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

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July 16, 2014

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

Re: IS 117X
SCI Case #2014-3962

Dear Chancellor Fariña:

After the school day ended on June 18, 2014, during an incident outside IS 117 in the Bronx, 14-year-old male student Noel Estevez allegedly stabbed 14-year-old male student Timothy Crump. Timothy died from his wounds and Noel was arrested.

On June 20, 2014, the office of the Special Commissioner of Investigation for the New York City School District (“SCI”) opened an investigation into allegations, raised in media accounts of the stabbing incident, that staff members at IS 117 failed to respond to reports that Noel was “bullied” by Timothy and others. In addition to the Department of Education (“DOE”), other City agencies, including the Administration for Children’s Services (“ACS”), were involved with the Estevez family. On behalf of the Department of Investigation (“DOI”), SCI conducted the entire investigation.¹ Our findings are reported here.

SCI investigators sought to speak with 21 members of the IS 117 staff and two School Safety Agents (“SSA”), employed by the New York City Police Department (“NYPD”), who were assigned to the school.² Both SSAs cooperated with the

¹ No one was reassigned as a result of this investigation.

² SCI investigators also spoke by telephone with an individual who had contact with Noel and Timothy when he was assigned to the school as an intern.

investigation. Only one DOE employee, through his attorney, declined to be interviewed. Two others initially spoke with the investigators but, through an attorney, declined to be interviewed a second time. Most of the 20 staff members interviewed had little or no contact with Noel and he did not tell any of them that he was a victim of bullying. Four of the staff members, who were involved in the aftermath of the fatal fight, wrote statements; copies were provided to SCI.

ACS cooperated fully with the investigation.³ ACS became involved with the Estevez family because Noel was not attending school and a guidance counselor at IS 117 filed a complaint of educational neglect.⁴

IS 117

On June 20, 2014, SCI investigators responded to the school and spoke with Principal Delise Jones who did not ask for union or legal representation. Jones provided information and documents on more than one occasion and cooperated fully with the investigation. Principal Jones advised that there were no metal detectors at IS 117.

Principal Jones said that Noel attended school on Wednesday, June 18, 2014, but Timothy did not. Jones explained that both boys had absence issues. Timothy was on suspension from January 2, through April 23, 2014, and rarely came to school thereafter. Noel had just returned to school after being released from a psychiatric center. On June 17, 2014, Noel and his father met with Family Assistant Parbatty Singh and Guidance Counselor Diane Jean Pierre – Family Assistant Maida Parrales translated for the father – to provide documents from the psychiatric center in order to clear Noel to return to school.

Principal Jones added that neither his parents nor anyone else ever asked for a safety transfer for Noel. According to Principal Jones, no one – including Noel, his family, and IS 117 staff members – ever told her about Noel being the alleged victim of harassment or bullying. Principal Jones first saw a posting in the Automate The Schools (“ATS”) student information system, entered by Family Assistant Singh, when she provided that document to SCI.

Assistant Principal John Skelly did not hear about and was not advised of any allegation concerning Noel being harassed or bullied. Noel did not tell Assistant Principal Yamilette Vargas that he was bullied or harassed.

Family Assistant Singh had some contact with Noel’s family. On April 30, 2014, Singh wrote in ATS about a visit to Noel’s home on April 29, 2014: “Child came to the door with his under wear on said mother not home asked him why he is not in school said

³ ACS records are confidential. Noel’s name and Timothy’s name were not obtained through ACS records; rather, that information was disseminated publicly by the media.

⁴ This information was not obtained from the ACS records.

his stomach is paining him, he also explained that he went to the doctor and throw the letter away, I told him we needed to see his mother in school. I then saw the Post Man and give him the RISA [Individual Student Attendance Report] to put in the box which he did.”

Also on April 30, 2014, regarding a telephone call about Noel, which she received that day, Singh posted: “Spoke to Aunt Maria at [number omitted] said child told mother that he is being harassed in the school by some students and mother went to priesting [Precinct] and made a report. I asked her if mother ever come to school and informed the principal she said she don’t know but she will asked her sister.” Singh said that the aunt never told her who was harassing Noel. Singh reported the telephone conversation with “Aunt Maria” to Guidance Counselor Jean Pierre, but did not tell Principal Jones. According to Singh, everyone on the IS 117 staff had access to the postings on ATS.

