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THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

JAILHOUSE MATH:

**AN INVESTIGATION INTO THE INFLATION OF
ENROLLMENT AT RIKERS ISLAND
EDUCATIONAL FACILITY**

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INTRODUCTION

Eighteen-year-old Tyler J. was arrested in September 1996 and incarcerated on Rikers Island for ten days. While there, he attended classes at one of the schools for juvenile inmates located on Rikers Island, the Rikers Island Educational Facility (“RIEF”).¹ After being released from jail in mid-September 1996, he never returned to Rikers Island and never attended classes again. However, Tyler J.’s name was kept on the school register until May 1998, 20 months after he last set foot inside the institution. An investigation conducted by this office revealed that Tyler J.’s story was not unique and that hundreds of former students were retained on the school’s register and reported as enrolled there long after they had been released from custody.

Most RIEF classrooms are located inside the buildings of the Adolescent Retention and Detention Center. However, RIEF also includes a separate, self-contained unit, called the SPRUNGS, composed of pre-fabricated dormitories and classrooms located outside the main buildings. Only 300 inmates can be housed there at one time and only the SPRUNGS inmates can use the attached classrooms. Therefore, the SPRUNGS provides a perfect window through which to discover how enrollment was inflated. Although the true enrollment could never exceed 300, reported enrollment in

¹ There are four schools located on Rikers Island. The largest is RIEF, which educates the majority of the juveniles incarcerated on Rikers Island. The other schools are the Island Academy, Horizon, and Rosewood. This investigation and report concerns only RIEF.

the SPRUNGS consistently exceeded 600.² Small rooms, which could only hold 17 desks, were sometimes reported to contain classes with nearly 100 students.

The inflated numbers were not limited to the SPRUNGS. While true enrollment at RIEF as a whole (including the SPRUNGS) ranged between approximately 680 and 950 students during the spring 1997, fall 1997, and spring 1998 semesters, Principal Sharon Jones reported that her school had an enrollment of between approximately 1,300 and 1,600 students.

The inflated enrollment at RIEF was no accident. Principal Jones pressured and threatened teachers into maintaining former inmates on their class registers and refused to let teachers discharge students who had long since been released from Rikers. Jones and her assistant principals repeatedly warned that if students were discharged, teachers would lose their jobs. Even on the rare occasions when discharge forms were issued and teachers tried to purge their bloated registers, nothing happened. It was, one staff person remarked, as if the forms were “falling into a black hole.”

Jones’s motive seems clear. As Assistant Principal Keith Malcom told us, “the number of students determines what your budget is.... That was common knowledge.” Simply put, inflated enrollment translated into more teachers and other resources. RIEF

² Three terms will figure prominently in this report. Twice a year, in late October and March, each school submits various figures, including its *reported enrollment* (the number of students claimed to be enrolled at the school) to the Board of Education (“BOE”); these serve as the school’s official statistics for the fall and spring semesters. Before the beginning of each semester the principal submits a *projected enrollment* estimating the number of students who will be enrolled during the upcoming semester; this provides the basis for the school’s budget allocation. Obviously, the reported and projected enrollment should be similar to each other, and to the *true enrollment*, which is the actual number of students enrolled at the school. For example, if the reported enrollment is accurate it should be the same as the true enrollment. And, if RIEF’s budget requests are legitimately based upon the number of students at the school, the projected enrollment should be similar to the true enrollment. However, as this report will prove, there were substantial discrepancies between the reported, projected, and true enrollment at the school.

had already been assigned a larger number of teachers than other schools because of the unique needs of the inmate population. By padding her school's numbers, Jones was able to obtain more teachers and staff than the school was legitimately entitled to. The system as a whole has only a limited pool of resources from which the needs of all schools must be met. Therefore, Jones's abuse of the process was not only dishonest, but decreased the resources available to other schools.

Officials at the Board of Education ("BOE") were apparently oblivious to Jones's efforts. Her superiors blindly accepted her enrollment statistics, and allocated resources to her school on that basis, although even a cursory review of the BOE's own records would have revealed that these numbers could not be accurate. In fact, when one BOE official, who was in charge of determining RIEF's budget for the fall 1997 semester, was interviewed during this investigation and confronted with RIEF's reported enrollment of 1,688 students for that semester, he recognized that the number was "alarmingly off." However, he then stated that he would "bet the mortgage" that it was a typographical error. It would have been a losing bet.

The failings of Jones and her superiors at the BOE went beyond matters of enrollment and resources. RIEF was supposed to track former students and make efforts to ensure they entered a new school upon their release. However, for over two years the staff position in charge of such duties was left vacant. During this period it was BOE policy with respect to RIEF to assume that former students had re-enrolled at their old school, or entered another school upon their release, without anyone verifying that fact. However, many students never returned to school upon their release from jail, and the BOE made no efforts to find them.

This investigation was made more difficult and was delayed by members of Jones's administration and a high-level supervisor at the BOE. One of Jones's subordinates refused to answer questions, another lied.³ For several weeks, a BOE supervisor, Janet Beck, District Supervisor of Attendance for Alternative High Schools, refused to answer questions. Although she eventually submitted to an interview, she did so only after being informed she would be disciplined if she did not. The obligation of all BOE employees to cooperate promptly and fully with this office's investigations is essential to our ability to report to the public regarding misconduct in the City's public schools. We therefore are recommending disciplinary action and, in one case, termination of employment, for those who failed to cooperate fully.

This report is divided into six sections. The first analyzes the difference between the reported enrollment in the SPRUNGS, and the true number of inmates enrolled there. The second section compares the reported enrollment with the true number of students during the 1997-1998 school year for RIEF as a whole. Section three details the history of a number of students who last attended RIEF in 1996 or 1997, but were retained on the school register through the spring of 1998. The fourth establishes how Jones prohibited her staff from removing former students from the school register and classified these students as if they were still enrolled at the school. Section five discusses the relationship

³ Emma Johnson, a Family Worker for the BOE, is assigned to assist in office duties, such as filing and faxing, for the SPRUNGS. As part of her duties Johnson distributes class attendance forms to teachers, collects the completed forms, and returns the forms to the main office. Johnson therefore is familiar with how enrollment is handled and was interviewed during this investigation. However, she repeatedly lied in an apparent attempt to conceal the problems discussed in this report. For example, Johnson claimed that during the 1997-1998 school year discharges were done on a weekly basis and that students who were marked absent for one week were immediately removed from the school register and discharged. Neither of these statements is true. Johnson also was repeatedly evasive or dishonest in her responses to other questions.

between enrollment and budget, and demonstrates how the school received more resources than it was entitled to based on its inflated enrollment. The final section summarizes conclusions and recommendations based on this investigation. However, before discussing any of these topics, it is helpful to describe the scope of this investigation.

