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

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July 6, 2015

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

Re: Choking Death  
P368@P293 in Brooklyn  
SCI Case #2014-5961

Dear Chancellor Fariña:

An investigation conducted by this office has determined there was no misconduct on the part of any Department of Education (“DOE”) employee in connection with the accidental death by asphyxiation of a 21-year-old ungraded Autistic student, Dyasha Phelps Smith (“Dyasha”), who attended P368@P293 in Brooklyn.<sup>1</sup>

This investigation began on October 28, 2014, when Assistant to the Superintendent of District 75 Vicki Hoffman contacted the Office of the Special Commissioner of Investigation (“SCI”) and reported learning that Dyasha grabbed a muffin from a classroom closet, placed it in her mouth, choked, and became unconscious. Emergency Medical Services (“EMS”) responded to the scene and transported Dyasha to New York Methodist Hospital where Dyasha was pronounced Dead On Arrival.

That same day, P368 Assistant Principal Henry Renelus reported to SCI that Dia Rountree was the one-to-one paraprofessional assigned to Dyasha. Assistant Principal Renelus added that Rountree and Teacher Melissa Sundaram were in the classroom at the time of the incident.

SCI investigators attempted to speak with P368 Principal Joycelyn Nedd who declined to be interviewed without union representation. However, Children First Network 754 Network

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<sup>1</sup> No one was reassigned as a result of this investigation.

Leader Arthur Fusco was present in the office with Nedd and Fusco provided the assigned investigator with a copy of the Occurrence Report regarding the incident, Dyasha's "Functional Behavioral Assessment Review," and her Individual Education Program.

Fusco also gave the investigators an e-mail message he sent to Hoffman, dated October 29, 2014, to report some basic information: Dyasha was in class Y23. Melissa Sundaram was the teacher. Simone Williams, Gloria Pemberton, Dia Rountree, and Leonardo Estevez were paraprofessionals in the classroom. Dia Rountree became Dyasha's 1:1 Crisis Para on September 8, 2010. There were four other named students in the class. Leonardo Estevez and Simone Williams were at lunch at time of the incident. The incident occurred on Tuesday, "September" [sic] 28, 2014 at 11:55 a.m. and "Ms. Melissa Sunderam [sic] (teacher) Ms. Dia Rountree and Ms. Gloria Pemberton were the responsible staff of Room # 163A."

SCI investigators spoke with Nurse Practitioner Elizabeth Quint in the presence of her supervisor, Dr. Forrester Dumont. Quint said that she had been the school nurse at P293 for four years. Quint was a contracted nurse from SUNY Downstate Medical Center and was the only nurse assigned to the building.

On October 28, 2014, at approximately 12:00 p.m., Quint went to Dyasha's classroom to administer the girl's medication. When Quint entered the classroom, Dyasha was standing near a desk. Quint did not recall seeing anything on the desk. Quint thought that Rountree was standing next to the classroom door as Quint entered the classroom, and Sundaram was in the classroom, but no one else was in the classroom. As Quint began walking toward Dyasha, someone – Quint thought it was Rountree, but everything happened so quickly and her attention was focused on Dyasha – said that Dyasha was choking. Quint saw that Dyasha was standing either in the middle or the back of the classroom, was moving around, began fanning both of her hands over her face, and was making sounds.

Quint reported that she performed the Heimlich Maneuver on Dyasha. As Quint was doing so, two male staff members, Christian and Boadu, entered the classroom and assisted her. Christian also performed the Heimlich Maneuver on Dyasha. Quint said that Dyasha became unconscious and she placed her on the floor. Quint saw something in the back of Dyasha's throat, removed a "little pasty matter" from Dyasha's throat, then performed CPR. Quint added that several staff members had entered the classroom and she pointed to one of them to call 9-1-1. EMS arrived several minutes later.

An attorney contacted SCI and advised the assigned investigator that he was representing Paraprofessional Dia Rountree, Paraprofessional Gloria Pemberton, Paraprofessional Leonardo Estevez, and Paraprofessional Simone Williams.

Another attorney contacted SCI and advised the assigned investigator that she was representing Teacher Melissa Sundaram.

SCI investigators interviewed Paraprofessional Dia Rountree in the presence of her attorney. Rountree had been a paraprofessional employed by the DOE since 1985, had been assigned to P368 for 10 years, and had been Dyasha's one-to-one paraprofessional for five years. Rountree also escorted Dyasha to and from school on the school bus.

