

October 21, 2010

Hon. Joel I. Klein
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Wayne Bartley
SCI Case #2010-1891

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that 46-year-old Wayne Bartley, a former Department of Education (“DOE”) teacher, received nude photographs of a 13-year-old female DOE student (“Student A”), which Student A had taken at her residence in Brooklyn and forwarded to him at his request.¹ Additionally, the investigation substantiated that Bartley engaged in a sexual relationship with another female DOE student (“Student E”) at a motor inn in the Bronx over a 14 month period when Student E was 13 and 14 years of age.² Bartley also had inappropriate contact with a 15-year-old female student (“Student F”) who graduated from KIPP AMP Academy Charter School (“KIPP AMP”) in June 2010.

This investigation began on April 21, 2010, when Father A contacted the Office of the Special Commissioner of Investigation (“SCI”) and alleged that Wayne Bartley, who was then teaching at KIPP AMP, was contacting Student A on her cell phone and engaging in an inappropriate relationship with her. Father A explained that Bartley had been a teacher at IS 392 in Brooklyn, Student A’s school.

¹ Bartley was assigned to IS 229 in the Bronx from September 20, 2005 through August 27, 2008. For the 2008-2009 school year, he was assigned to IS 392 in Brooklyn. Thereafter, he was discontinued by the DOE. Bartley’s DOE status is listed as “Not eligible – This person has not been cleared for employment at this time.” During the 2009-2010 school year, Bartley was employed by KIPP AMP Academy Charter School in Brooklyn, which did not continue his employment for the 2010-2011 school year. Student A has turned 14.

² Student E has turned 16.

SCI investigators interviewed Student A on two occasions. During the first interview, Student A informed investigators that she and Bartley, who was her IS 392 Science teacher during the 2008-2009 school year, communicated on their respective cell phones beginning in January 2010. Student A reported that Bartley had told her that she was very pretty and that of all the students he had ever taught she was his favorite. Student A also admitted that, at Bartley's request, she forwarded nude photographs of herself from her cell phone to Bartley's cell phone. Student A explained that, during a phone conversation in March 2010, Bartley told her that he had traveled to Jamaica where he had taken photographs of nude models. Bartley told her that she looked exotic and said that he wanted to take photographs of Student A. After Bartley told her that he wanted to take revealing photographs of her, Student A replied that she had a two piece bathing suit with a wraparound skirt. Bartley told Student A that was too much clothing and asked her to pose for him nude. Student A responded that she would not let Bartley take photographs of her nude but that she would take the photographs and send them to Bartley. According to Student A, Bartley readily agreed.

A day or two later, Student A went into her bathroom at her residence in Brooklyn and used the timer on her cell phone to take a nude profile photograph of herself. After she told Bartley that she took a nude profile photograph of herself on the left side showing the side of her breast and left side of her buttocks, Bartley asked her to take a rear photograph and a front photograph and to send those in addition to the side view. Student A then took a photograph showing herself from behind fully nude and might have sent a second profile picture of herself nude. Student A added that she never sent Bartley a frontal view nude photograph because she was not comfortable doing so. After Student A sent Bartley the photographs, Bartley called her and said that the photographs were perfect. Student A stated that Bartley called her approximately two days later and told her that he had finished drawing a picture of one of the photographs.³

Student A also informed investigators that Bartley had asked her to come to his current school to help him with school related matters and, after he had left IS 392, invited her to have lunch with him. Student A did not meet Bartley for lunch and her father refused to allow her to go to the school.

Posing as the godfather of Student A, an SCI investigator met with Bartley in Brooklyn.⁴ Bartley admitted that he knew Student A was 13 years of age, that he had numerous telephone conversations with Student A, and that he had Student A send him nude photographs of herself from her cell phone. Bartley showed the undercover

³ A review of cell phone records indicated that, on April 11, 2010, four additional picture messages were sent from Student A's phone to Bartley's phone. During the second interview conducted over the telephone, Student A explained that, in April 2010, Bartley asked her to send him pictures of her bare feet and she agreed. According to Student A, she sent him several pictures of her feet, she did not know why she did not mention this to investigators previously, and she asserted: "I guess I forgot."