Scope Of Investigation

During this office’s 13-month investigation, hundreds of documents from the school were reviewed and dozens of teachers, BOE administrators, and former students were interviewed. In particular, 25 current and former teachers, assistant principals (“APs”) and other staff members of RIEF were questioned. These interviews revealed how the rolls were padded with former students long since released from Rikers Island, and how Jones and members of her administration orchestrated the inflation of the school’s enrollment. While these witnesses were credible, this report only incorporates or refers to allegations which were corroborated by at least one other witness, or by other evidence we developed.

All records at RIEF pertaining to attendance during the 1997-1998 school year were seized and analyzed.⁴ These forms revealed both the reported enrollment of the school (the number of students Jones claimed were at RIEF) and the names of all these students. The school’s reported enrollment was compared to the New York City Department of Correction’s (“DOC”) tally of the number of inmates taking classes at

⁴ Although this investigation revealed that attendance had been inflated for years, it focused on the 1997-1998 school year because forms concerning prior years were missing or incomplete and witnesses had a better memory of that year.

RIEF.⁵ This comparison showed that Jones's reported enrollment was almost double the true number of inmates at RIEF.

In addition, over 600 of the students listed as enrolled in the SPRUNGS classes were cross-referenced with the computerized database of DOC, which details the date each inmate was admitted to, and discharged from, Rikers Island. By cross-referencing these names it was possible to determine how many students were actually incarcerated on Rikers Island during the period they were listed as enrolled at RIEF and, for those who were no longer at Rikers, when they were discharged. This name-by-name comparison not only confirmed that the reported enrollment was double the true number of students, but revealed that students who had been released from Rikers were kept on the school register for months after their release.

⁵ The DOC statistics are consistent with the statements of certain members of the RIEF staff we interviewed and are corroborated by the extensive analysis we did for the fall 1997 enrollment at the SPRUNGS (see page 7).

REPORTED ENROLLMENT IS DOUBLE THE TRUE NUMBER OF STUDENTS IN THE SPRUNGS

Most of the RIEF classrooms are located in the main buildings of the Adolescent Reception and Detention Center on Rikers Island. However, some juveniles are housed in pre-fabricated units called the SPRUNGS located outside the main buildings.⁶ There are three housing units in the SPRUNGS, each of which can hold a maximum of 100 inmates. Although they can hold a total of up to 300, they are often not filled to capacity. Inmates are educated in three nearby trailers.

Because all inmates at the SPRUNGS go to school inside the trailers, and because no inmates from the main building attend class in the trailers, the maximum number of students at any one time can be 300. Similarly, the number of students on class registers should be no more than the number of inmates DOC has recorded as being housed in the SPRUNGS. For example, if during the first week of October 1997, 248 inmates were lodged in the SPRUNGS, only 248 could be attending class in the trailers, and the class register should contain no more than 248 names. However, as will be discussed below, the SPRUNGS registers consistently listed over 600 individuals who were supposedly enrolled in classes in the trailers.

Hundreds Of Former Students Are Listed As Attending Class In The SPRUNGS

A comparison of the number of students listed on the class registers with the true number of inmates in the SPRUNGS during each week of the 1997-1998 school year

⁶ “SPRUNGS” is a term used to describe the type of prefabricated structure. Upon being admitted to Rikers Island all inmates are assigned a security classification and housing area by DOC. Males aged 16 to 18 with a low to high-medium classification are housed in the SPRUNGS.

revealed that the register was consistently padded with between 200 and 400 names.⁷

Between September 1997 and May 1998 the class registers contained an average of 342 extra students per week.⁸ This means that enrollment was inflated by over 100 percent.

Twice a year, on the last day of October and March, the BOE records the official enrollment for all schools, including RIEF. The reported enrollment in the SPRUNGS surged as these dates approached. During the four weeks preceding October 31st, 62 names were added to the register. However, during this same period the number of inmates housed in the SPRUNGS actually declined by 28.⁹ A similar pattern is evident during March 1998. The number of students listed on the rosters at the SPRUNGS increased from 530 on March 2nd to 636 by March 30th, a total of 106 new students. This increase had no correlation to the true number of students. As the reported enrollment rose, the number of inmates housed in the SPRUNGS dropped; on March 2, 1998, 289 inmates were lodged in the SPRUNGS, by March 30, 1998, only 236 remained.

⁷ A similar pattern was evident during the 1996-1997 school year. For example, on November 8, 1996, there were 649 names listed on the register for classes in the SPRUNGS, although there were in fact only 289 inmates. On January 31, 1997, the respective numbers were 491 and 286, and on April 18, 1997, 692 and 280. However, a week-by-week analysis for the school years preceding 1997-1998 is impossible because the RIEF administration discarded the forms upon which part of the analysis would be based.

⁸ This average does not include May and June 1998. After the week of March 30th the number of former students began to decline, and, following the publication of an article entitled "Rikers school for teens accused of padding its rolls," in the New York Post on Sunday, May 24, 1998 (by Susan Edelman and Maria Alvarez, p.20) this decline became a flood. In the weeks after the article, the school eliminated over 250 extra names from the register of the SPRUNGS classes alone.

⁹ The number of students on class registers (the second column of the chart on page 9) was obtained by totaling all the students listed on attendance sheets for classes in the SPRUNGS for each week of the 1997-1998 school year. The third column of the chart, the true number of students who could have been attending class, is based on the number of inmates housed in the SPRUNGS for the same week.

Week of	Reported enrollment – The number of students on the SPRUNGS class registers	True number of inmates in the SPRUNGS	Difference
September/October			
9/29/97	577	248	329
10/6/97	609	248	361
10/13/97	628	200	428
10/20/97	628	235	393
10/27/97	639	220	419
March			
3/2/98	530	289	241
3/9/98	542	297	245
3/16/98	559	294	265
3/23/98	588	285	303
3/30/98	636	236	400

Up To 97 Students Were Enrolled In Classes That Could Only Hold 20

The size of the SPRUNGS classrooms brings home the disparity between the reported and true enrollments. Every classroom in the SPRUNGS trailers is the same size, approximately 11 $\frac{3}{4}$ by 25 $\frac{1}{2}$ feet. Each usually contains 15 to 17 desks. As is apparent from the two photographs that follow this section, it would be extremely difficult, if not impossible, to fit more than 20 students in these rooms. The class registers, however, often listed two-to-five times that number of students. For example, during the week of October 27, 1997, 97 students were assigned to the same room during the same period.¹⁰ Although this is the most egregious example, it was far from unique. Three other classes from the same week contain 41, 46, and 49 names.