Rountree said that Dyasha was assigned to Sundaram's class in Room 163A. On a daily basis, when they arrived at school, Rountree escorted Dyasha to her classroom. Shortly thereafter, Rountree escorted Dyasha to the lunchroom for breakfast. After breakfast, Rountree escorted Dyasha back to the classroom. Rountree added that there were "six" students, including Dyasha, and four paraprofessionals – Pemberton, Estevez, Williams, and Rountree – assigned to Sundaram's class.<sup>2</sup>

Rountree described Dyasha's daily routine as consistent. At approximately 9:30 a.m., all the students in Sundaram's class were taught numbers and practiced Yoga. At approximately 10:00 a.m., the students continued their lessons and practiced movement. At approximately 11:00 a.m., the students had snacks. At approximately 11:30 a.m., the students had Music. Rountree said that all the students remained in the classroom until approximately 12:15 p.m., when the students were escorted to the cafeteria for lunch.

Rountree confirmed that Nurse Quint came to the classroom every day shortly before lunch to give Dyasha her medication.

Rountree explained that Dyasha was non-verbal. Rountree added that Dyasha was aggressive, would run around the classroom, and would try to bite and hit the staff members and students.

On the day of the incident, shortly before 12:00 p.m., Dyasha became aggressive. Rountree said that Dyasha started running around the classroom and began grabbing at the other students. Rountree added that the other students were removed to the classroom next door for their safety because this was "a crisis" situation. Sundaram stood in the doorway of the classroom as Pemberton and Rountree passed the students to Sundaram one by one.

Rountree said that, as the students were being led next door, Quint arrived at the classroom to administer Dyasha's medication. Quint had a cup of water and the student's pills in her hand. Dyasha was standing next to the window, facing the window. Rountree called Dyasha's name and she turned around. Rountree explained that Quint went over to Dyasha and handed her the cup of water, but Dyasha would not take it. Rountree told Dyasha to take the water, but she would not take it. Rountree described Dyasha as still moving around. At that point, Rountree knew something was wrong with Dyasha by the look on her face. Rountree said to Quint: "I think that she is choking." Quint told Rountree to calm down. Quint again tried to hand Dyasha the cup of water, but she would not take it. Rountree heard Dyasha gasp and Quint performed the Heimlich Maneuver on Dyasha. Rountree left the classroom to inform Unit Coordinator Nadine Remy, "I think that Dyasha is choking."

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<sup>2</sup> There were only five students assigned to the class.

Rountree explained that Williams and Estevez were on their lunch break and were not in the classroom during the incident.

According to Rountree, all the paraprofessionals in Sundaram's class took turns purchasing snacks for the students. The snacks usually consisted of individual sleeves of crackers, goldfish, chips, cookies, and juice and were kept in the cabinet above the sink. Rountree explained that the cabinet used to be locked, but at the end of the previous school year, Dyasha broke the lock on the cabinet. Rountree asserted that she pointed out the broken lock on the cabinet to a custodial worker, identified as "Mo," and Mo responded that "he would see what he could do." Rountree added that the lock had yet to be fixed.

Rountree did not recall the particular snack Dyasha had on the day of the incident. Rountree said that, after the students finished their snacks, she did not recall seeing any food left on any of the desks. Rountree added that Dyasha could eat snacks on her own and Dyasha would try to take snacks away from the other students.

SCI investigators interviewed Custodian Engineer Richard Aureli who explained that, to make a repair request, a staff member came to his office or called him on the phone to report a repair that needed to be made. Aureli said that he recorded all such reports in his repair request journal.

In the presence of the investigators, Aureli reviewed his repair request journal for the 2013-2014 school year. Aureli responded that no request was made to repair a broken cabinet or closet in Room 163A. Aureli added that, had he received such a request, he definitely would have fixed it. Aureli reported that his custodial helpers were Thomas Davin and Mohammad Al-Matheel who was known as Mo.

SCI investigators interviewed Custodial Helper Thomas Davin who said that no one at the school ever asked him to repair a broken lock on a cabinet or closet in Room 163A.

SCI investigators interviewed Custodial Helper Mohammad Al-Matheel who confirmed that he was known as Mo. Al-Matheel said that Rountree never asked him to repair a broken lock on a closet or cabinet in Room 163A.

