

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

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July 21, 2014

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

Re: High School for Mathematics,  
Science and Engineering at CCNY  
SCI Case #2014-3438

Dear Chancellor Fariña:

On May 29, 2014, 17-year-old Omotayo Adeoye left a classroom at the High School for Mathematics, Science and Engineering at City College in Manhattan, abandoning her belongings, walked out of the school, headed to the Hudson River, and jumped in, committing suicide. This office has concluded an investigation into an alleged incident which preceded Omotayo's death.<sup>1</sup> Our findings are reported here.

On May 30, 2014, Superintendent Laura Feijoo contacted the office of the Special Commissioner of Investigation ("SCI") by e-mail and reported that a reporter for the New York Post alleged that, shortly before Omotayo committed suicide, a teacher at the school caught her cheating and "chided" the girl.

Although she provided documents, Principal Crystal Bonds declined to be interviewed without a union representative present. Teacher Eva Malikova, who taught the class where the alleged incident with Omotayo occurred, declined to be interviewed without representation. Teacher Benjamin Zara, a dean who took custody of Omotayo's cell phone from Malikova, declined to be interviewed without representation.

SCI investigators met with students ("Student B" through "Student L") who were present in Teacher Malikova's 5<sup>th</sup> period German class with Omotayo on May 29, 2014.

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

Student B, a 16-year-old female, said that the class took a practice test that day; Malikova read passages in German during the first part of the test and then the second part was reading comprehension.<sup>2</sup> Student B was seated in the front of the classroom and Omotayo was seated in the back of the classroom. During the first part of the test, Malikova saw Omotayo using her cell phone and asked her for it. Malikova placed Omotayo's cell phone on her desk and made a general statement to all the students: "This is a practice test and you are only hurting yourself if you cheat." According to Student B, Malikova never raised her voice and her comment was not directed toward Omotayo.

Student B added that the entire class, including Omotayo, took the second part of the test. Malikova left the room momentarily, went to the classroom next door, and gave Omotayo's cell phone to Dean Zara. Malikova collected the tests at the end of the period.

Student B was not sure whether Omotayo left the classroom before or after the period was over. Student B went to her next class, put her personal belongings in the room, then left to use the bathroom. When Student B was in the bathroom stall, Malikova entered the bathroom looking for Omotayo, but she was not there.

Student C, a 17-year-old male, was seated toward the front of the room and Omotayo was seated at the back of the room, for the prep test in German class. Student C said that, during the listening portion of the test, Malikova walked over to Omotayo and asked for her cell phone; Malikova placed the cell phone on her desk.

According to Student C, Malikova told the entire class: "There is no need to cheat on the test because the test is for you guys and not for me and the test is to benefit you." Student C added that Malikova did not raise her voice, did not berate Omotayo, and did not direct her comment toward Omotayo. The entire class, including Omotayo, took the second part of the test. Student C did not know whether Omotayo left the classroom when the period was over.

Student D, a 17-year-old male, was seated in the middle of the classroom and Omotayo was seated in the back during the practice German test. Student D said that Malikova walked over to Omotayo and asked whether she was cheating. Malikova took Omotayo's cell phone and placed it on her desk. Malikova told the entire class that she would be disappointed if anyone were cheating on the test. According to Student D, Malikova did not berate and did not chastise Omotayo. Malikova collected the tests at the end of the period. Student D did not know whether Omotayo left the classroom when the period ended.

Student E, a 16-year-old female, was seated in the front of the classroom during the practice test; the first part involved Malikova reading passages in German from a

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<sup>2</sup> Student B has turned 17.

prior Regents exam. Malikova walked over to Omotayo, told Omotayo that she could not use her cell phone during the test, and asked for the phone. Malikova placed the cell phone on her desk and then unsuccessfully attempted to call Dean Zara from the phone in the classroom. Student E said that, at some point during the class, Malikova went next door to Zara's classroom to speak with him.

According to Student E, Malikova did not raise her voice and did not reprimand Omotayo. Malikova told the entire class that there was no need for anyone to cheat on the test and that it was only a practice test. When the period was over, Student E went to the bathroom; Malikova came into the bathroom looking for Omotayo, but she was not there.

Student F, a 17-year-old male, was seated in the middle of the classroom during the practice test. During the listening portion, Malikova walked over to Omotayo and asked whether she was cheating. Malikova took Omotayo's cell phone and placed it on her desk. Malikova told the entire class that she would be disappointed if anyone cheated on the test. Malikova did not direct her comment toward Omotayo. At the end of the period, Malikova collected the tests.

Student G, a 16-year-old male, was seated in the middle of the classroom during the practice test. Malikova walked over to Omotayo, who was seated in the back of the room, and asked why she was cheating. Malikova took Omotayo's cell phone. Malikova told the entire class that there was no need to cheat and that she was disappointed. According to Student G, the answers to the prep test were online. Student G added that Malikova did not reprimand Omotayo.

Student H, a 17-year-old male, sat in the back of the classroom with Omotayo during the Regents prep test. Malikova saw Omotayo was using her cell phone during the test, walked over to her, and said: "You have to give me your phone." Omotayo relinquished her phone and told Malikova: "I am sorry." According to Student H, Malikova did not raise her voice when she was speaking to Omotayo and did not berate her. Student H added that he offered to give Omotayo the answers to the questions on the test, but she shook her head no. Malikova collected the tests at the end of the period. Right before the period was over, Student H saw Omotayo speaking with Malikova.