Singh told investigators that she met with Noel a few times and he never said he was being harassed or bullied. Singh added that Noel’s family never asked for a safety transfer. According to a posting on ATS entered by Singh on June 19, 2014, on June 16, 2014, Noel’s father came to the school and met with Singh and Jean Pierre – Parrales acted as a translator. The father reported that Noel was hospitalized and he had some paper to be filled out by a teacher – he gave that to Jean Pierre. The father wanted Noel to return to school the following day. Singh gave the father the RISA – the Individual Student Attendance Report – showing Noel’s poor attendance. An ATS entry made by Singh on June 17, 2014, indicated that Noel and his father arrived at the school that day with a letter from the hospital. The ATS entry indicated that the father promised Noel would attend IS 117 every day for the rest of the school year. Singh reiterated that neither the father nor Noel raised an issue about harassment or a safety transfer.

Family Assistant Parrales confirmed that she was present at the June 2014 meeting with Noel and his father. According to Parrales, the father never requested a safety transfer. Parrales added that Noel never said he was being harassed or bullied.

Social Worker Andrea Vasquez had contact with Timothy whom she said had social isolation issues. Vasquez added that she first met Noel in October 2013. On a timeline she created, Vasquez noted that Noel asked for help to speak with his family about an issue, which did not involve bullying. Vasquez referred Noel to Eric Ruiz, an intern who worked with her during the 2013-2014 school year. Ruiz counseled both Noel and Timothy; however, Noel and Timothy rarely came to school after January 2014. Timothy spoke about a few fights outside of school. Vasquez noted that Noel never raised an issue about being bullied or having a problem with Timothy.

The assigned SCI investigator spoke by telephone with former Social Work intern Ruiz who confirmed that he counseled both Noel and Timothy, but added that he did not see either boy after January 2014. Ruiz said that Noel never said anything about being bullied or harassed.

Attendance Teacher Daisy Fraguada worked at IS 117 only on Mondays and dealt with “the hard core cases.” Fraguada said that both Noel and Timothy were truancy problems, but she never spoke with Noel. Fraguada added that Timothy’s mother was uncooperative about his school attendance. Fraguada’s contact at IS 117 was with Guidance Counselor John Dubatowka.

Guidance Counselor Dubatowka explained that he interacted with Noel in September 2013, because Jean Pierre was out from work on maternity leave until November 2013. Dubatowka said that Noel never told him about being bullied or harassed. Dubatowka had no dealings with Timothy.

Dubatowka made an ATS entry on May 2, 2014, regarding Noel, in which he wrote: “Home phone number not in service called aunt asked her to please give a message to parent to come to school ASAP with documentation to support absence.” Dubatowka reviewed the posting and responded that he spoke with Noel’s aunt who told him that she spoke with Noel’s mother who said Noel was “being bullied and is very upset.” Dubatowka advised the aunt to have Noel’s mother come to school the next day with documentation. Dubatowka added that he waited through the next day, but no one showed up. Dubatowka spoke with Jean Pierre about calling ACS and he believed that she had done so. Dubatowka also believed that an ACS worker had spoken with Noel and recommended psychiatric care. Through his attorney, Dubatowka declined the opportunity to speak with investigators a second time.

Parent Coordinator Madeline Santana confirmed that Noel and Timothy were absent or late on a regular basis and came to her for late passes. Santana said that Noel never said anything about being bullied or harassed.

Dean Stephanie Branch said that no one ever told her about Noel being harassed or bullied. Branch added that, the day when Noel returned to school, she spoke with him. Branch asked how he was and Noel responded that he was fine. According to Branch, Noel never said anything about being harassed or bothered by someone. Branch confirmed that the boys were rarely in school.

Teacher Lyndel Bernard did not recall Noel saying anything about being bullied or harassed. Bernard did not know about any problems between Noel and Timothy.

