

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

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

Re: Unsupervised Children

Dear Chancellor Fariña:

In 2014, the office of the Special Commissioner of Investigation for the New York City School District (“SCI”) noted a significant increase in the number of complaints received which involved children who were left unsupervised. During the first four months of 2015, this disturbing trend continued. The Commissioner of the Department of Investigation (“DOI”) and the Special Commissioner met twice with Chancellor Carmen Fariña and her Chief of Staff. The first meeting was to inform the Chancellor of the increase in reported incidents and the second meeting was to learn what steps the New York City Department of Education (“DOE”) would take to address the problem.

The allegations were diverse, but shared the common element of an adult – sometimes more than one – employed by the DOE who failed to supervise children in some way. The overwhelming number of these children were not harmed, although often they were in harm’s way. The complaints ranged in severity from classes left unattended for short periods of time and children left behind in a classroom or a bathroom when their peers were escorted to lunch or to gym or to dismissal, to children dismissed to the wrong adult, children put on the wrong bus or left on a bus, and children who walked out of the building or schoolyard to head home alone or to another destination – sometimes crossing major thoroughfares along the way.

The Complaints

It is important to note that whether the actual number of incidents increased in 2014 is an open question. However, it is clear that the reporting of incidents is on the rise. In 2013, SCI received at least 159 complaints of unsupervised children, including at least 165 students who left the school building or school property. In 2014, that number increased to 279 complaints of unsupervised children and included at least 160 students who left the school building or school property.¹ Thus, in 2014, there was at least a 75% increase in complaints of unsupervised students. A number of the students in the complaints were in Pre-Kindergarten (“Pre-K”) through 3rd Grade, or were Special Needs children. A likely reason for the spike in reporting is the tragic incident involving Special Needs student Avonte Oquendo in October 2013.

Complaints of unsupervised children continued to be reported. In the first four months of 2015, SCI received at least 142 complaints of unsupervised children, compared to 78 during the first four months of 2014. From January through April 2015, at least 69 students, including a number who attended Pre-K through 3rd Grade, left the school building or school property.

More than one million students attend New York City public schools each day. As the DOE continues to implement full day Pre-K for all four-year-old children, the student population will continue to grow.

The biggest vulnerability seems to be that there are not enough people paying sufficient attention to the comings and goings of the children, particularly the younger children. Special Needs students also are at risk. The following is a sampling of complaints of unsupervised children, which were received at SCI in 2014:

- In January 2014, a Kindergarten student was placed in a car service vehicle which was at the school to pick up another child. The unidentified driver drove away, but returned to the school about 10 minutes later when he realized he had the wrong passenger.
- In February 2014, a 1st Grade student left the lunch line in the cafeteria, walked out of the school, and went home – about an eight minute walk. The school only learned the boy’s whereabouts when his mother notified the school.
- In February 2014, a Kindergarten student walked out of class, out the front door of the school, and went home. The boy’s father returned him to the school.

¹ Some of the complaints involved entire classes comprised of an unknown number of students.

- In February 2014, the sister of a developmentally delayed five-year-old student reported that the boy was not placed on the school bus at dismissal time; rather, he was brought home by an unidentified man who found the child outside the school.
- In March 2014, a Kindergarten student walked out of the school and went home unescorted. The mother returned the student to the school.
- In April 2014, a 12-year-old emotionally disturbed Special Education student walked out of a District 75 site and was missing. The student traveled on the subway for some time and eventually showed up at her former school.
- In May 2014, a Pre-K student was placed on the wrong school bus and, at 6:30 p.m., her father took a taxi to the bus's last stop to pick up the girl.
- In May 2014, a 2nd Grade student ran out of the school auditorium, where he was waiting for his parent who was late. No one realized the child was missing until the mother arrived. Camera footage showed the student running out a side door of the school. New York City Police Department ("NYPD") Officers, who happened to be in the building, searched the area with mother; the student was found in a nearby park, playing basketball.
- In June 2014, during a school trip, a Kindergarten student was left behind at a Chuck E. Cheese's; parents left the bus to return to the restaurant to locate the child.
- In June 2014, at dismissal, a 2nd Grade student was placed on a bus, although she did not take the bus. The child exited the bus and boarded a City bus; she was missing for several hours before being found by the NYPD.
- In September 2014, a 1st Grade student walked off the dismissal line; he was found by his mother, about a block from the school.
- In October 2014, a 3rd Grade student walked off the dismissal line and away from the school before his mother arrived to pick him up. The NYPD found the boy about an hour later; he was in a candy store.
- In October 2014, a 1st Grade student was released to an unknown male before the boy's father arrived to pick him up. A karate instructor later returned the student to the school when he realized he had the wrong child.
- In October 2014, when the mother of a Pre-K student arrived to pick him up at dismissal, she found the boy in the street outside the school.
- In November 2014, a 3rd Grade student left the school through the front door and walked several blocks to his babysitter's residence.

- In December 2014, an adult female, who was looking out her apartment window, noticed a small child sitting outside, in the yard of the neighboring school, without any supervision. The female went down to the little girl who was crying for “Mommy.” When the female spoke with the principal, she learned that the child was a three-year-old Pre-K student and there was no immediate explanation for the girl being left alone outside.
- In December 2014, a Kindergarten student, tired of waiting for the after school program to begin, left the building. About two hours later, staff at a local C-Town Supermarket contacted the school to report that the child was found alone in the store.