¹⁰ RIEF maintains separate class lists for special education and regular education students, although these students are for all intents and purposes assigned to the same class. Therefore, there will be two attendance forms for what appears to be two separate classes, but the two classes will be held in the same room at the same time. For the example discussed above, a regular education class with 72 students, and a special education class with 25 students, were held in the same room at the same time. Only a fraction of the students on the register actually were present. For example, only 13 of the 97 students assigned to the class mentioned above were actually recorded as present during that week.

Students Released Months Earlier Are Retained On Class Registers

To evaluate the disparity between the reported enrollment and the true enrollment in more detail, we scrutinized the status of all 639 students listed on the SPRUNGS register during the critical week of October 27, 1997. All of these names were cross-referenced with the computerized database of DOC, which lists the date each inmate was admitted to, and discharged from, Rikers Island. This cross-referencing revealed that only 294 of these students were actually incarcerated at Rikers during the week of October 27th.¹¹ Therefore, over 50 percent of the students on the SPRUNGS register were no longer incarcerated.

Many of these former inmates had been released from Rikers for a substantial length of time prior to October 27th. Even allowing RIEF two weeks to eliminate recently released inmates from its rolls, 48 percent (307 students) of the names on the roster belonged to inmates who had been released for more than two weeks.¹² The pie chart on the following page breaks down these 307 former students based upon the length of time since their release from custody. As the chart shows, 112 had been released between one and three months, 108 between three and six months, and 52 for over six months.

¹¹ The number incarcerated (294) is higher than the number of inmates in the SPRUNGS (220) reflected on the chart on page 9. This difference is the result of three factors. First, before being released inmates are transferred to a separate unit of the jail for a few days. Second, DOC transfers some inmates from the SPRUNGS to the main building. Therefore, inmates who have been transferred out of the SPRUNGS may still be incarcerated elsewhere on Rikers. Third, for purposes of this report, where we could not definitively determine whether an individual was incarcerated during the week of October 27th we assumed he was at Rikers during that period and included him in the number of inmates who were incarcerated.

¹² Thirty-eight names belonged to inmates who had been released within two weeks.

RIEF'S REPORTED ENROLLMENT WAS DOUBLE THE TRUE ENROLLMENT OF THE SCHOOL

As mentioned above, twice a year every school reports its official enrollment to the BOE; October 31st is used for the fall semester and March 31st is used for the spring semester.¹³ The reported enrollment for RIEF as a whole was as grossly inflated as in the SPRUNGS.¹⁴ However, calculating the true enrollment for the entire institution is somewhat more difficult than it is for the SPRUNGS alone. Whereas in the SPRUNGS true enrollment can not exceed the number of beds (300) and, therefore, the maximum enrollment is easy to calculate, for RIEF as a whole this can not be done.¹⁵ As a result, we estimated true enrollment using DOC statistics of how many inmates signed into RIEF each day.¹⁶ We then adjusted these numbers to account for any absentees.¹⁷ This

¹³ In this report “enrollment” is used to indicate the number of students registered at a school. The BOE sometimes uses the term “Gross Register” to indicate the same thing. If students are absent every school day during a month they are termed Long Term Absent (“LTA”) and are not counted toward determining a school’s budget allocation. The number of students who attend school at least one day each month comprise the “Net Register.” Therefore, at most schools, Gross Register (the students registered at a school) minus Long Term Absent (students who miss every day for a month) equals Net Register.

¹⁴ Jones reported these numbers on a form called “Analysis of Register.” On this form, prepared by AP Keith Malcom, and signed by Jones, the principal certified that 1,633 students were enrolled at RIEF on March 31st. These figures were subsequently reported in Comparative Analysis of the Organization of High Schools 1996-1997, a publication of the BOE’s Office of School Programs and Support Services which lists the official statistics for each school in the City. The statistics for October 1997 and March 1998 were taken from the same publication for the 1997-1998 school year.

¹⁵ We could not base the maximum true enrollment for RIEF on the number of beds in the Adolescent Retention and Detention Center (“ARDC”) for two reasons. First, the number of open housing areas, and therefore beds, in ARDC rises and falls with the inmate population. Second, some adults (such as those awaiting transfer to State facilities) are also housed in ARDC.

¹⁶ The number of inmates who signed into RIEF was provided by the Director of Education for the DOC. Each day every inmate who attends RIEF is required to sign into the school area. An inmate cannot attend a class, or even enter RIEF, without signing in.

¹⁷ All inmates under 18 are required to go to school unless they have a court date, family visit, medical appointment, or if they are placed in disciplinary segregation. DOC estimated that between 15 – 20 % of

provided a range for true enrollment, a reliable estimate of the number of students regularly attending classes at the school.¹⁸ If the school's reported enrollment was accurate, it should have been within the true enrollment range, or at least close to it.

As the chart below shows, however, reported enrollment was dramatically higher than true enrollment. For spring and fall 1997, reported enrollment was more than double the top end of the true enrollment range.

Comparison Of Reported Enrollment And Estimated True Enrollment At RIEF		
Semester	Reported enrollment	Estimated true enrollment
Spring 1997	1,633	680 - 745
Fall 1997	1,688	721 - 757
Spring 1998	1,333	840 - 957

the total jail population would be in court or receiving medical attention each day, although fewer juveniles received medical attention. Therefore, we adjusted the DOC count of how many inmates were at RIEF to account for a 20% absentee rate.

¹⁸ The range we estimated is based on two calculations: first, the average number of students attending RIEF each day for the critical months of March and October; second, a number approximating the students attending classes on the last full day of classes for those months. Both calculations are based on DOC records of students attending classes at RIEF, and adjusted by 20% to account for absentees. To ensure both fairness and accuracy, we include both calculations to provide a range for estimated true enrollment.