Paraprofessional Carmen Hernandez said that Noel never complained about bullying or harassment and no one ever told her that Noel was being bullied or harassed. Hernandez called Timothy a troublemaker and referred to his suspension from school.

Teacher Greg Fuchs did not know Noel or Timothy and had no information about Noel being harassed or bullied. Fuchs became involved with Noel on June 18, 2014, when the boy entered IS 117 after the incident.

Teacher George Hogan was Noel's homeroom teacher and had taught Timothy. Hogan confirmed that Noel and Timothy had poor attendance. Hogan added that Noel never spoke to him about being harassed or bullied.

Noel was assigned to the classes taught by Teacher Magtasha Perry, Teacher Ulner Edouard, and Teacher Rich Sentlowitz. Noel rarely came to class, and he never told any of those teachers about being harassed or bullied. Speech Teacher Carolyn Battle was assigned to Noel, but he did not tell her that he was being harassed or bullied. Teacher Vesta Maxey said that she "talked a lot" with Noel, but he never said anything about being bullied or harassed.

Noel also was assigned to Teacher Arthur Finer's classes. Finer asked for representation before speaking with investigators. Through his attorney, Finer subsequently declined the opportunity to be interviewed for this investigation. Finer was the only IS 117 staff member approached by SCI who did not participate in this investigation in any manner.

When SCI investigators visited the school, Guidance Counselor Jean Pierre was absent for a family emergency. Jean Pierre subsequently telephoned the assigned investigator and confirmed that Noel had "spotty" attendance. Jean Pierre did not recall seeing Singh's comments, posted in ATS, about the harassment claim made by Noel's aunt. According to Jean Pierre, an ACS worker told her that Noel was being harassed by someone in the neighborhood, not someone from the school. Jean Pierre added that the ACS worker did not raise the issue of home instruction for Noel, but was trying to get Noel therapy.

SCI investigators subsequently met with Jean Pierre who said that she only knew Timothy because he once filled out a high school application. Jean Pierre first met Noel in the 6th Grade. Jean Pierre described Noel as being quiet and quirky. Jean Pierre also said that Noel had a speech impediment.

Jean Pierre reiterated that Noel's attendance was "spotty" and added "then it got worse." Jean Pierre said that, every week, there was a student attendance meeting at the school. Jean Pierre recalled Guidance Counselor Dubatowka saying that Noel had not been in school; as a result, on May 1, 2014, Jean Pierre called ACS and made a report about Noel's failure to attend school.

On May 13, 2014, Jean Pierre met with ACS worker Irma Brown who reported visiting Noel's residence and speaking to him and his mother. According to Jean Pierre, Brown told her that "an older Hispanic kid from the neighborhood was bothering" Noel. Jean Pierre believed that the person involved with Noel was too old to be a student at IS 117. Brown told Jean Pierre that Noel's mother had tried to go to the police, but she had not contacted the school. Jean Pierre asserted: "I don't know of any member of the

family who called the school” about Noel being bullied or harassed. Jean Pierre added that the ACS worker did not mention a safety transfer or home instruction.

Jean Pierre reviewed Singh’s posting on ATS and responded: “I don’t recall Singh telling me about Aunt Maria and harassment, I’m not 100% sure.” Jean Pierre acknowledged that she did not tell the principal or anyone else about an allegation of harassment or bullying, but then added that she did not recall and was “not 100% sure” whether anyone told her about Noel being harassed.

Jean Pierre acknowledged that she met with Noel’s father, when the boy was being released from the psychiatric center, and Parrales translated. The father had a form from the center to continue therapy for Noel. Jean Pierre provided copies of her notes and her report to ACS, but requested union representation before facing additional questions.⁵ Through her attorney, Jean Pierre subsequently declined the opportunity to speak further with SCI, claiming that “any information you would be requesting of her is privileged and HIPAA protected, and I am afraid I cannot let you interview her.”

NYPD

In the presence of his union representative, SSA Matthew Strawn said that he did not know Noel and Timothy, did not know about any conflict between them, and did not know about an allegation of harassment or bullying. On June 18, 2014, SSA Strawn responded to the stabbing incident and applied pressure to the victim’s wounds.

