

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

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February 18, 2015

Hon. Carmen Fariña
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: P 371
SCI Case #2014-5135

Dear Chancellor Farina:

The office of the Special Commissioner of Investigation (“SCI”) has concluded an investigation into a serious incident when several students (“Student A,” “Student B,” “Student C,” and “Student D”) walked out of P 371, a Special Education school in Brooklyn, on September 15, 2014; one of them, 15-year-old Special Needs female Student A, was missing until September 18, 2014, when she was located at the residence of a friend from her former school. SCI investigators spoke with approximately 25 witnesses and this report describes the details obtained.

Security camera video footage showed that, shortly after 1:00 p.m. on September 15, 2014, Student A, carrying a gym bag over her shoulder, walked across the basement cafeteria, past Dean Keith Abboud, entered the vestibule, and left the building through an exit door. Male Student C and male Student D exited at the same time as Student A. Not long thereafter, Student A’s mother arrived at the school only to learn that her daughter was not there. The mother contacted the New York City Police Department (“NYPD”), but it was too soon to report Student A as a missing person. When Student A did not return by 2:30 p.m., the time that she would have boarded a bus home, a School Safety Agent (“SSA”), employed by the NYPD and assigned to P 371, filed an official missing person report with the NYPD. During the approximately 90 minutes between the initial police response and the official report, the school staff was looking for Student A. No one contacted SCI.

Keith Abboud

In an interview with SCI investigators, conducted in the presence of his attorney, Dean Abboud said that, at about 1:03 p.m. on September 15, 2014, Student C and Student

D, with Student A close behind, knocked on the door of the teacher's lounge. Student C asked for his cell phone which was kept locked up in the teacher's lounge. Abboud saw that Student A was carrying a large duffel bag with her and asked where she was going, but he could not understand her response.

Abboud followed the three students through the cafeteria where they walked out of the building. Abboud radioed that Student A had left the building. A few minutes later, Abboud heard that Student A's mother was in the office, with NYPD personnel, and he responded there. Abboud described the mother as appearing irritated, but not overly concerned. Abboud told the police personnel what Student A was wearing.

Abboud explained that he did not include Student C and Student D in his call about Student A leaving because the two boys were "travel trained" and had MetroCards. Abboud said that Student C and Student D left school early on a regular basis. Abboud added that he was more worried about Student A, a busing student, who never left school before. Abboud did not find out about Student B leaving the building until weeks after it had happened.

Asked about this authority to stop students from leaving by physical means, Abboud responded that with students like Student A, Student C, and Student D, who had emotional and behavioral issues rather than a physical restriction, he would not put his hands on them, especially because Student A was a female.

SSA Elaine Rodriguez

SSA Rodriguez said that, on September 15, 2014, Student A's mother A showed up at the school and she made a radio call asking anyone who saw Student A to send her to the front door. SSA Rodriguez added that she received an immediate response from Dean Abboud who advised that Student A had left the building. SSA Rodriguez was new to the building, Student A was a new student, and SSA Rodriguez did not know that Student A was a busing student.

SSA Rodriguez explained that Student A's mother left the building and called the police from her cell phone. SSA Rodriguez said that NYPD personnel from the 72nd Precinct showed up and advised that Student A could not be reported missing until 2:30 p.m., the time when she would be boarding the bus, because she might return to get on the bus. SSA Rodriguez waited until 2:30 p.m., but Student A did not return, an official missing persons report was filed. According to SSA Rodriguez, although the NYPD would not take the report until 2:30 p.m., the response by school staff started as soon as it was discovered that the student had left the building.

Student A's Mother

SCI investigators, including a Spanish speaking investigator, met with Student A's mother who said that, when Student A arrived in the United States from Puerto Rico in January 2012, she was placed in a mainstream school, but could not handle that setting.

Based on an Individual Education Program (“IEP”), Student A was placed in a different school in 2013, and remained there through June 2014. For at least part of the time, Student A was assigned a one-to-one paraprofessional. A second IEP meeting was held in April 2014. Student A began attending P 371 in September 2014; according to the mother, a one-to-one paraprofessional was assigned to her daughter.

The mother told investigators that she visited P 371 on September 8, 2014, the Monday before the incident, and met with “Ms. Otero” whom she described as Student A’s one-to-one paraprofessional, “Dean Williams,” and the school nurse. The mother asserted that she advised those employees that Student A needed to be watched at all times.

Student A was transported to and from P 371 by bus. The mother said that, on September 15, 2014, as Student A boarded the school bus, she noticed that Student A was carrying a gym bag. The mother added that she had packed the bag which contained a change of clothing and some personal hygiene items because other students had commented to Student A that she smelled after Gym class. This was the first time the mother saw Student A take the gym bag with her to school. According to the mother, Student A did not say anything about staying with a friend after school and that was something the mother never would have allowed.