HOW TO GO TO SCHOOL WITHOUT BEING THERE: EIGHT STUDENTS WHO WERE LISTED AS ENROLLED AT RIEF DESPITE HAVING BEEN RELEASED MONTHS BEFORE

As is apparent from the charts and analysis in the preceding chapters, inmates who had not been on Rikers Island or inside a RIEF classroom for months were still carried on the SPRUNGS registers. Although this investigation uncovered hundreds of such cases, eight stand out. Most of these young men had been incarcerated in 1996 or 1997. Some only attended classes for a few days. However, their names were retained on the school register for months after they had been released from jail. As a result, these students, like hundreds of other former students, were included in the school's official enrollment figures.¹⁹

Short Term Inmate, Long Term Student: Two Examples

Tyler J. attended classes at RIEF for less than two weeks, but was maintained on the register for over a year and-a-half. Tyler J. was incarcerated from September 9, 1996, to September 19, 1996, during which he attended school. He never returned to RIEF. However, his name was maintained on the register from September 1996 to May 5, 1998.

¹⁹ In analyzing the history of these students, RIEF forms were reviewed, and the dates these students were listed as enrolled at RIEF were compared to the dates they were admitted to, and discharged from, Rikers Island according to the DOC database. In addition, all of these former students were interviewed by investigators from this office, with the exception of Malcolm L., who is currently in Africa, and whose mother was questioned.

Daniel M. left RIEF in January 1996, but his name remained on the school's register until November 21, 1997, almost two years later. Daniel M. was incarcerated at Rikers from October 25, 1995, to April 8, 1996. However, he only attended school from October to January; in January he was placed in solitary confinement, where he stayed until being transferred to a State correctional institution in April. Despite this, Daniel M.'s name remained on the RIEF register until November 21, 1997. Therefore, for almost two years, from January 1996 to November 1997, Daniel M. was kept on the register despite being in solitary confinement and then having been transferred to a State institution.

Ignoring The Obvious: Absent, Released, But Still On The Rolls

Kenyahatah M., Danny B., and Geraldino M. were kept on the register for eight to fifteen months after their release. Kenyahatah M. was incarcerated and attended school from January 31, 1997 to February 10, 1997.²⁰ Danny B. was incarcerated from April 27, 1997 to July 29, 1997, and Geraldino M. from April 27, 1997 to September 9, 1997. Both Danny B. and Geraldino M. attended class until they were released. Therefore, Kenyahatah M. was last at RIEF in February 1997, Danny B. in July, and Geraldino M. in September. However, all three were kept on the register of the same class until late April 1998, approximately eight-to-fifteen months after their release. Not only were these students retained on the register, but it should have been apparent that

²⁰ Kenyahatah M. was incarcerated three separate times during 1997: from January 31 to February 10, from March 6 to March 26, and from June 11 to September 3. He attended RIEF only during the first period. During the last period he turned 18.

they were no longer incarcerated for, with slight variations, all three were marked absent every day from September to April.²¹

Horace J., who last went to RIEF in July 1997, was retained on the school register for nine months after his transfer to another correctional facility. Horace J. was incarcerated for two days in August 1996, and from February 21 to July 23, 1997.

Horace J. attended school during most of the period, from February to July 1997.

However, on July 14, 1997, he was transferred to another unit of the jail, and, a week later, sent to another correctional facility. Although Horace J. had been transferred to another prison in July, he was kept on the register until April 28, 1998.

Horace J. was marked absent throughout most of this period. At the beginning of the semester, Horace was incorrectly recorded as present on a handful of days. However, after October 13th he was correctly marked absent every day through May. He was recorded as absent for 26 straight weeks and 120 straight school days.²² Although it should have been obvious that Horace J. was no longer incarcerated, his name was kept on the school register.

²¹ From September 15, 1997 to January 5, 1998, all three were marked absent every single day. During the week of January 5th, Kenyahatah M. was incorrectly listed as present. From January 12, 1998, through the end of the month all three were recorded as absent every day except for January 30th, when there were no classes. Therefore, with the exception of the first full week of school (September 8-2), and, in Kenyahatah M.'s case the week of January 5-9, all three students were marked absent every day for five months. This pattern continued through the spring semester. Danny B. and Kenyahatah M. were marked absent every school day during the months of February, March, and April. Geraldino M. was absent every day during the same months, with the exception of three days (March 11th, 12th, and 13th) when he was incorrectly marked present. Finally, all three names were removed from the RIEF register on April 28, 1998.

²² Horace J. was marked absent every official school day except for January 30, and March 9, 1998. On March 9th there were no classes because of "staff development" and on January 30th it appears that no classes were held.

A Student Who Obtained His GED While Incarcerated Is Maintained On The School Register For Another Year

Travis L. was admitted to Rikers on November 14, 1996, and released on June 3, 1997. During this period he was an enthusiastic student; he told investigators from this office that he attended class every day and obtained his GED while incarcerated. Yet, despite his release in June 1997, and the fact that he had obtained a GED, Travis L. was not removed from the school rolls. He was listed as a student in a class at the SPRUNGS for almost all of the following year, from September 1997 through May 1998, and was not removed from the rolls until May 5, 1998.

Of the 33 weeks of the 1997-1998 school year that his name was kept on the register, Travis L. was marked absent every school day for 20 of those weeks, and a majority of the days in the remaining weeks. Not only did Travis L.'s teacher, Paul Volponi, mark him absent, Volponi also submitted the required paperwork to have Travis L. discharged from the school "several" times, to no avail.²³

Enrolled At RIEF, But Living In Africa

Malcolm L. was first admitted to Rikers Island in March 1997, and released on September 5, 1997. He was subsequently readmitted on February 13, 1998, and released on May 8, 1998. Therefore, the last date he could have attended school at RIEF was May 8, 1998. However, according to the BOE's database, after Malcolm L. was admitted to RIEF in March 1997, he continued to be enrolled there for two years, until March 1999.

²³ See pages 18-21, where Jones's refusal to allow the discharge of students is discussed.

Not only would it have been impossible for Malcolm L. to attend RIEF after May 1998, the date he was released from jail, but during most of the subsequent period he was thousands of miles away from New York City. During the summer of 1998, soon after he had been released from Rikers for the second and last time, Malcolm L.'s family sent him to school in Liberia, West Africa. He has been there since and is not expected to return to the United States for at least another year.²⁴ Therefore, from September 1998 to March 1999, while Malcolm was listed as enrolled at RIEF, he was in fact living on another continent.

²⁴ This information was obtained from Malcolm L.'s mother. Investigators from this office did not talk to the student directly.

HOW PRINCIPAL JONES INCREASED HER SCHOOL'S REPORTED ENROLLMENT

The inflated enrollment at RIEF was the product of a methodical and determined effort by Principal Jones to keep former students on the school register. This section examines this effort, and the demoralizing effect it had on her staff.

