

May 30, 2012

Hon. Dennis M. Walcott
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Michael Aquino
SCI Case #2012-1697

Dear Chancellor Walcott:

An investigation conducted by this office has substantiated that 45-year-old Michael Aquino, a teacher assigned to George Westinghouse High School in Brooklyn, made inappropriate comments to three students (“Student A,” “Student B,” and “Student C”) and touched Student C in a manner which made her feel uncomfortable.¹

This investigation began on March 23, 2012, when Principal Janine Kieran contacted the office of the Special Commissioner of Investigation (“SCI”) and lodged a complaint against Aquino.

Principal Kieran told SCI investigators that she learned about the complaint from Assistant Principal Joey Arzuaga who had the three students write statements.² Kieran spoke with the students who reiterated the content of their statements and provided some additional details. Kieran then notified SCI.

SCI investigators spoke with Assistant Principal Arzuaga who said that he first received an allegation about Aquino from male Student B who initially reported that Aquino made an inappropriate comment to Student B, but then added that Aquino had made his friend, female Student C, feel uncomfortable. Arzuaga located Student C and asked her about Aquino. According to Arzuaga, Student C was “reluctant at first,” but then said that Aquino “made advances” to her during Regents week when Aquino asked Student C to go out to eat. Student C reported additional misconduct by Aquino, including inappropriate comments and the touching of her hand, but in the course of the

¹ Aquino was reassigned during this investigation.

² Principal Kieran provided the statements to SCI.

conversation with Assistant Principal Arzuaga, she brought up female Student A's name. Arzuaga spoke to Student A who also reported inappropriate comments made by Aquino. At the directive of Principal Kieran, Assistant Principal Arzuaga had the three students write statements, which he gave to the principal.

SCI investigators met with 17-year-old 11th Grader Student A who was in Aquino's 3rd and 4th period Shop class. Student A said that, in January 2012, during the 5th period – her lunch period – she stayed in Shop class for approximately 15 minutes to help one of her classmates with an assignment. When that student left, she was alone in the classroom with the teacher. Aquino approached Student A while she was working on the computer, told her to sign up for some online course, and then remarked “it's hot in here” and “take off your sweater.” According to Student A, Aquino added: “It's only me and you in here, show off your assets.”

Student A said that Student C was in her class with Aquino who often called Student C “baby.” On March 23, 2012, Student A was directed to respond to Assistant Principal Arzuaga's office and asked to write a statement about Aquino. Student A reported that, during the first marking period, she received grades in the 80s and 90s. Student A added that, as a result of his conduct, she felt uncomfortable with Aquino and often stayed away from his class; Student A now received grades in the 60s and Aquino told her that it was because she was not doing her work.

SCI investigators spoke with 17-year-old 12th Grader Student B who was not in Aquino's classes. According to Student B's schedule, he arrived during 2nd period and stayed through 7th period. Student B explained that, when he arrived at school, he put his coat in his last period class, which was in the room where Aquino was teaching during 2nd period. One day in early March when the weather was warm, Student B put his coat in Aquino's classroom and commented to the teacher that it was “too hot outside.” Aquino responded: “That's a good thing; you get to see the girls half-naked.”

Student B said that he was friends with Student C and they worked together after school. He was talking with Student C about Aquino when she told Student B that Aquino called her “baby” and made her feel uncomfortable because there was a certain inflection to his voice when he said things to Student C. Student B thought that Student C was going to report Aquino to Assistant Principal Arzuaga; on March 23, 2012, Student B was in Arzuaga's Shop class and asked whether Student C had reported anything to him. Questioned by Arzuaga, Student B told the assistant principal that it was about “a sexual thing between a teacher and a student.” Student B subsequently wrote a statement about Aquino.

SCI investigators met with 16-year-old 11th Grader Student C, a member of Aquino's Shop class and, during 10th Grade, a member of the handball team coached by Aquino.³ Student C said that, during 10th Grade, Aquino made comments to her, such as,

³ Student C did not join the handball team in 11th Grade.

“you look good today” and “those jeans look really good on you.” Student C added that Aquino started calling her “baby” and “chica” in class and it was “almost an every day thing.”⁴

Student C explained that there were only two other female students in the class and usually each girl sat next to a male. Student C said that, when she sat next to someone in class, Aquino did not bother her. Student C added that other students likely did not hear Aquino make comments to her because he did so when she sat alone in class. According to Student C, the situation with Aquino “evolved” during Regents week in January 2012, when he asked her to go out to eat and to the movies. Student C said that Aquino made the offer two or three times and she refused it on each occasion.

In Shop class in February 2012, she asked Aquino for help while she was working on the computer. In response, with Student A’s hand on the mouse, Aquino put his hand on top of hers, but she pushed Aquino’s hand away. Student C said that this was the only time Aquino touched her. According to Student C, although Aquino never asked for her phone number, one day when he was leaving class, Aquino put his hand by his ear, demonstrated holding a phone, and said “call me.”⁵

Student C did not know what to do about Aquino and spoke with a co-worker at her after school job, Student B, who convinced Student C to report Aquino’s conduct. Student C explained that, when Assistant Principal Arzuaga asked her about Aquino, she decided to report him. Student C told investigators that her grades in Shop class were in the 80s and 90s and had stayed the same after she made a report about Aquino.

SCI investigators interviewed two students (“Student D” and “Student E”) chosen at random. Student D, a 16-year-old male, was in Aquino’s 11th Grade 3rd and 4th period Shop class. Student D said that he did not hear Aquino make any inappropriate comment in class. Student D added that he did not see Aquino touch any student inappropriately. Student D reported that there were not many female students in his class, but Aquino treated the males and the females the same way.

Student E, a 15-year-old female, was in Aquino’s 2nd period 10th Grade Shop class. Student E said that she did not hear Aquino make any inappropriate comment during class. Student E added that Aquino called the students by their first names. Student E did not see Aquino touch any student inappropriately. According to Student E, there were five females out of 28 students in the class and Aquino treated the males and the females in an equal manner.

In an interview with investigators from this office, Michael Aquino said that he had been a Shop teacher at Westinghouse High School since 1991. Aquino denied the allegations. Aquino said: “Personally, I don’t address students like that.” Specifically,

⁴ Translated from Spanish, “chica” means female or girl.

⁵ Student C said that she usually was the last student to leave the class.

Aquino denied calling students “baby” or “sweetheart.” Aquino also denied telling a female student that she looked good in her jeans. Aquino acknowledged referring to students as “chico” and “chica” and explained that he was Spanish and used those words. Aquino denied commenting, in response to a student’s statement about the heat, “that’s a good thing; you get to see the girls half-naked.” Aquino also denied telling a female student to take off her sweater and to show off her “assets.” Aquino further denied demonstrating holding a phone to his ear and asking a female student to “call me.” Aquino denied putting his hand over a female student’s hand on a computer mouse. Aquino asserted that he did not touch any student inappropriately. Aquino also denied asking a student to the movies or out to eat with him. Aquino did not know why students would make up allegations against him.

It is the recommendation of this office that appropriate disciplinary action be taken against Michael Aquino.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the New York State Education Department for whatever action it deems appropriate. 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 Michael Aquino. 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.
Theresa Europe, Esq.