In the presence of his union representative, SSA Evaristo Ruiz said that he did not know Noel or Timothy, did not know about any conflict between them, and did not know about an allegation of harassment or bullying. SSA Ruiz was not working on the day of the incident between Noel and Timothy.

The assigned SCI investigator spoke by telephone with NYPD Detective Bernard Solomon, from the 46th Precinct, who was assigned to the stabbing incident which occurred outside IS 117. According to Detective Solomon, Noel told him that he never went to anyone to complain about harassment or bullying. Detective Solomon confirmed that Noel and Timothy had been friends until the dispute over stolen property – a cell phone – adding “there was no bullying at all.”

ACS

The assigned SCI investigator spoke by telephone with ACS Child Protective Specialist (“CPS”) Irma Brown who had visited Noel’s residence after Jean Pierre reported that he was not attending school. Noel told Brown that he was being harassed

⁵ Jean Pierre made a report to ACS on May 1, 2014, at 10:28 a.m. and made a second report to ACS that same day at 2:15 p.m. Jean Pierre said that the first report “didn’t take,” so she sent it again.

by several children who followed him to and from school. Noel's mother attempted to name the person harassing her son; her best guess was "Demetri."

CPS Brown said that, on May 13, 2014, she met with IS 117 Guidance Counselor Jean Pierre to see whether Noel could receive home instruction, but Jean Pierre informed Brown that Noel did not qualify for home instruction. Noel was physically able to attend school; he simply did not do so. Brown added that Noel's mother attempted to obtain a police report to get a safety transfer from the school, but the NYPD would not give a report because no one had hurt Noel. Brown reported that, at the time of the stabbing incident, she was attempting to obtain a housing transfer for Noel and his mother. CPS Brown said that she had spoken with Noel's "Aunt Maria" who reported that Noel's mother – who had been arrested on the day when Noel was released from the hospital – had been bailed out of jail.

Through DOI and the Office of General Counsel at ACS, SCI received permission to obtain and review confidential ACS records and to meet with CPS Brown in person.

Brown acknowledged that she worked alone and conducted all her meetings – with Noel, his mother, and Jean Pierre – alone. Brown confirmed that, although he did not provide names, Noel told her that he was being threatened by kids. Noel also informed Brown that he never told or complained to anyone at school. Brown insisted that she told Guidance Counselor Jean Pierre about the bullying allegations lodged by Noel and his mother.⁶ Brown and Jean Pierre disagreed about the details of their conversation about Noel and his family.

Brown also spoke with Noel's father who did not have much contact with his son.⁷ The father told Brown about "some kids," not named, "who stole a cell phone." The father did not say that he discussed Noel's fears and concerns with staff at IS 117.

Brown had access to the ATS entries and the posting by Singh about the telephone call from "Aunt Maria." Brown reiterated that she spoke to the aunt on only one occasion – about Noel's mother being released from jail – but the aunt did not tell Brown that Noel was a victim of bullying or harassment.

Noel's Family

The assigned SCI investigator contacted the attorney who represented Noel in the criminal matter. Nancy Ginsburg explained that, because the charges against Noel had been transferred to Family Court, a new attorney would be taking over the case.

⁶ Brown expected Noel's mother to accompany her when she met with Jean Pierre, but the mother did not appear at the school.

⁷ Noel's father speaks only Spanish. Brown is fluent in Spanish.

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The assigned SCI investigator spoke by telephone with Mark Dellaquila, Noel's new attorney. Dellaquila said he would speak with Noel's family about being interviewed for the investigation.

To date, SCI investigators have not been able to speak to members of the Estevez family.

Conclusion

The SCI investigation did not establish that any bullying or harassment of Noel Estevez by Timothy Crump took place at IS 117. That is not to say that no bullying took place elsewhere. Timothy rarely attended the school in 2014, and Noel was not in school for several weeks before the day of the fight and subsequent stabbing.

We refer our findings for your review and any action you deem appropriate.

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

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c: Courtenaye Jackson-Chase, Esq.