Jones And AP Malcom Order Teachers To Discharge Students Only After October 31st And March 31st

Jones used staff meetings to hammer home that students could not be discharged until she allowed it. According to teacher Jim Cocoros, Assistant Principal (“AP”) Keith Malcom “regularly” told teachers during meetings that they could not discharge students until after November 1st or April 1st. A second teacher, Paul Volponi, said that he had heard Malcom tell teachers “hundreds” of times in staff meetings that no discharges would be allowed until after November 1st. Of course, October 31st and March 31st are the dates used to determine a school’s official enrollment.

This command was reinforced with a blunt, but effective, scare tactic. Volponi, who had taught at RIEF for over five years, recalled that at least ten times Jones and AP Malcom stated during staff meetings that if the school lost students, teachers would lose their jobs, and that it was “probably going to be your job.” Another experienced teacher, Carlyn Humphrey, recounted how at one meeting Principal Jones told her staff that if they did not follow her instructions regarding attendance, some of them, including tenured teachers, would have to go. A former teacher, Rosemarie Jost, also overheard Jones warn that fewer students would lead to teachers losing their jobs. Teacher Karen Steele recalled attending a meeting at which a former AP, when asked why it took so

long to discharge students, responded that if attendance rolls went down, then teachers would be unemployed because there would be too many on staff.

Staff members who attempted to remove former students from their class registers were rebuffed. Jim Nenopoulos, a new teacher who had only been at RIEF for a year, approached Helen Babino, the attendance secretary, in January or February 1998 and told her that only one-half of the students listed for his class were actually present.

Nenopoulos explained that many of these names were for inmates who were no longer at Rikers, and told Babino that he wanted to delete them from the register. Babino refused to remove the names, and told Nenopoulos something to the effect of, “well, that’s the way it is.”

In early September 1997, Cocoros tried, without success, to remove from his class those students who should have been discharged. Following the school procedure, he submitted a list of all the students in his official class, with a line drawn through those students who should be discharged. Although there were 76 names on the register, only approximately 14 students actually attended the class. After marking the 62 students who should be removed, Cocoros submitted the form to AP Malcom’s office. However, the form was quickly returned with an unsigned note attached stating “no discharges until after 10/31/97.”²⁵

²⁵ AP Malcom has retired from the BOE and lives in California. When contacted about these allegations Malcom adamantly denied ever ordering teachers not to discharge students. Malcom, who insisted he removed “all the names” teachers gave him, blamed teachers for the inflated register, stating that “some teachers... would never discharge all their students.” Principal Jones refused to be interviewed by this office. The attendance secretary, Helen Babino, refused to be interviewed on tape and under oath, which is this office’s standard procedure. As a result Babino was not interviewed.

Even When Discharges Were Authorized Former Students Were Not Removed From The Register

For reasons no one could explain, Assistant Principal Malcom engaged the teachers in a bookkeeping charade. At times, he informed the staff that former students could be discharged. However, completing these forms became, in the words of both Cocoros and Volponi, a “running joke.”²⁶ Teachers would take the time to accurately complete the list and submit it to the administration, yet nothing would happen. Volponi stated that he had filled out discharge lists “at least fifty times” over the years, but students were never discharged.²⁷ Steele, who had spent four years at RIEF, lamented that names were “never actually” removed from the register. Each month she would see the same names of students she had asked to be discharged. Other teachers observed that although some names might be removed, others were not deleted. The administration never explained why some names, seemingly at random, were removed, while others were not, or why even when a name was removed it was not done for weeks or months.

A newly appointed assistant principal, Carmen Walston, who began work at RIEF in the fall of 1997, approached Malcom and asked him how to remove students from the class registers. Malcom described the procedure and forwarded her the student lists. However, after the teachers had completed the lists and Walston had turned them in, no

²⁶ RIEF followed an unusual procedure in which the administration would give teachers lists of all students registered to their class. The teachers were supposed to draw a line through any student who should be discharged and removed from the register, and write a “d” next to each student’s name. However, these lists were distributed only a handful of times each semester. Various teachers recalled differently the number of times the lists were distributed during the 1997–1998 school year, but no teacher remembered the list being distributed more than five times.

²⁷ Among the students Volponi unsuccessfully attempted to discharge was Travis L., discussed earlier.

names were deleted. When she questioned Malcom about this, he responded, “we’ll have to try again.” However, each time the lists were completed nothing happened. It was, in Walston’s words, as if the forms were “falling into a black hole.”

RIEF Failed To Ensure That Former Students Enrolled At Another School Upon Their Release

When a student is arrested and incarcerated, his name is automatically transferred from the register of his former school to that of RIEF. When the student is released from Rikers Island he should either enroll at his former school or enter a new one. For at-risk students, such as many of those at RIEF, additional efforts must be made to facilitate this transition, and to ensure that they do indeed enroll at another school. Once that occurs, their names will automatically be removed from RIEF’s register and added to the new school’s rolls.

The BOE regulation requiring schools to have confirmation that a student is at another school before discharging that student is intended to prevent a child from being withdrawn and falling through the cracks.²⁸ In theory, if a school can only discharge a student after confirming that the child is enrolled at a new one, the first school will make efforts to track the former student and ensure that he or she is accounted for.²⁹

²⁸ After this office’s investigation into the murder of Justina Morales, in February 1997 Chancellor Crew ordered that the BOE computer system be modified so that one school can not transfer or discharge a student until that student is registered at another school.

²⁹ In addition, the efforts to track and help a truant student should begin once a child misses a substantial number of days. An attendance teacher is supposed to directly contact the child and/or the child’s parents to find out where the student is, and persuade him or her to return to school. However, at RIEF a child who is marked absent for a few weeks would most likely have been released from custody.

However, this process occurred only infrequently at RIEF; the names of former students were retained on RIEF's register long after they had been released and few efforts were made to ensure that students entered another school. RIEF's failing was therefore twofold. First, and more important, it failed to track and assist former students to make sure they registered at new schools. Second, the school failed to keep accurate records and properly classify former students.

Much of the student population of RIEF is at-risk and needs to be carefully tracked to ensure that they are successfully assimilated upon their release from Rikers Island. Yet, for years, RIEF and the BOE made little or no effort to do so. Normally these duties are carried out by an attendance teacher. However, from September 1995 to February 1998, this position was left vacant at RIEF. According to Janet Beck, District Supervisor of Attendance for Alternative High Schools, during this period RIEF followed a BOE policy of automatically indicating that former students had enrolled at another school upon being released from Rikers. However, this was merely an assumption because no one was tracking these students to see if they did indeed enter another school.