SCI investigators visited P368@P293 and photographed Room 163A, including the cabinets above the sink. The cylinder on one of the doors was broken.

SCI investigators interviewed Teacher Nadine Remy, the unit coordinator, in the presence of her attorney. Remy was the administrative liaison at P368@P293 and was in charge of the site whenever Principal Nedd and Assistant Principal Henry Renelus were not in the building.

Remy said that, during the incident, she heard a commotion in the hallway, she saw Rountree in the hallway, and she asked Rountree what was going on. Rountree responded that

she thought Dyasha was choking. Remy instructed a staff member to call 9-1-1. Remy also heard several staff members calling 9-1-1.

Remy entered Dyasha's classroom and Sundaram said there was something in Dyasha's mouth. Nurse Quint was in the classroom and Quint told Dyasha to spit it out. Quint then commented: "I think that Dyasha is choking." Remy saw Quint walk behind Dyasha and apply the Heimlich Maneuver. Remy said that Dyasha was still alert until she fell to the floor.

Remy explained that Nedd and Renelus were not in the building during the incident, but she contacted each of them, and informed them that Dyasha was choking.

SCI investigators interviewed Paraprofessional Gloria Pemberton in the presence of her attorney. Pemberton was a one-to-one paraprofessional whose assigned student was in Sundaram's class. Pemberton said that, shortly before lunch on the day of the incident, Dyasha became extremely active and started hitting Sundaram in the face. Pemberton had just returned from lunch and she helped Sundaram and Rountree escort the other students out of the classroom, but Dyasha remained in the classroom. Pemberton said that Estevez came back from lunch and he also helped escort the other students out of the classroom. According to Pemberton, Rountree was standing by the classroom door as the students were being escorted out. Pemberton left the classroom to take her student to the bathroom. Pemberton added that, when she came out of the bathroom, she heard School Safety Agents calling 9-1-1.

SCI investigators interviewed Paraprofessional Simone Williams in the presence of her attorney. Williams was the classroom paraprofessional assigned to Sundaram's class. Williams said that there were five students in the class and she worked with all of them.

On the day of the incident, Williams went to lunch around 11:15 a.m., and returned around 12:00 p.m. When Williams arrived at the classroom, Sundaram was standing outside the classroom door, and Rountree and Dyasha were in the classroom. Williams heard Rountree say: "What is Dyasha eating?" Williams said that Dyasha was walking around and chewing something. Williams heard Dyasha give a "little cough or gasp" and then heard Rountree say that Dyasha was choking. Nurse Quint had entered the classroom and Quint had a cup of water and Dyasha's pills in her hand. Rountree ran out of the classroom screaming that Dyasha was choking. Quint said, "let's sit Dyasha down," and Williams held Dyasha's hand to keep her still. Williams explained that Quint then proceeded to perform the Heimlich Maneuver on Dyasha. Williams added that other staff members entered the classroom and assisted Quint.

SCI investigators interviewed Paraprofessional Leonardo Estevez in the presence of his attorney. Estevez was a one-to-one paraprofessional assigned to a student in Sundaram's class. On the day of the incident, Estevez went to lunch around 11:15 a.m. and, when he returned to the classroom, he saw Dyasha running around the room. Estevez did not enter the classroom because he learned that his student was in the classroom next door.

SCI investigators interviewed Assistant Principal Henry Renelus in the presence of his union representative. On the date of the incident, Renelus was not present at the school, but was working at another site in Brooklyn. Renelus confirmed that Remy was in charge when he and Principal Nedd were not in the building.

Assistant Principal Renelus reviewed his cell phone log for October 28, 2014, and reported:

- At approximately 12:13 p.m., he received a call from Nedd who informed him that Remy just called to report that Dyasha was choking on a muffin. Nedd also informed Renelus that EMS had been called;
- At approximately 12:15 p.m., Renelus received a call from Remy who informed him that she believed that Dyasha had choked on a muffin;
- At approximately 12:36 p.m., Renelus called Dyasha's mother, Catherine Smith, and informed her that EMS had been called to the school to take Dyasha to Methodist Hospital and Smith needed to go to the hospital. Renelus asked whether Smith had someone who could drive her to the hospital or whether she had to take public transportation. Renelus told Smith that he would follow up with her and he asked whether she had a cell phone. Smith responded that she did not have a cell phone;
- At approximately 12:50 p.m., Renelus called Smith again. Smith informed Renelus that she had borrowed a cell phone and her daughter was going to drive her to the hospital; and
- At approximately 12:56 p.m., and at 1:00 p.m., Renelus spoke to Smith again.