On September 15, 2014, the mother had a medical appointment at 4:00 p.m. and would not be home in time to meet Student A’s bus. As a result, at about 1:00 p.m., the mother arrived at P 371 to pick up Student A. Outside the school, the mother saw Ms. Otero and two others standing on the front steps of the building. According to the mother, Otero said that Student A left the school because some “unidentified kids” were going to “jump her” and the mother should go to the office.

The Mother arrived at the office and spoke with “Marisol,” the only person present who spoke Spanish. Marisol called Student A’s teacher, “Ms. Jane,” who confirmed that Student A had left the building. According to the mother, she received no additional information from anyone at the school, so she walked outside and called the police. The mother asserted that officers arrived within 15 to 20 minutes and took a missing person’s report. The mother added that school administrators came out only after the NYPD arrived and no one from the administration made any attempt to speak to her or provide her with any information. However, the mother heard SSAs talking on the radio in an attempt to locate Student A.

The mother acknowledged that, on September 18, 2014, an NYPD detective from the 60th Precinct informed her that Student A had been found at the residence of a friend, a 13-year-old male (“Student E”), from a school previously attended by the girl. The mother of the friend saw a media report about Student A and contacted the police. Student A’s mother said that she did not know the boy’s parents or where he lived. According to the mother, the only other time Student A went missing was in late June or early July 2014, when she slipped out of their residence unnoticed and was gone for three to four hours. On that occasion, the mother called the police, but cancelled her report

when Student A came home. The mother added that Student A never had disappeared for days at a time.

Student A's mother gave her permission for SCI to interview Student A, but the girl had been hospitalized since September 18, 2014. The mother also reported that Student A gave the NYPD detective who interviewed her 20 different versions of what transpired. SCI investigators did not speak with Student A.

Detective Juan Creagh

The assigned SCI investigator spoke by telephone with 60th Precinct NYPD Detective Creagh who recalled that Student A was located three days after she disappeared from her school. Detective Creagh said that Student A went to stay with her boyfriend, Student E, and she was located when Student E's mother saw a TV report about Student A and called 9-1-1.

Detective Creagh confirmed that Student A was taken to a hospital where he interviewed her. At first, Student A told Creagh that, shortly after leaving the school, she was lured into a basement by a man who attempted to rape her at knife point, but she disarmed and stabbed the man. Later, Student A told Detective Creagh that she had lied because she did not want to get into trouble.

Student A also informed Detective Creagh that she left because she did not get along with her stepfather. Student A also said that she was mad at her parents because she had gotten into trouble for not obeying house rules and her parents had taken away her new sneakers. According to Detective Creagh, Student A's mother did not kick her out of the house.

Student E

SCI investigators met with Student E who said that he had been Student A's boyfriend for about one year and met her at the school she previously attended.¹ Student E confirmed that, in the middle of September 2014, Student A came to stay with him for a few days. Student E added that he and Student A planned her visit in advance. Student A told Student E that her stepfather hit her and she did not want to stay at home. Student A also informed Student E that her mother had kicked her out of the house and she had nowhere to go.

According to Student E, his mother did not contact Student A's parents to ask whether she could stay at his residence because Student A would not give Student E's mother her mother's phone number. Student E added that, a few nights after Student A arrived at his apartment, his mother was watching television and saw on the news that Student A was missing. Student E's mother allowed Student A to stay that night because

¹ Student E has turned 14.

it was very late at that point. However, Student E's mother contacted the police in the morning. Student E said that he had not seen Student A since.

Student E's Mother

SCI investigators spoke with Student E's mother who said that, in mid-September 2014, just after school started, Student A showed up at her door with a duffle bag. The mother explained that her son and Student A were in the same school last school year and were friends.

According to the mother, she tried to speak with Student A, but the girl did not want to talk, and would not supply her mother's phone number. The mother confirmed that she allowed Student A to stay for a few days. The mother explained that, the day after she arrived, Student E went to school, but Student A said she was sick and did not go to school; instead, she just stayed in the apartment. The mother said that she did not telephone Student A's school. The mother added that this was the first time Student A stayed at her apartment.

Student E's mother confirmed that she was watching the news on TV and saw that Student A was missing. The mother did not know what to do, so she allowed Student A to sleep there that night, but contacted the police in the morning. NYPD personnel responded and picked up Student A.