Beck initially claimed that there were guidance counselors and advisors who carried out some of these duties in the absence of the attendance teacher. However, Beck could not give their job titles or names, admitted that she had merely been told such advisors existed, and had no personal knowledge that these advisors, or anyone else for that matter, had made any efforts to facilitate former students entering new schools. Furthermore, both Beck and Richard Organisciak, Superintendent of Alternative High Schools and Beck's superior, stated that there were no records or other evidence

indicating that anyone at RIEF ever made efforts to ensure specific students enrolled at a new school from 1995 to February 1998.³⁰

Of course, the mere fact that hundreds upon hundreds of former students were retained on the school roster for months or years after their release is strong evidence that no efforts were made to classify these students correctly, or to register them at a new school.

The school's second failing was in its record keeping. Clearly, students who were no longer incarcerated, and therefore could not be attending RIEF, should have been removed from the school register. There are two ways in which this could be done. The first is that when an inmate is released he is simultaneously discharged from the school. However, as demonstrated above, Jones often prohibited her staff from doing so. Moreover, even if Jones was allowing her staff to discharge released inmates, the school could not immediately discharge all of its former students. Pursuant to BOE regulations, RIEF could only immediately discharge a student if the student was over 18, had been

³⁰ Margaret R. Harrington, Chief Executive for School Programs and Support Services, stated in a letter to this office that attendance teachers "investigate the status of students who are not attending school and facilitate their return to school," and that the RIEF attendance teacher "performs these tasks by working with released students either by telephone or by visiting their homes." Harrington also stated that any documentation of these efforts would be located at RIEF, and that if this office provided the names and social security numbers of individual students RIEF could respond with the documentation pertinent to that student. However, as discussed above, from 1995 to February 1998 there was no attendance teacher at RIEF and the school followed a policy of simply assuming that all students had returned to their former school. Beck testified that the two BOE forms (called 407 and 411) used to document such efforts were the responsibility of attendance teachers and that as a result there would be no such documentation for the period in question. In addition, we seized all of the school's records that might pertain to this issue. For this period there were no 407 or 411 forms, and no other paperwork that indicated that anyone at RIEF had made efforts to ensure former students entered a new school. As a result, this office did not provide RIEF with the names or social security numbers of former students, as this would have been fruitless.

transferred to another correctional facility, or it was confirmed that the student had enrolled at another school.³¹

Although RIEF could not always immediately discharge a former student who was under 18, the school should have classified that former inmate so that he would no longer be counted as part of the school's enrollment. One option would be to classify former students as Long Term Absent ("LTA"). Students who are supposedly enrolled at a school, but who are absent for a substantial period of time, are termed LTA and are not counted as attending the school or considered in determining the school's budget allocation. Former inmates could have been classified as LTA pending their ultimate discharge from the school. Indeed, the new attendance teacher assigned to RIEF in February 1998, after this investigation had begun, has developed a list of LTAs in this manner. However, this was not done prior to his appointment.

³¹ As a result of an earlier investigation conducted by this office concerning the death of Justina Morales, a student who was discharged from one school and murdered before she was enrolled at a new one, the BOE mandated that schools can not discharge a student under 18 years of age until that student is enrolled at another school. See, An Investigation Into The Death Of Sabrina Green: How The System Failed Her, December 1998; Chancellor's Regulation A241. If a student who has been released from Rikers Island does not enroll in a new school RIEF is obligated to maintain that student on its register while making efforts to contact him and persuade him to enter a new school.

RIEF INCREASED ITS BUDGET BY INFLATING ENROLLMENT

While Jones did little to ensure that former inmates entered a new school, she was eager to use them to inflate the resources her school received. In submitting budget requests for RIEF, Jones repeatedly projected that the school's enrollment would be approximately 900 students, when in fact the true number turned out to be much less. Jones's superiors blindly accepted her estimates and based RIEF's budgetary allocation on an enrollment of 900. In fact, Jones's superiors made no effort to check her figures, although it would have been obvious from a comparison of her estimates with DOC statistics, or even a review of the BOE's own database, that these estimates were not accurate. As a result, RIEF received more resources than it was legitimately entitled to.³²

The Budget Process

At most schools, budget allocations are derived from formulas based on the number of students who regularly attend class.³³ However, the budget for schools such as RIEF, which are termed "Needs Assessment Schools," cannot be determined by applying these formulas because of the transient nature, and high turnover rate, of the student body.

³² There is no evidence Jones personally misappropriated any funds.

³³ New York State distributes money to the BOE based upon a variety of factors, which are weighed in complex formulas. After receiving State funds, the BOE controls the distribution of this money to individual schools. In addition to these funds, RIEF also receives other sources of funding, such as monies for special education students. However, the majority of the school's general budget is determined in the manner described above.

Therefore, according to BOE officials, instead of being based on the usual formulas, RIEF's budget is negotiated at a meeting between Principal Jones, representatives of the BOE's budget office (the Office of Resource Management), and representatives of the Superintendent of Alternative High Schools' Office. As part of this process, RIEF is assigned more teachers than other high schools because of the nature of its student population. Budgets are determined twice a year; in May a budget is negotiated for the upcoming fall semester, and in December or early January the process is repeated for the spring semester.

During the 1997-1998 school year, these budget meetings were informal and "very cursory."³⁴ Jones was not required to submit any forms or memoranda memorializing her budget requests, or the basis for those requests. The other participants in these meetings did not memorialize the discussions. Instead, Jones orally presented her case based on her projected enrollment and other factors such as the resources and staff needed. Jones's projected enrollment was the primary determinant of the resources RIEF would be allocated during the upcoming semester.³⁵

³⁴ Neil Harwayne, Deputy Superintendent of Operations, described the budget meetings in this manner.

³⁵ Neil Bluth, Director of the Office of Instructional Program Management, currently oversees the budget process for Needs Assessment Schools. He stated in substance that the principal's estimate of the number of students who would be enrolled at the school during the upcoming semester is probably the number one factor used in determining RIEF's budget. Stan Klein, former Director of Operations of the Office of Resource Management, stated that the school budget was based on this estimated enrollment, divided by the ratio of teachers to students. Steven Liff, who was Director of the Office of Resource Management during the 1997-1998 school year, said as a "general rule" RIEF's budget is based on this estimate, while Richard Organisciak confirmed that if a school's estimated enrollment increases so will its budget allocation.