Renelus explained that he arrived at the school at approximately 2:00 p.m., and Dyasha already had been transported to the hospital.

New York City Police Department ("NYPD") Detective Daniel Bonilla, assigned to the 76<sup>th</sup> Precinct, informed the assigned SCI investigator that the cause of Dyasha's death was accidental due to asphyxiation.

SCI investigators interviewed Teacher Melissa Sundaram in the presence of her attorney. Sundaram had been a teacher at P368@P293 for three years. Sundaram taught a 6:1:1 class, but only five students were assigned to her class. Sundaram said that there were four paraprofessionals assigned to her class, including three – Pemberton, Rountree, and Estevez – who were one-to-one paraprofessionals assigned to specific students; Rountree was assigned to Dyasha. The fourth, Williams, was the classroom professional.

Sundaram said that, generally, the students arrived at school around 8:20 a.m., and reported to their classrooms. Sundaram described the daily routine of her students as:

- At 8:20 a.m., the students hung up their coats and put their backpacks in the coat closet;
- At approximately 8:30 a.m., the students were escorted to the Gym;
- At approximately 9:00 a.m., the students were escorted to the lunchroom for breakfast;
- At approximately 9:20 a.m., the students returned to the classroom;
- At approximately 9:25 a.m., the students did walking and Yoga exercises;

- At approximately 10:00 a.m., the students worked on communication skills;
- At approximately 11:00 a.m., the students had snacks;
- At approximately 11:15 a.m., the students went over current and social events; and
- At approximately 12:00 p.m., the students went to lunch.

Sundaram explained that the students had an organized snack period and all snacks were cleaned up from the desks when the snack period was over. Sundaram said that, generally, the students brought in snacks from home. Sundaram added that the students brought in a variety of foods for snacks, including rice, beans, tomatoes, chips, cheese, crackers, and drinks. The students who did not bring in snacks were given tortilla or potato chips from the school cafeteria. According to Sundaram, last year, Dyasha's mother stopped providing snacks for Dyasha.

Sundaram confirmed that the snacks the staff gave to students were kept in a locked cabinet located above the sink, but Dyasha broke the lock on the cabinet a "couple of weeks ago" when she attempted to take snacks out of the cabinet. Sundaram said that she reported the broken lock on the cabinet to Remy. Sundaram acknowledged that the lock on the cabinet had not been fixed.

Sundaram described Dyasha as non-verbal and motivated by food. Sundaram explained that Dyasha would try to take food from the other students. Sundaram added that Dyasha did not like to sit and liked to walk or run around the classroom. At approximately 11:55 a.m. on the day of the incident, the class went into "crisis" mode because Dyasha was trying to bite and hit Sundaram. Sundaram explained that, during a crisis, all of the students, except for the student in crisis, were removed to the classroom next door for their safety. Thus, the students, except for Dyasha, were removed to the classroom next door. At that time, the nurse entered the classroom to give Dyasha her medication and Dyasha and Rountree were in the classroom. Sundaram said that she and the nurse were standing in the doorway of the classroom when she heard Rountree shout: "She is choking."

Sundaram confirmed that the nurse performed the Heimlich Maneuver on Dyasha. The nurse then placed Dyasha on the floor and performed CPR. Sundaram said that it appeared to be a "bread product" in Student A's mouth. The nurse shouted for a "device" and, although Estevez went to the nurse's office to get it, he came back empty handed.

Sundaram then responded to the nurse's office where she came upon two women and asked for the device because the nurse needed it. Sundaram did not know what device the nurse was requesting. One of the women instructed Sundaram to calm down and to stop shouting. The women told Sundaram that they did not know what device she was talking about and, if the nurse needed the device, then she should come and get it. Sundaram returned to her classroom and found EMS and the NYPD on the scene.

SCI investigators interviewed Dyasha's mother, Catherine Smith, in the presence of her attorney. Her daughter, Lynette Smith, also was present. Smith acknowledged that Rountree

had been Dyasha's one-to-one paraprofessional for four years and escorted Dyasha to and from school on the school bus.

