy people,” and showed “horror” photographs to the children. On her desk, Katsanos found two “monster” photographs and a business card from “N.E.F.X.,” the same card Starace distributed at PS 149 and PS 122.²⁵

ROBERT FRIEDMAN

Personnel at the various schools in the Bronx where Robert Friedman worked as a substitute uniformly described him as “weird,” however, because the problems with him did not reach the Board’s Division of Human Resources which maintains the ineligible list, he was not placed on it. Consequently, although most schools did not rehire him after he worked for them once, Friedman was free to continue walking into new ones looking for work.

²⁵ The principal notified the director of personnel for District 28, Richard Herman, about Starace’s conduct, and that she was removing him from her list of teachers to be called as substitutes. Herman, who has left the New York City school system, had no recollection of Starace or what steps he might have taken to keep the teacher out of schools in the district. He said it was possible that he gave the substitute a “U” rating in the district’s computer, but added that the United Federation of Teachers sometimes fought that action.

On October 17, 1997, he was assigned as a substitute to teach science to ninth graders at Walton High School in the Bronx. Sixteen-year-old female Student A was late for class and Friedman questioned her about it. The girl claimed that an asthma attack was responsible for her tardiness. The teacher then quizzed the girl about her use of marijuana and cigarettes and asked her to bring a “joint” to school so he could perform an experiment. When Student A responded that he should call her house to get her mother’s permission to bring drugs to school, Friedman asked her for her address and telephone number. He then suggested that she come to his bar where he would buy her some drinks.

While Student A was offended by Friedman’s conduct, as a high school student she was in a better position to defend herself than his next victims. On October 21, 1997, Robert Friedman was assigned as a substitute teacher in a fourth grade class at PS 107 in District 9 in the Bronx. During class, another teacher entered the room and gave the substitute some stickers. According to a number of the children in the class, Friedman asked the students: “Where would you like these stickers? On your penis, vagina, titties? Or on your butt?”

Friedman acknowledged receiving the stickers and told investigators that he decided to use them in a lesson. The teacher explained that he would point to a part of the body and if a student could correctly name the part or the clothing that covered it, a sticker would be the reward. Friedman admitted that he pointed to his “sexual reproductive area and asked, ‘what is this?’” Most of the class responded with an uproar of laughter, while a few students ran from the room. In a written statement Friedman told investigators: “I didn’t want this to interrupt [*sic*] the continuum of the learning

experience so I described the part of the body as ‘penis or vagina depending on the sex you are.’” He acknowledged that this was met with another outburst of laughter and more students fleeing the room.

As a result of this conduct, after lunch, Friedman was dismissed from his duties. According to Friedman, he told the administrator who fired him: “I will lower my standards to the outer environment so my performance can rise and we cannot set up standards to the outer environment, it sets up its own standards.” Friedman reported that “the administrator appeared disturbed” by his comment.

ON TO THE NEXT SCHOOL

Despite being banished from PS 107 for the outrageous comments made to the fourth graders in his care, Friedman was not placed on the ineligible list and moved on to other schools. For the remainder of the 1997-98 school year, he worked at another three schools for a total of eleven days, including eight days at PS 56 in District 10 in the Bronx.²⁶

²⁶ Michael Casey, the principal at PS 56 refused to answer questions by investigators about his employment of Friedman. When pressed for some information about the substitute, Casey said he could not recall if Friedman was a problem.

CONCLUSION

Information about poor performance or misconduct by substitutes does not consistently make its way to other schools throughout the system. Consequently, substitutes with problem histories seek assignments at other schools with little fear that their pasts will catch up with them.

None of the substitutes mentioned in this report was properly screened. Nevertheless, each of these individuals found a way into a classroom with New York City public schoolchildren because they either were not checked for prior problems, or were not placed on the ineligible list despite being fired, or were not checked against the ineligible list. Some were recommended by friends, relatives, or acquaintances, others came off a district or school-kept list, still others simply called or showed up looking for work.

Hiring competent and reliable substitute teachers proved to be a problem system-wide. Although most businesses would not consider hiring an employee without checking references, substitutes were routinely employed without regard to their prior work history. For example, Daniel Sullivan was hired in spite of being fired from a parochial school, and continued to work at other public schools after similar problems surfaced at PS 52. Although a simple telephone call would have revealed problems with Sullivan—as well as with Starace, Clemente, Branch, Simon, and Friedman—none was made. Thus, these individuals repeatedly obtained positions in New York City public schools.

Overall, we found the substitute system to be haphazard at best. Some districts reported difficulty in getting anyone to substitute and resorted to hiring lackluster

individuals. Many schools kept an informal list of teachers considered to be dependable, and those who were “not to be called again.” However, even that unofficial method to screen out unqualified candidates failed to work in many cases. Information about a bad substitute might reach the district level and word sometimes spread to other schools within the area. However, we found it to be unlikely that such information would be disseminated throughout the Board.