Jones Claimed 900 Students Were Enrolled At RIEF In Her Budget Requests, When In Fact There Were Hundreds Less

According to Jones's figures, she expected 900 students would be enrolled at RIEF during the spring 1997 semester.³⁶ For the next semester, fall 1997, Jones estimated 917 students, and for the spring of 1998 Jones estimated 900 students.³⁷

Comparing Jones's projected enrollment to the estimated true enrollment at RIEF, it is clear that her projections were substantially higher than the true number of students at the school.³⁸ Only in spring 1998, when, according to DOC documents, there was a large surge in the number of juvenile inmates attending school, was her projection within the range of true enrollment.

Jones was apparently well aware of the true number of inmates entering her school each day and, by extension, that her projections were inflated. During this investigation we seized forms from Jones's office that accurately listed DOC's weekly tally of the number of inmates who attended classes at RIEF.³⁹ Each form has printed on the bottom a statement that it was prepared by "Sharon Jones, Principal."

³⁶ Jones, upon the advice of her attorney, refused to be interviewed by this office. As a result, it is unclear what, if anything, she would claim her estimates were based upon. Malcom, who denied he had ever told teachers not to discharge students, stated that he knew that the reported enrollment was inaccurate and that he therefore set the projected enrollments "considerably lower," at "like 700 or 800." Malcom readily admitted that "the number of students determines what your budget is.... That was common knowledge." Contrary to Malcom's assertion, the projected enrollments he prepared were 900, not 700 or 800 and the true enrollment was far below 900. Of course, if Malcom or Jones wanted to ensure their estimates were accurate all they had to do was compare them to DOC statistics, to which Jones had access.

³⁷ Neil Bluth provided these numbers, and stated that according to the BOE's database, Jones estimated that 900, 917, and 900 students would be enrolled at RIEF for the spring 1997, fall 1997, and spring 1998, semesters, respectively.

³⁸ See page 12 for the estimated true enrollment of RIEF for 1997 and the spring of 1998.

³⁹ The forms cover the week of November 24-28, 1997, and each week in the months of February, March, and April 1998. The forms for the other weeks of the 1997-1998 school year are missing. Each of the forms lists the true number of inmates attending RIEF week by week.

Jones's Superiors Did Not Check Her Projected Enrollments

Despite the importance of Jones's projections in determining the school's budget, she was apparently never asked to justify or explain her numbers. Robert Galli, who was one of the participants in the meetings that determined Jones's budgets for the 1997-1998 school year, described Jones's estimates as nothing but a "call" based on her past experience.⁴⁰ Steven Liff, who during the 1997-1998 school year was Director of the Office of Resource Management, and who participated in the process of determining various Needs Assessment Schools' budgets, admitted that, "we just took [Jones's] word for a lot of things."

However, there was no need to blindly take Jones's word, or accept her "call," because the BOE could verify the accuracy of Jones's projected enrollments by comparing them to DOC statistics, which Jones had recorded in her own files. Apparently, none of Jones's superiors thought to do so. Stan Klein, former Director of Operations of the Office of Resource Management, who determined the budget for RIEF for the fall 1997 semester, conceded that no one compared DOC statistics to Jones's projections. When asked why not, Klein responded "I never would have even thought of it."

Nor did BOE officials double-check Jones's numbers against the BOE's own database which showed reported enrollment. Had they done so, they should have noticed that reported enrollment was several hundred students higher than Jones's projection. BOE supervisors should have questioned the discrepancy, but they did not.

⁴⁰ Galli was Senior Executive Assistant to the Superintendent for Alternative High Schools during the 1997-1998 school year. Currently Galli is Director of Operations for Alternative High Schools.

Jones's current and former supervisors who were interviewed during this investigation seemed shocked by the wide disparity in RIEF's figures. For example, Galli stated that Jones's estimate and the reported enrollment should be close, but when confronted with the two sets of numbers he responded, "I don't understand."⁴¹ Klein described the reported enrollment as "alarmingly off." After thinking it over, Klein stated that he would "bet the mortgage" that the reported enrollment of 1,688 for fall 1997 was a typographical error and repeatedly affirmed that he could think of no other explanation. Of course, there was no typographical error. Jones had certified these figures to be accurate when she reported them to the BOE, and she reported similarly inflated numbers for the preceding and following semesters.

Klein's recognition that the 1,688 figure was "alarmingly off" may provide an explanation for why Jones estimated her enrollment for budget purposes at 900 instead of 1,688. Her superiors' suspicions might well have been aroused if she estimated 1,688 students. And, although overestimating her enrollment by a few hundred may have allowed her to gain additional teachers, if Jones had received funding for the number of teachers necessary for 1,688 students, her school would have been swamped with dozens and dozens of surplus teachers.

By not questioning the enormous discrepancy between the projected and reported enrollments, BOE officials allowed Jones to receive substantially more resources than she

⁴¹ Galli subsequently stated that the high enrollment number might be the result of delays in discharging inmates who made bail. Bluth made a similar claim, arguing that the high turnover in the student population may underlie the inflated enrollment. These explanations are not convincing. While these factors might result in some students who had been recently discharged remaining on the register for a short period of time, they would not explain why hundreds of names, some of them for students who had not been at Rikers for months or years, remained on the register. And, of course, Jones's and AP Malcom's explicit orders not to discharge students, discussed on pages 18-21, prove that the retention of former students was intentional.

was entitled to. Further, the BOE enrollment figures seriously distorted the picture that City and State officials received regarding the school's size.

Semester	Estimated true enrollment	Jones's projected enrollment	Reported enrollment
Spring 1997	680-745	900	1,633
Fall 1997	721-757	917	1,688
Spring 1998	840-957	900	1,333

RIEF's Inflated Figures Were Reported To The State

The State of New York provides funding to the BOE, which in turn allocates resources to individual schools. The average daily attendance of the City schools, adjusted to take into account various factors relating to the relative wealth of districts across the State, figures prominently in determining State funding.⁴² In order for the State to obtain these numbers, the process begins at each individual school. Teachers are responsible for taking and recording attendance on scan sheets, which are submitted to the attendance secretary, who enters the sheets into the BOE's computer system. At the central Board an aggregate number is compiled and transmitted to the State. Because the BOE assumes that a child is present unless affirmatively marked absent, these figures may be inflated if the scan sheets are not filled out properly.