Smith said that Dyasha ate breakfast and took medication at home before heading to school. Smith explained that Dyasha was gaining weight and, last year, she stopped sending snacks to the school. Smith added that the school nurse administered medication to Dyasha once a day.

According to Smith, Dyasha had "no self-awareness of food" and had to be watched. Smith explained that Dyasha liked to stuff food in her mouth and would try to eat everything at once. Smith confirmed that Dyasha could not sit still and that she liked to move around.

At approximately 12:10 p.m. on the day of the incident, Smith received a telephone call from a parent who said that something bad appeared to have happened to Dyasha. At approximately 12:30 p.m. that day, Smith received a call from the male assistant principal who reported that something had happened to Dyasha and she "was not responding to breathing." The assistant principal said that Dyasha was eating a muffin. The assistant principal told Smith not to go to the school, but to respond to the hospital. Smith said that the assistant principal called her a second time a short while later.

When Smith arrived at the hospital, Principal Nedd, Remy, and another administrator were there. Smith asked them what happened to Dyasha, but they did not say anything. Smith reported that Dyasha already had passed away by the time she arrived at the hospital.

SCI investigators interviewed Principal Joycelyn Nedd in the presence of her union representative. Nedd had been the principal at the school since August 2011. Nedd confirmed that Dyasha was in a 6:1:1 class, but there were only five students in the class. Nedd also confirmed that Rountree was Dyasha's one-to one paraprofessional.

On the date of the incident, Nedd was working at the main P368 site. Nedd said that Renelus was in charge of the site at P293 when she was not there and Remy was in charge of the site when Nedd and Renelus were not in the building.

At approximately 12:10 p.m. on the day of the incident, Nedd received a call from Remy who reported that Dyasha was choking on a muffin. Remy told Nedd that the nurse was working on Dyasha and that 9-1-1 had been called. Nedd subsequently contacted Network Leader Arthur Fusco and informed him that Dyasha had choked on a muffin.

Nedd left the main site to respond to P293. When she arrived at the school, Nedd went directly to Dyasha's classroom, but EMS did not permit her to enter. Nedd asked Sundaram what happened and she responded that Dyasha had "choked on a muffin." According to Nedd, Sundaram used her finger to draw a circle on the palm of her hand to demonstrate the size of the muffin. Nedd asked where Dyasha got the muffin and Sundaram answered that Dyasha "got it from the closet." Sundaram also informed Nedd that the lock on the closet was broken.



Nedd said that the ambulance took Dyasha to Methodist Hospital. Nedd added that Remy was not permitted to ride in the ambulance with Dyasha, but Remy followed the ambulance to the hospital. Fusco arrived at the school shortly after 1:00 p.m., and he drove Nedd to Methodist Hospital.

Nedd completed the "Occurrence Report" based on the information which was provided to her by Remy and Sundaram. In the report, Nedd indicated that Dyasha "grabbed a muffin from the closet, put the whole muffin into her mouth, began to choke and then lost consciousness."

SCI investigators interviewed School Safety Agent ("SSA") Level 3 Supervisor Gittens who said that, at the time of the incident, she was patrolling the hallway outside of Dyasha's classroom and saw the nurse performing the Heimlich Maneuver on Dyasha. SSA Gittens radioed Central Command and told them to call for an ambulance. SSA Gittens also called for an ambulance. SSA Gittens added that entries were made in the P293 Campus School Safety Division Command Log Book pertaining to the incident.

Lieutenant Greacia Herdsman from the School Safety Division Brooklyn South Command subsequently provided SCI with pages from the P293 Campus School Safety Division Command Log Book, for October 28, 2014, pertaining to the incident. The description of the incident from the 1210 entry indicated: "Lvl 1 Lesane Lvl 1 Ash Lvl 3 Gittens responded to Rm 163A for Star Academy Student Dyasha Smith 7/31/03 [*sic*] 21 yrs choking on food nurse performed hemlich [*sic*] remover [*sic*] on student EMS contacted, by nurse Quint."