⁴ This conversation was recorded.

investigator the nude photographs of Student A which Bartley had stored in his iPhone under an icon entitled "Camera Vault." There were two profile or side view photographs and one rear view photograph.⁵ Bartley claimed that he only wanted the photographs to draw a silhouette of Student A, which he had not drawn yet.

Later that day, two other SCI investigators interviewed Bartley who admitted that he had spoken with Student A on her cell phone approximately 10 times since he began working at KIPP AMP. Bartley, who knew that Student A was 13 years of age, admitted that he asked Student A to send him nude photographs of herself from her cell phone to his cell phone. Bartley stated that Student A sent three nude photographs of herself. Bartley also admitted that he invited Student A to have lunch with him after he left IS 392 but reported that Student A never came to meet him.⁶

A review of records for Bartley's cell phone showed 22 calls to Student A's cell phone number and 13 calls from Student A's cell phone to Bartley between January 14, 2010 and April 20, 2010. These records also showed that Bartley sent five text messages to Student A and received eight text messages from her. Records from the service provider for Student A's cell phone reflected that Student A sent two separate picture messages to Bartley's cell phone on March 22, 2010.⁷ The first picture message was at 6:23 p.m. and the second was at 7:20 p.m. There were four more additional picture messages sent from Student A's cell phone to Bartley's cell phone on April 11, 2010 at 4:38 p.m., 4:40 p.m., 4:42 p.m. and 4:47 p.m.

Before he worked at IS 392, Bartley was assigned to IS 229 in the Bronx. During a telephone conversation about Bartley, IS 229 Principal Erza Mathias informed an investigator that he met with Student E's grandmother who had questioned the girl's whereabouts after school during the time when Bartley tutored Student E. Mathias maintained that there were never any allegations of inappropriate behavior by Bartley with any student. During an interview, Mathias provided additional details concerning Student E who had graduated in June 2009. Mathias said that someone reported that Bartley was tutoring Student E, whom he had previously taught, alone in a classroom and that Student E's grandmother came to the school and asked why Bartley was tutoring Student E in a closed off classroom. According to Mathias, Bartley was told that, if he wanted to tutor Student E, he had to do so in an open area.

SCI investigators interviewed Student E who explained that Bartley was her teacher when she was in the 5th Grade at IS 229 and had offered to tutor her when she was in 7th Grade because she was having trouble with her class work. He tutored her in Math, Social Studies, Science and English after school. One day during tutoring, he

⁵ The investigator photographed the photos with his cell phone.

⁶ Bartley provided a written statement to the investigators.

⁷ Student A's phone records showed 31 calls from Bartley to Student A and 18 from Student A to Bartley, nine text messages from Student A to Bartley and three messages from Bartley to Student A.

offered to help her outside of school, they exchanged telephone numbers, and started calling each other. According to Student E, when she was in 7th Grade, Bartley asked her to send nude photographs of herself using her cell phone but she did not do so. Student E reported that sometime in March 2008, when she was 13 years old, she and Bartley started having sexual intercourse at a motel in the Bronx, which was later identified as the Paradise Motor Inn. Student E stated that she and Bartley engaged in sexual intercourse and oral sex at this location approximately twice a month on Saturdays until May 2009 when Student A was 14 years of age.⁸

Student E told investigators that she primarily spoke with Bartley on her home telephone but also used one of two cell phones. Student E stated that Bartley used to talk “dirty” to her on the phone and tell her what he wanted to do with her sexually. Student E informed investigators that the last time she spoke with Bartley was about a month earlier when Bartley called her and warned that if anyone questioned her to say “only good things” about him.⁹ Student E reported that Bartley told her that someone was tracking his cell phone.