Student I, a 16-year-old female, was seated in the front of the classroom during the practice test. During the first part of the test, Malikova walked to the back of the classroom and asked Omotayo whether she was cheating. Malikova saw that Omotayo had her cell phone out and Malikova asked for the phone. According to Student I, Omotayo told Malikova: "I am not cheating" and "I am sorry." Malikova walked to the front of the room and the class continued taking the test. According to Student I, Malikova did not raise her voice and did not reprimand Omotayo when she spoke to her. Malikova told all of the students that there was no need for anyone to cheat on the test.

Student J, a 17-year-old female, sat two seats in front of Omotayo in German class on May 29, 2014. During the listening portion of the practice test, Malikova noticed that Omotayo's cell phone was out and she asked Omotayo for the phone. According to Student J, Malikova did not raise her voice and did not berate Omotayo. Malikova went to the front of the room and commented to the entire class: "This is only a practice test to let you know where you are." Student J said that Malikova called someone from the phone located in the classroom. Right before the class ended, Omotayo asked to use the bathroom and then left the room.

Student K, a 16-year-old female, was one seat in front of Omotayo as the class took a German Regents test.<sup>3</sup> During the test, Malikova walked over to Omotayo and asked whether she was cheating. Malikova then asked Omotayo for her cell phone. According to Student K, Malikova did not raise her voice and did not criticize Omotayo when she asked for her cell phone. Malikova walked to the front of the room and called someone from the phone in the classroom. Malikova commented to the entire class: "It is bad if you cheat because you are not helping yourself." Malikova did not direct the comment toward Omotayo. Student K did not remember what happened next.

Student L, a 16-year-old male, sat in the second row during the German prep test; Omotayo was in the last row. At the beginning of the test, Malikova saw Omotayo with her cell phone out and asked whether Omotayo was cheating. According to Student L, Malikova did not belittle Omotayo. Malikova walked to the front of the room and told the entire class: "There is no reason to cheat." The class continued taking the test and Malikova collected the papers shortly before the period ended.

Through his attorney, Benjamin Zara declined the opportunity to speak with investigators from this office.<sup>4</sup> However, the principal provided Zara's account to SCI.

Through her attorney, Eva Malikova declined the opportunity to speak with investigators from this office.

In an interview with investigators from this office, conducted in the presence of her union representative, Principal Crystal Bonds explained that the school was located on the City College campus and the students were permitted to leave the building to have lunch on the quad and to use the CCNY facilities.

Principal Bonds said that, shortly after 5<sup>th</sup> period ended on May 29, 2014, Dean Zara informed her about an incident in Malikova's class during 5<sup>th</sup> period. Malikova caught Omotayo using her cell phone to cheat on a German Regents prep test and

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<sup>3</sup> Student K has turned 17.

<sup>4</sup> Zara's attorney cited his tenured status to decline the interview. Technically, Zara can assert that reason only if he were the subject of the investigation; he was not a subject. Since we found no wrongdoing on his part, and had the principal's version of his account, we did not press for an interview.

confiscated the phone. Zara told Malikova that he would speak to Omotayo and to detain her when the class was over. Approximately five minutes before the period ended, Omotayo told Malikova that she needed to use the bathroom and it was an emergency. Omotayo left the classroom without taking her personal belongings, including her laptop. Malikova told Zara that, when the period was over at 2:05 p.m., Omotayo did not return to the classroom to pick up her personal belongings; Malikova went to the bathroom to look for Omotayo, but she was not there.

At approximately 2:15 p.m., Principal Bonds placed the school on a “soft lock down” to search for Omotayo, but the staff members could not find her. A student subsequently reported seeing Omotayo run up the block. Principal Bonds contacted the New York City Police Department (“NYPD”), Superintendent Anthony Lodico, and Omotayo’s parent to report that she was missing. Bonds said that NYPD personnel from the 26<sup>th</sup> Precinct responded, but the case was being investigated by the 40<sup>th</sup> Precinct.

Later in the day on May 29, 2014, Zara informed Principal Bonds that, when Malikova was reviewing the German Regents prep tests, she saw that Omotayo had written a message on her paper. Bonds provided the test to SCI.

A review revealed that, on the front of the test, Omotayo wrote:

What am I doing?

Why am I doing it?

This is not me.

I’m losing my hard earned credibility for some meaningless quiz.

I am better than this.

This is beyond stupid.

On the back of the test, Omotayo wrote:

I just want to go away

forever

on the bottom of the river

Principal Bonds reported that, on January 7, 2013, Omotayo attempted to commit suicide from the same location where she plunged to her death on May 29, 2014. Bonds explained that Omotayo was missing from home for three days and had posted comments on her Facebook page about wanting to end her life. A teacher from the school convinced Omotayo to meet with her and the teacher took the girl home.

Principal Bonds said that Malikova was from the Absent Teacher Reserve and was assigned to the school, in September 2013, to fill in for a teacher who was on a child care leave. Bonds described Malikova as an excellent teacher and added that she never had any problems with her.

July 21, 2014

The investigation did not find any misconduct or wrongdoing committed by a Department of Education employee. We refer our findings for your information.

We are forwarding a copy of this letter to the Office of 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

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c: Courtenaye Jackson-Chase, Esq.