SCI investigators interviewed Paraprofessional Festus Boadu in the presence of his attorney. During the incident, Boadu was two doors down from Sundaram's classroom. When Boadu heard a commotion in the hallway, he entered Sundaram's classroom, and saw the nurse performing the Heimlich Maneuver on Dyasha. Boadu helped the nurse place Dyasha on the floor and the nurse then applied chest compressions. Boadu confirmed that he also applied chest compressions.

Boadu said that the nurse asked for what he believed was the Automated External Defibrillator, known as an AED, and someone brought it in. Boadu added that the police and the fire department subsequently arrived and cleared the classroom.<sup>3</sup>

SCI investigators interviewed Paraprofessional Devon Christian in the presence of his attorney. During the incident, Christian was walking past Sundaram's classroom and saw the nurse performing the Heimlich Maneuver on Dyasha. Christian said that the nurse "looked exhausted." Christian entered the classroom to help the nurse and he performed the Heimlich Maneuver on Dyasha. Christian added that Dyasha's knees started to buckle and he helped the nurse place Dyasha on the floor.

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<sup>3</sup> The P293 Campus School Safety Division Command Log Book, for October 28, 2014, entry at 1235 indicated: Defibrillator taken from main entrance to Rm 163A.

SCI investigators re-interviewed Paraprofessional Leonardo Estevez in the presence of his attorney. Estevez said that, when he returned from lunch the day of the incident, he did not enter classroom 163A. According to Estevez, the nurse did not ask him to go to her office to get a device.

SCI investigators re-interviewed Nurse Practitioner Elizabeth Quint who confirmed that, during the incident, several staff members entered Sundaram's classroom. Quint said that she asked one of the staff members to go to her office to get her "AMBU Bag," meaning the Air-Shields Manual Breathing Unit. Quint added that her administrative assistant brought the AMBU Bag to her.

SCI investigators re-interviewed Paraprofessional Dia Rountree in the presence of her attorney. Rountree said that, on the day of the incident, she informed Remy that Dyasha was choking. Rountree acknowledged that it was "possible that during the time of the incident I heard other staff members who were in the hallway mention that Dyasha was choking on a muffin." However, Rountree did not recall telling anyone that Dyasha was choking on a muffin. Rountree added that she did not recall which custodial employee she told about the broken lock on the cabinet above the sink in Room 163A.

SCI investigators re-interviewed Unit Coordinator Nadine Remy in the presence of her attorney. During the incident, Remy encountered Rountree in the hallway and Rountree told her that Dyasha was choking. Rountree did not tell Remy that Dyasha was choking on a muffin. Moreover, Remy reported to Principal Nedd and Assistant Principal Renelus that Dyasha was choking and not that Dyasha was choking on a muffin. Remy explained that when she was in the hallway during the incident, she heard someone say that Dyasha had choked on a muffin.

According to Remy, Sundaram never informed her about the lock on the cabinet above the sink in her classroom being broken and needing repair.

SCI investigators re-interviewed Teacher Melissa Sundaram in the presence of her attorney. Sundaram said that she did not have a conversation with Principal Nedd on the day of the incident. Sundaram vehemently denied telling Nedd that Dyasha had choked on a muffin and denied drawing a circle on her hand to demonstrate the size of the muffin. Sundaram also said that she did not tell Nedd about the lock on the cabinet above the sink in her classroom being broken.

Sundaram added that she had a conversation with Assistant Principal Renelus on the day of the incident in the presence of Rountree and Pemberton. Sundaram asserted that she told Renelus that Dyasha "had choked on something." According to Sundaram, during the incident, there were a lot of staff members crying, shouting, and screaming in the hallway. Sundaram heard the word muffin mentioned in the hallway. Sundaram said that the broken lock on the cabinet door had yet to be fixed.

July 6, 2015

SCI investigators re-interviewed Assistant Principal Henry Renelus in the presence of his union representative. On the day of the incident, Renelus had a conversation with Sundaram and other staff members in her class. Sundaram informed Renelus that Student A had put something in her mouth and was choking. Renelus said that Sundaram mentioned some type of food product. Sundaram also told Renelus that the nurse entered the classroom and performed the Heimlich Maneuver on Dyasha.

The investigation did not confirm that the substance Dyasha choked on was a muffin or that it came from the cabinet with the broken lock.

As stated at the beginning of this report, SCI has determined that no DOE employee was at fault in connection with the tragic death of Dyasha Smith.

We refer our findings for your information.

We are forwarding a copy of this report 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. 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.