Student E, accompanied by her aunt, showed SCI investigators where she met Bartley and got into his Jeep, and directed them to the motel, which was the Paradise Motor Inn.¹⁰

A review of the records for Bartley’s cell phone showed 168 calls from Bartley’s phone to Student E’s home number and 197 from Student E’s home to Bartley between July 8, 2008 and March 7, 2010.¹¹ Those records also showed contact between Bartley’s cell phone and one of the cell phones used by Student E – 50 calls between September 26, 2009 and May 15, 2010 from Bartley’s cell phone to Student E and 49 calls between September 26, 2009 and May 15, 2010 from Student E’s phone to Bartley’s phone.

⁸ Student E said that Bartley picked her up in his Jeep and drove to the motel. There, Bartley went into the motel office to pay for a room and, after he returned to the Jeep, she exited the vehicle and they entered one of the rooms. According to Student E, they always exited a room from the parking lot rather than having to go to the front of the motel.

⁹ Student E was interviewed on June 10, 2010. A review of the records for Student E’s and Bartley’s cell phones reflected contact on May 15, 2010. Bartley was interviewed by SCI investigators about his involvement with Student A on April 28, 2010.

¹⁰ Investigators interviewed a desk clerk and the two co-managers of the Paradise Motor Inn. They learned that in 2008 and 2009, the hotel charged \$35.00 for a four hour stay, that only cash was accepted, that there was a surveillance camera for the parking lot the recording of which recorded over after seven days. Investigators obtained and reviewed copies of the registration cards for Saturdays from March 2008 through May 2009 but did not find the name “Wayne Bartley.”

¹¹ A review of the records for Student E’s home phone reflected that, between November 28, 2007 and March 7, 2010, it received 329 calls from Bartley’s phone while Student E called Bartley’s cell phone number 472 times.

Finally, those records reflected that Bartley's cell phone called another cell phone which was used by Student E 14 times between August 21, 2008 and January 27, 2009 and received 25 calls from that number between August 21, 2008 and May 16, 2009.¹²

Bartley taught at KIPP AMP in Brooklyn during the 2009-2010 school year. Investigators interviewed Student F who graduated from KIPP AMP in June 2010. Student F reported that Bartley was her 8th Grade Science teacher who also tutored her and other students. Student F said that she had private conversations with Bartley who had counseled her. Bartley drove Student F home on several occasions in his blue Jeep and gave her money on several occasions. Student F claimed that her mother did not give her money and maintained that the largest amount of money that Bartley gave her at one time was \$40. Student F informed investigators that, on her graduation day, June 22, 2010, Bartley took her to a nail salon where they both had manicures and pedicures. When she and Bartley returned to his car, Bartley started massaging her feet with lotion. When asked whether Bartley said anything to her that she considered inappropriate or touched any other parts of her body, Student F replied that Bartley complimented her legs and told her she looked good out of a KIPP school uniform. Student F also told investigators that Bartley was at her home for dinner with her and Mother F the night before she was interviewed.

Through his attorney, Bartley declined the opportunity to be interviewed for a second time.

We are referring our findings to Kings County District Attorney Charles J. Hynes and to Bronx County District Attorney Robert T. Johnson for whatever action each deems appropriate.

It is the recommendation of this office that Wayne Bartley be made permanently ineligible to work with the Department of Education and that this matter be considered should he ever apply for any type of position in the New York City public school system in the future.

¹² This number was a prepaid cell phone which was activated on March 1, 2008 and last refilled on April 24, 2009. The records from this provider showed that there were 15 calls from Student E's cell phone to Bartley's cell phone number between October 26, 2008 and April 24, 2008 and two text messages – one on January 26, 2009 and the other on February 7, 2009. There were four calls made from Bartley's phone to Student E's during the period of October 26, 2008 through January 27, 2009 and no text messages.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are forwarding our findings to the New York State Education Department and KIPP AMP Academy Charter School for whatever action they deem appropriate. Should you have any inquiries regarding the above, please contact Special Counsel Ann Ryan, the attorney assigned to the case. She can be reached at (212) 510-1493. Please notify Ms. Ryan within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Wayne Bartley. 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:AER:gm

c: Michael Best, Esq.
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