Student B's Mother

SCI investigators spoke with the mother of 17-year-old female Student B who said that Student B began attending P 371 on September 4, 2014.² The mother explained that, at about 9:00 a.m. on September 15, 2014, "Ms. Francis," an employee at P 371, telephoned to report that Student B had walked out of the front door of the school with an unidentified female.³ The mother understood that staff members were not allowed to put their hands on students and, consequently, Student B was allowed to leave. According to the mother, before she left, Student B asked for her cell phone to be returned and an unidentified staff member complied.

The mother added that she did not call the police because the school told her that the police would be coming to her, but they did not. The mother said that Student B came home around 8:00 p.m. that night and the police telephoned shortly thereafter to check on Student B. The police wanted to speak with Student B to make sure that she was alright, but she refused to come to the phone. Shortly after that, P 371 Principal Joan Antonelli telephoned to find out whether Student B had come home.

² Student B has turned 18.

³ The timing as reported by Student B's mother was inconsistent with the school personnel who had a specific recollection of Student B being present until her lunch period.

Student B

SCI investigators met with Student B who said that, on September 15, 2014, she walked out the front door of the building. Student B was with another female. SSA Baptiste yelled for her to come back, but Student B replied: "No, I'm not coming back." Student B refused to identify her female companion and declined to say whether she met up with the female inside or outside of the school. Student B explained that she left because she did not like the school and did not want to be there. Student B confirmed that no one physically tried to stop her. Student B added that no one returned her cell phone because she did not bring it to school that day.

Student B and the female went across the street to McDonald's, but saw two females from the school coming toward the fast food restaurant and believed they were looking for her. Student B and the female changed plans and took the subway to 14th Street to meet a friend of the female companion. Student B said that they hung out all day and she went home at about 7:00 p.m. Student B added that she did not call her mother at all that day to report her whereabouts.

Student B told investigators that, when she returned to school on September 16, 2014, Principal Antonelli and Assistant Principal Georgia Campbell spoke to her about the dangers associated with her conduct. According to Student B, she never had left the school before and had not done so since.

Natalie Francis

In an interview with SCI investigators, conducted in the presence of her attorney, Special Education Teacher Francis said that Student B, who was a busing student at the time, came to school on September 15, 2014, and was in class up until lunch – 11:20 a.m. to 12:10 p.m. Classroom Paraprofessional Gloria McWayne escorted Student B and the other students in Francis's class downstairs to lunch. Francis added that McWayne's lunch period began at 12:10 p.m., but she came upstairs with the students. That day, McWayne informed Francis that Student B had left the cafeteria and was not with the class.

McWayne left for lunch, but at about 12:15 p.m. McWayne telephoned Francis to report that she was sitting outside the school and saw Student B leave the building through the front entrance. Francis notified Student B's mother who was upset.

Gloria McWayne

In an interview with SCI investigators, conducted in the presence of her attorney, Paraprofessional McWayne said that, at about 11:40 a.m. on September 15, 2014, she was in the cafeteria with Francis's class when Student B started to leave. McWayne asked where she was going and Student B responded: "I'm leaving." McWayne

explained that she had other students for whom she was responsible and stayed with them in the cafeteria until 12:10 p.m., the end of their lunch period.

McWayne escorted her class upstairs and saw that Student B had not returned to her classroom. McWayne alerted Teacher Francis who notified School Safety. McWayne left the building for her lunch period.

McWayne confirmed that, at about 12:15 p.m., she was sitting on a bench in front of the school when she saw Student B walk out the front door and make a right toward McDonald's, across the street from the school. McWayne did not recall whether Student B was with anyone when she left the building. McWayne called out to Student B, but she just kept going and did not acknowledge the paraprofessional. McWayne used her cell phone to call the office and Francis to report her sighting of Student B. As McWayne waited for Francis to answer the phone, she saw Principal Antonelli run out of the building and head in the direction of McDonald's.

School Safety Agent Akil Baptiste

SCI investigators met with SSA Baptiste who recalled the day when Student A left the building because it was "a big deal." SSA Baptiste was at the main desk and, at about 1:00 p.m., he heard Dean Abboud call over the radio that Student A had left the building. SSA Baptiste reviewed the camera footage and saw Student A leave with two male students from her class. SSA Baptiste added that Student A's mother appeared at the school shortly after Student A had left the building.

SSA Baptiste did not recall Student B leaving the building on that same day and did not remember trying to stop her from walking out the front door.

Joan Antonelli

In an interview with investigators from this office, conducted in the presence of her union representative, Principal Antonelli said that Student A started at P 371 in the 9th Grade summer program before the start of the 2014-2015 school year. Katheryn Jayne was Student A's teacher, and Paraprofessional Yolanda Otero was assigned to her classroom, but Student A did not have a one-to-one paraprofessional assigned to her because her IEP did not provide for one.