Over all, after our referrals on the above 17 cases, nine matters ended in discipline and two more are ongoing. Specifically, three complaints were referred to the DOE Office of Special Investigations (“OSI”) which opened investigations. One was unsubstantiated; the DOE took disciplinary action against employees in the other two cases which were substantiated. Fourteen complaints were referred to the School Safety Division (“SSD”) of the NYPD; in 13 of those cases, the NYPD declined to take a case: one was referred to the DOE Office of Pupil Transportation (“OPT”), one was referred to the Charter School where the incident took place, and 10 were referred to OSI. SCI is monitoring the one case being handled by the NYPD and SCI investigated the final case with substantiated findings which were sent to the Chancellor; action is pending. The matter handled by OPT was unsubstantiated and the matter handled by the Charter School resulted in letters to file for three staff members. Of the 10 cases handled by OSI, one was open as of April 24, 2015, three were unsubstantiated, and the remaining six were substantiated and resulted in disciplinary action by the DOE. The disciplinary action included letters to file, fines, termination of employment, and problem codes to preclude future employment.

While the DOE appears to be taking appropriate disciplinary action in many of the individual matters referred by SCI, given the number of incidents and the apparent serious nature of many of them, SCI sought to determine how the DOE was responding to the situations being reported to SCI on a systemic basis.

Security at the Hunters Point Campus

SCI reviewed the security at the Riverview School on the Hunters Point Campus, in Queens, to determine what, if any, changes had been made since October 2013, when Special Education Student Avonte Oquendo ran out of the school and went missing until January 2014, when his remains were found washed ashore. According to District 75 Superintendent Gary Hecht:

- Administrators from all schools in the building now have access to camera footage;
- NYPD SSD personnel were trained in emergency management;
- DOE paraprofessionals and SSD staff members received training about Special Needs students;
- A building response team was established;
- Door alarms were installed; and
- All newly hired paraprofessionals are required to attend a safety workshop held at the district level.

Security Measures in Other Schools

Alarms

In accordance with Local Law 36, also known as “Avonte’s Law,” each principal – in collaboration with the custodian and the DOE School Safety Borough Command – must determine whether or not to install door alarms on any or all exterior doors.

According to DOE Division of School Facilities (“DSF”) Executive Director William Estelle, DSF and the DOE Office of Safety and Youth Development (“OSYD”) were surveying the use of door alarms and were planning to install door alarms in essentially all elementary and District 75 school facilities. To date, more than 1,500 elementary and District 75 buildings have been surveyed to provide information to assist in the decision process.

Alarms would be installed in doors which lead to the street. The alarms will not be connected to a video surveillance system. The DOE will not begin the alarm installation program until the spring of 2015, and it will take several years to complete the elementary schools and Special Education sites.

Camera Systems

Executive Director Estelle informed SCI that all DOE high schools currently are equipped with surveillance cameras and monitors to observe all entrance and exit doors.

According to Robert Weiner, the Chief Operating Officer at OSYD, as of September 15, 2014, the Internal Protocol Digital Video Surveillance System has been implemented successfully in 519 buildings, serving 884 schools, with a total of 22,955 cameras on line. The projects currently under construction were expected to increase the totals to more than 600 buildings serving more than 1,000 schools by September 2015.

The SCI Survey

SCI surveyed 37 of its investigators, who are in DOE schools on a daily basis, regarding their observations of NYPD SSD Agents (“SSAs”) in the schools. Thirty-three of the 37 said that the SSAs were in a position to see who entered and left the building; the remaining four answered “sometimes.” Thirty-five of the investigators responded that the SSAs appeared to be attentive and watched who was coming and going; the remaining two answered “sometimes.”

Recommendations

As noted above, the DOE has begun the process of placing alarms in all elementary and District 75 schools. This is perhaps the most important safety step that can be undertaken and the project should be completed as swiftly as possible. The DOE has informed us that it has begun a pilot door alert program: every time an outside door is open, a text message is sent to a senior school staff member and is synched to a school video monitor. We look forward to seeing the results of this pilot program and, if successful, its expansion.

In addition to these changes, we recommend several other steps, listed below. The DOE informs us that it agrees with these additional steps and will begin to implement them. SCI and DOI have sought the cooperation of the NYPD for those recommendations which involve the NYPD SSD.

SCI recommends that, as was implemented at the Riverview School on the Hunters Point Campus following the Avonte Oquendo tragedy, administrators from all schools in a building be given access to camera footage.

SCI recommends that the NYPD evaluate the staffing needs, for the SSAs assigned to the schools, on a school by school basis and adjust the assigned personnel as necessary.

SCI recommends that NYPD SSD personnel receive training which includes problems, hazards, or other issues which are specific to the school where they are assigned.

SCI recommends that the DOE consider recruiting teachers and other staff members to patrol hallways, “cutting” areas, exits, and outside the building during free periods.

Many of the complaints stem from incidents at dismissal time. To the extent possible and necessary, schools should add personnel to the staff assigned to dismissing the students.

It is worth reminding school staff to be vigilant in supervising children, particularly the youngest and most vulnerable students.

We are forwarding a copy of this letter to DOE General Counsel. Should you have any inquiries regarding the above, please contact SCI 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,

MARK G. PETERS
Commissioner of the
Department of Investigation

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

By:



Regina A. Loughran
SCI First Deputy Commissioner

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c: Courtenaye Jackson-Chase, Esq.