To a large extent, the ineligible list fails as a safeguard against the type of employee chronicled here because the principal who discovers a problem remedies the situation by not re-hiring the substitute teacher, but does not report to those responsible for getting the word out. Without a paper trail, these individuals are free to move on to another assignment. Had anyone at the locations where Joseph Starace worked reported his behavior to the Board’s Division of Human Resources, he would have been placed on the list, and children at other schools might not have been subjected to his outrageous conduct. Similarly, if those who terminated the employment of Desie Clemente, James Branch, and Alan Simon had taken that step, the schools where they later appeared for substitute work would have known to turn them away.²⁷ Furthermore, although being “weird” may not have gotten Robert Friedman an immediate entry onto the list, had the repeated tales of his strange behavior reached the right ears, he certainly should have been made ineligible for work within the City’s public schools.

Even when the Division of Human Resources was notified, the system was not foolproof. Hermina Brunson, who was ineligible for work, nevertheless, was put in charge of unsuspecting schoolchildren because the list was not checked.

²⁷ Branch was placed on the list as of July 1, 1998.

RECOMMENDATIONS

The individual substitutes, whose behavior and backgrounds are described in this report, should not be employed by the New York City public school system in any capacity.²⁸

- It is therefore the recommendation of this office that the Board take whatever steps are necessary to keep **James Branch, Daniel Sullivan, Alan Simon, Desie Clemente, Hermina Brunson, Stacey Glassman, Joseph Starace, and Robert Friedman** out of the City's classrooms. At a minimum, this should include their presence on the ineligible list.²⁹

Despite the existence of the ineligible list—a repository for data concerning individuals who are not to be hired—information about problem employees is not always disseminated Citywide. This seems particularly true in the case of substitutes who, while banned informally from school number one, merely leave their problems behind and move onto school number two.

- It is therefore the recommendation of this office that administrators be required to report information about individuals who should not be hired to a central location within the school system, such as the Office of Appeals & Review which currently maintains the ineligible list.³⁰ This information must be made immediately available to all schools through an easy-to-use-

²⁸ We are also forwarding a copy of this report to the State Education Department for whatever action they deem appropriate.

²⁹ We note that Brunson and Glassman were placed on the ineligible list after their conduct indicated that they should not be employed by the Board. Branch was included on June 11, 1998, and appeared on the July hard copy. At the suggestion of this office, on December 22, 1998, Sullivan, Simon, Clemente, Starace, and Friedman were added.

³⁰ Of course, when appropriate, the conduct should also be reported to this office.

automated system. Those responsible for hiring must be required to consult the data bank prior to employing an applicant. Administrators and other employees who fail to comply with these responsibilities must be held accountable and appropriate disciplinary action must be taken against them when they shirk their obligations.

As this report has illustrated, mere presence on the ineligible list does not guarantee that a problem individual will not be hired. It is currently Board policy to withhold the paychecks of those who have managed to obtain work, despite being ineligible to do so. While this after the fact correction makes sense, this is a penalty rather than a safeguard. The error is detected too late and, thus, is no comfort to parents who unwittingly entrusted the care of their children to a substitute teacher who never should have been hired.

- It is therefore the recommendation of this office that the crosscheck with the ineligible list which currently takes place automatically—but after the fact—at the payroll level, now occur at the school level prior to any substitute entering a classroom. Personnel responsible for hiring must be required to seek information from the data bank regarding the ineligible list status of a prospective substitute before that individual can be hired. Principals and other personnel involved in the employment process must be held accountable if this step is not performed, and disciplinary action must result if an ineligible teacher is hired.

- To address the issues we have raised, the Board and Chancellor may consider an approach used successfully in Chicago. There, a “smart card,” which includes an identifying photo, is issued to all who are eligible for substitute teaching assignments. The substitute’s card is “swiped” in a reader at the school which plans to hire the teacher, and the individual cannot be paid unless “accepted” by the system. In this way, a substitute who is “ineligible” cannot be hired by any school.

While administrators and those designated to employ substitutes must be required to use the ineligible list as a hiring tool, it should by no means be the only check to determine whether the individual is qualified to teach and come into contact with schoolchildren.

- It is therefore the recommendation of this office that reference checks and interviews be required. While we recognize that these tasks will consume time in an already tightly stretched administrator’s schedule, these elementary safeguards are necessary to exclude those who have been fired from teaching positions or who are otherwise unfit for the classroom. Once again, administrators and other employees who fail to enforce hiring requirements must be held accountable and appropriate disciplinary action must result.

Finally, it is the view of this office that the cases of the individuals highlighted in this report are not isolated incidents. We have previously addressed the process used to

hire substitutes.³¹ While some progress has been made toward a solution of the problems, such as the daily “on-line” updates to the ineligible list, it is not enough.

- We therefore urge that a swift and final resolution of the process be devised for the safety and well being of the City’s schoolchildren. At a minimum, this must include a set of standards for unacceptable behavior and a fully automated system which catalogues those who do not meet the standards, and which is readily available to all schools. Furthermore, those responsible for hiring must be required to check this system every time a substitute is employed, as well as contribute information to it when a problem employee is identified. Failure to comply with the hiring procedure must result in disciplinary action. To do otherwise, eliminates the incentive to follow every requirement.

³¹ See, for example, Joseph Birn SCI Case # #94-1852, 95-2071, 95-2078. Just this year, this office substantiated two additional cases of misconduct committed by substitute teachers. See, Robert Quinn SCI Case # 98-1076 which was referred to the Chancellor on September 17, 1998 and Michael Riccio SCI Case #98-0974 which was referred on October 7, 1998.