At RIEF, teachers submitted scan sheets to Helen Babino, the attendance secretary, and ultimately this information was transmitted to the BOE. Since some of the

⁴² Average daily attendance is the average number of pupils present on each school day, and is determined by dividing the total number of days pupils were in attendance by the number of school days.

students who remained on the rolls despite being released from Rikers were not marked absent, the attendance statistics for RIEF were no more reliable than the school's enrollment figures. Therefore, the inflated enrollment and attendance statistics at RIEF contributed to erroneous numbers being reported to the State. However, State officials emphasized to this office that the formulas are so complicated that it would be extremely difficult to establish what impact an individual school's statistics had on the ultimate State budget. Nonetheless, as a result of Jones's scheme, the State, like the BOE, received inaccurate information on the school's enrollment and attendance.

Jones's Inflated Numbers Led To Additional Staff For RIEF

In general, Principal Jones's numbers – what she reported and what she projected – were higher than the estimated true enrollment. The obvious idea behind this inflation was to obtain more resources for the school and to avoid losing staff should the budget be cut. This office attempted to calculate the actual number of teachers who should have been employed at RIEF, and compare that total to the number of teachers Jones received based on her projected enrollment. However, we were stymied by the BOE's inability to provide the appropriate teacher to student ratio at RIEF.

Principal Jones informed an investigator from this office that one teacher was assigned for every 17 to 20 students, a projection which coincided with the number of desks in the classrooms.⁴³ However, according to Stan Klein, one of the participants in the negotiations to determine Jones's budget, the RIEF teacher to student ratio was one to

⁴³ As indicated above, Jones refused to be formally interviewed by this office. However, at the very beginning of this investigation, in May 1998, she made this comment to an investigator from this office.

15. Finally, Richard Organisciak, currently the Superintendent of Alternative High Schools, claimed there was one teacher for every 22 students.

Obviously, the ratio used would have a dramatic effect on the degree to which the RIEF staff was bloated. For example, assuming that any of the ratios told to us was accurate, during the fall of 1997, RIEF may have been overstaffed from at least seven to as many as 13 teachers.

CONCLUSIONS AND RECOMMENDATIONS

This office's investigation has established that the enrollment at RIEF was vastly inflated, with the names of hundreds of former students being retained on the register during some semesters. Many of these students had been previously released from Rikers Island for months or even over a year. Principal Jones prevented her teachers from removing these former students' names from the school register, and threatened that if the enrollment declined teachers would be fired. In 1997, Jones claimed that 900 students were enrolled at her school when she applied for her budgets, despite the fact that the true enrollment was at most between 680 and 757. As a result of her inflated estimates, and the failure of the BOE to verify them, RIEF received substantially more resources than the school was entitled to.

Inflating enrollment to procure additional staff undermines the BOE's enrollment and attendance reporting system, and leads to inaccurate information being transmitted to the State. Tolerating Jones's actions will encourage dishonest principals to manipulate statistics. Honest principals, on the other hand, will be penalized; the price of their integrity will be fewer resources for their schools and students. If resources are to be distributed fairly to schools the BOE must be able to rely on the accuracy of the numbers those allocations are based upon, and principals must be held strictly accountable for accurately reporting their school's enrollment, attendance, and other statistics.

Recommendations As To Individuals

Sharon Jones - We recommend that the employment of Sharon Jones be terminated and that her misconduct be considered should she re-apply for employment with the BOE in any capacity, including as a consultant.

Keith Malcom - Assistant Principal Malcom was an integral part of Jones's scheme. However, Malcom retired after the spring 1998 semester and moved to California. If he had not retired we would have recommended that his employment be terminated. We recommend that Malcom's involvement in this scheme be considered if he ever re-applies for employment with the BOE in any capacity, including as a consultant.

Helen Babino - Babino was the attendance secretary during the time frame at issue and, as such, was in charge of handling the various attendance and discharge forms. Based upon her position and the information available to her, Babino had to be well aware that former students were not being discharged, which was one of her duties. In addition, Babino obstructed this investigation by refusing to be interviewed under oath and on tape. We recommend the BOE take appropriate disciplinary action which, at a minimum, should include removing her from her position at RIEF and barring her from any attendance duties in the future.

Emma Johnson - Johnson, a Family Worker, performs administrative and office duties for the SPRUNGS. When interviewed Johnson repeatedly lied.⁴⁴ It is unclear why Johnson attempted to deceive this office. However, pursuant to the Executive Order establishing this office, every employee of the BOE is obligated to "cooperate fully" with

⁴⁴ See footnote 3, page 4.

this office, and any “[i]nterference with or obstruction” with an investigation constitutes cause for termination, removal from office, or disciplinary action. Johnson’s attempt to conceal the truth was an effort to obstruct this investigation, and, as a result we recommend that her employment with the BOE be terminated and that her conduct be considered should she re-apply for employment.

Recommendations As To Procedures

In the wake of this investigation procedures have been adopted at RIEF which should result in more accurate attendance and enrollment data being kept. For example, LTA lists have been established, a new policy has been implemented pursuant to which any student who is marked absent for ten days is designated an LTA, and DOC records are now being cross-referenced with the RIEF register. In addition, the attendance teachers currently assigned to RIEF have made efforts to remove former students from the school register, to track those students, and to facilitate their enrollment at a new school.

These positive changes must continue and the individuals who previously assisted in the inflation of enrollment statistics or attempted to cover-up this inflation should be removed from their positions and replaced with competent and honest individuals. When determining RIEF’s budget, the representatives of the BOE’s budget office and of the Superintendent’s office must require that RIEF’s principal provide the basis for the school’s budget requests in writing. The BOE should also independently verify the accuracy of the school’s reported enrollment.

It must be stressed that Jones deserves none of the credit for the changes mentioned above. Most of them were instituted in the fall 1998 semester, apparently in response to this office's investigation, and were put into effect by new staff.

We have previously requested that the BOE review its practice of using a "default" attendance process.⁴⁵ With this approach, a student is officially recorded as present unless he is specifically marked absent. To our knowledge, the BOE has not formally reviewed this practice. The default system leads to errors where attendance forms are not completed, or are completed improperly. We encountered many such errors in this investigation, as we have in our other attendance-related cases. The default system does more than just inflate attendance. The number of consecutive absences determines when a student becomes an LTA. In the context of a typical school, consecutive absences determine in large part when the school must conduct an investigation to locate a missing child. If a child is erroneously recorded as present because of the default system, this could significantly delay an attendance investigation. As we saw in our investigations into the deaths of Nadine Lockwood, Justina Morales, and Sabrina Green, delays in attendance investigations can be a matter of life and death. We therefore urge the BOE, for reasons of accuracy and safety, to abandon the default attendance system, and count as present only those children who are affirmatively marked present.

⁴⁵ See, An Investigation Into The Death of Sabrina Green: How the School System Failed Her, December 1998, p. 45.