Principal Antonelli explained that the school had a staggered dismissal; 11th and 12th Grade students with the proper amount of credits were allowed to leave at 1:50 p.m., while all other students were dismissed at 2:15 p.m. Those leaving were brought downstairs to the cafeteria by the classroom paraprofessional or teacher, but in certain cases, the students dismissed themselves. The names and dismissal times of the students taking a bus were on a list posted in the cafeteria. Principal Antonelli said that Dean Abboud was not responsible for early dismissal, but when Student A left the building, Abboud should have known that she should not be leaving at that time.

At 1:00 p.m. on September 15, 2014, Student A's Music class with Teacher Jonathan O'Brien, located in the basement near the cafeteria, was ending. Student A left the building immediately after that class.

On that day, Principal Antonelli had an issue with several district United Federation of Teachers ("UFT") representatives who showed up at 12:30 p.m. to conduct a safety walk through of the building. Antonelli described the group as being very rude, not listening to her when she told them to enter the office, and inappropriately interacting with staff and students in the hallway. Antonelli finally managed to meet with them when, at about 1:15 p.m., Secretary Barbara Burns interrupted to report that Student A was missing, the girl's mother was present at the school, and the mother had called the NYPD.

Before Antonelli learned that Student A was missing, Paraprofessional Otero went outside to look for the girl and encountered her mother. Otero informed the mother that Student A had left the building.

Principal Antonelli spoke to the responding NYPD personnel as soon as they arrived; Student A's mother was there, but Antonelli had trouble communicating with her because of the language barrier. Antonelli did not know whether members of the P 371 staff met with Student A's mother the week before she went missing.

Antonelli interviewed other students and heard that Student A was at a friend's house near a #3 line subway stop in Brooklyn. Antonelli telephoned Student A's residence at 7:00 p.m., spoke with Student A's stepfather, and told him about the information obtained from the students. The stepfather responded that they had checked there and Student A was not there. However, Antonelli told investigators that Student A was found at that location.

Principal Antonelli did not know exactly what time Student B left the building on September 15, 2014, or when she was notified about it, but she filed a police report concerning Student B at the same time she filed a report about Student A. Antonelli confirmed that Student B's teacher was Natalie Francis and the classroom paraprofessional was Gloria McWayne.

In a second interview with SCI investigators, conducted in the presence of her union representative, Principal Antonelli explained that, when McWayne saw her run out of the school on September 15, 2014, she was looking for Student A, not Student B. However, Antonelli checked McDonald's, but did not see Student A or Student B. According to Principal Antonelli, on September 15, 2014, no one told her that Student C and Student D left the building with Student A. Antonelli found that out the following day.

Barbara Burns

SCI investigators spoke with Payroll Secretary Burns who said that, on September 15, 2014, several UFT district representatives arrived at the school to conduct a walk through of the building. Burns confirmed that, numerous times, these UFT representatives were asked to come into the office and out of the hallway because they were causing a disturbance among the students.

Burns added that, at about 1:00 p.m., Student A's mother entered the office and was talking on her cell phone. About that time, someone told Burns that Student A did not appear at her class. Burns made an announcement over the public address system directing Student A to go to class. Shortly thereafter, someone told Burns that Student A had left the building.

Burns later viewed the camera footage and saw that Student C and Student D also left the building with Student A. Burns confirmed that Student C and Student D left the building almost daily.

Edward Williams

SCI investigators met with Williams, a dean and positive behavior support coach at the school, who acknowledged that he participated in a meeting with Student A's mother about a week before Student A left the school and did not return home for three days. Williams did not recall the mother saying that Student A needed to be watched constantly because she had a tendency to wander.

At about 1:00 p.m. on the day of the incident, Williams heard Dean Abboud call over the radio that Student A had left the building. Williams went outside and conducted a search of the neighborhood for about 10 minutes, but did not locate Student A. When Williams returned to the school, the NYPD was on the scene as was Student A's mother. Williams did not speak with her.

Yolanda Otero

In an interview with SCI investigators, conducted in the presence of her attorney, Paraprofessional Otero said that, on the day of the incident, Student A was in the basement from 12:10 p.m. to 1:00 p.m. in Music Teacher O'Brien's class. Otero explained that she accompanied the students to the Music class and stayed with them. Otero added that her lunch period began at 1:00 p.m. and, although she was not responsible for escorting the students to their class upstairs, she had to get her bag and money from the classroom, so she walked with the students.

Otero reported that Student A, Student C, and Student D did not stay with the group, but ran ahead; Otero assumed that they were going to class. However, when she arrived at the classroom, she learned that the three students were not there. Otero stayed with the two remaining students, while Teacher Jayne went downstairs to look for

Student A, Student C, and Student D. Jayne returned to the classroom and said that she did not find any of the missing students.

Otero went to lunch, but received a call on her cell phone. Jayne reported that Student A had left the building. Otero notified Assistant Principal Campbell and offered to contact Student A's mother. However, as she left the building, Otero encountered Student A's mother who was walking toward the school. According to Otero, when she told the mother Student A had left the building, she responded with a huff, but said nothing. Otero denied telling the mother that Student A left the building because she was going to be "jumped" by some other students.

Otero checked the surrounding area for about 30 minutes, but did not find Student A. Otero later found out that Student A had left the building with Student C and Student D, so Otero contacted their parents.

Otero recalled being present at a meeting with Student A's mother about a week before the incident. Otero said that the mother was attempting to obtain a one-to-one paraprofessional for Student A and Otero acted as a translator. Otero added that the mother did not report that Student A needed to be watched constantly or she would wander.

Otero said that there were other meetings held with Student A's mother and stepfather concerning their contention that Student A was being bullied at the school. According to Otero, it was Student A who bullied other students at the school and she had a problem with Student B in particular.

Katheryn Jayne

In an interview with SCI investigators, conducted in the presence of her attorney, Special Education Teacher Jayne said that, at 1:00 p.m. on the date of the incident, she was returning from her lunch period and waiting for her students who were due to arrive from Music class. Jayne confirmed that Otero usually walked with the students from Music class to Jayne's classroom and then Otero began her lunch period. Jayne added that, of the five students assigned, only two came to class after Music class; Student A, Student C, and Student D were missing. Otero stayed in the classroom, while Jayne went downstairs to look for the missing students, but she did not locate them.

Jayne learned that Student A had left the building at 1:03 p.m. and she telephoned Otero's cell phone. At about 1:50 p.m., Jayne was called down to the main office to speak with NYPD personnel and she provided a description of Student A. Jayne also checked the footage from the security cameras and saw Student C leave the building from the cafeteria, just ahead of Student A and Student D who walked out together. Jayne added that Student C and Student D frequently left school early.

Jayne spoke with both Student C and Student D when they returned to school the following day. Student D told Jayne that he left the school by himself, but had gone to

Grand Army Plaza with Student A and Student C for a little while before taking the train by himself. Student C told Jayne that he and Student A left the school together and he hung out with her in a schoolyard in East New York, near the #2 and #3 subway lines, until about 7:30 p.m. when he left. Student C also said that Student A told him she was staying with a friend, but he did not know who the friend was or where that person lived.

Student C

SCI investigators met with 14-year-old Student C who confirmed that, at about 1:00 p.m. on September 15, 2014, he and Student D left the school building to go “chill.”⁴ Student C asserted that they did not leave the building often. Student C said that Student A asked to go with them, so she tagged along. Student C added that they took the train to Atlantic Avenue and hung out there for a while; eventually, Student D left.

According to Student C, Student A asked him to accompany her to meet Student A’s friend and they took another train to Pennsylvania Avenue where they hung out with a female, whom he knew only as “CC,” in a park near a school until about 7:00 p.m. when he left and went home.

Student C said that Student A, who had a duffle bag with her, told him that her mother had kicked her out and she was going to stay with a friend. Student A also told Student C that her stepfather hit her. When Student C returned to school the next day, school staff and the police questioned him about Student A.

Student D

SCI investigators met with 14-year-old Student D who confirmed that, on September 15, 2014, he left school early – he believed around 12:30 p.m., with Student A and Student C. Student D asserted that he did not leave school early often. Student A told Student D that she had been kicked out of her house.

Student D said that Student A, who was carrying a duffle bag, was taking the #3 train to East New York and wanted the two boys to accompany her. Student D explained that it was too far away for him, so he headed home, but Student C went with Student A.

When Student D returned to school the next day, his teacher questioned him about Student A, but he had no information to offer. Student D also was questioned by the police.

⁴ Student C was 13 on September 15, 2014.

Conclusion

One or more members of the school staff or SSD personnel saw each of the students exiting the building. The adults attempted to question the students, but were not able to stop them from leaving.

We did not find misconduct on the part of DOE or SSD employees and do not recommend any disciplinary action.

We are forwarding a copy of this letter to General Counsel. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding this investigation. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By:


Regina A. Loughran
First Deputy Commissioner

RJC:RAL:ss

c: Courtenaye Jackson-Chase, Esq.