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

June 4, 2021

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

Re: Maspeth High School (**REVISED**)  
SCI Case #: 2019-8774/2019-9484  
SCI Case #: 2019-6206/2020-0248

Dear Chancellor Porter:

An SCI Investigation into Maspeth High School

An investigation conducted by this office has substantiated that New York City Department of Education (“DOE”) employees Principal Khurshid Abdul-Mutakabbir (“Abdul-Mutakabbir”), Assistant Principals (“AP”) Stefan Singh (“Singh”) and Jesse Pachter (“Pachter”), and Teachers Daniel Franchise (“Franchise”), Christopher Grunert (“Grunert”), and Daniel Sepulveda (“Sepulveda”), assigned to Maspeth High School (“Maspeth”) in Queens, committed various acts of malfeasance, including but not limited to failing to properly maintain dangerous property and contraband.<sup>1</sup> Further, in the case of Sepulveda, this office substantiated that he physically assaulted a student, significantly smaller than himself, while ostensibly wrestling in a non-instructional manner, texted with a student during the day, and likely provided answers to students while proctoring a Regents exam.<sup>2</sup>

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<sup>1</sup> Only Sepulveda was reassigned during the course of the investigation, and then returned to actively work at Maspeth. Neither he nor any other subject have active problem codes. Upon information and belief, Sepulveda is still employed at Maspeth.

<sup>2</sup> [REDACTED]

## **I. Investigation & Findings:**

This investigation conducted by the office of the Special Commissioner of Investigation for the New York City School District (“SCI”) concerned numerous allegations received from multiple sources. Additional issues that arose during the course of the investigation based upon witness statements required further scrutiny. The allegations covered a wide-ranging and diverse area of topics, and some allegations yielded investigative inquiries into others.<sup>3</sup> Notably, the allegations covered a wide time span, with some dating back as far as 2015. Further, certain areas of inquiry were matters of public discussion and were story subjects in media outlets. In fact, before SCI had even received an initial allegation, discussions of potential impropriety at Maspeth were already being disseminated in the newspaper. SCI ultimately investigated numerous areas concerning Maspeth, including:

- School Safety
- Payroll and Per Session
- Fraudulent Classes
- Teacher Sepulveda’s Behavior
- Issues concerning the proctoring of Regents Examinations

Not every allegation that SCI investigated was able to be substantiated. However, while SCI typically does not detail its investigations for unsubstantiated complaints, the instant investigation has received significant public scrutiny, and SCI would venture to be as transparent as possible in its efforts.<sup>4</sup>

### **A. Initial Complaint:**

SCI’s investigation began when SCI received a complaint from [REDACTED] who alleged that a Maspeth employee sent unprofessional text messages to students, and that Maspeth teachers received pay for coaching sports teams when the coaching did not actually occur. Later, [REDACTED] also contacted SCI and reported “troubling allegations of criminal activity inside various Queens’ schools,” including Maspeth and Flushing High School (“Flushing”). The allegations included that schools potentially covered up drug and weapons seizures without properly reporting the activity to New York City Police Department (“NYPD”) School Safety Agents (“SSA”). SCI investigated these allegations accordingly.

SCI personnel worked diligently on this matter, scrutinizing dozens of individuals and reviewing all available records. SCI interviewed nearly 20 DOE and Maspeth employees, five confidential witnesses, and attempted to speak to 23 current or former Maspeth students. Several former students were unable or unwilling to speak with SCI, an understandable fact considering that some may have thought that their high school diplomas might be jeopardized or scrutinized given the below-listed allegations.

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<sup>3</sup> The following investigations were consolidated into the instant report: SCI Cases #: 2020-0248, 2019-6206, 2019-8774, and 2019-9484.

<sup>4</sup> Additionally, the Office of Special Investigations (“OSI”), which falls under the DOE and is not an independent oversight agency, conducted a separate investigation into Maspeth.

Not having access to speak with certain students prevented SCI from evaluating further evidence that may have substantiated additional misconduct.

### 1. Maspeth Personnel Refusal to be Interviewed

Despite SCI's diligent work, several key members of Maspeth's personnel refused to be interviewed by SCI investigators. For instance, on March 25, 2021, counsel for APs Singh and Pachter wrote to SCI in individual letters that Pachter and Singh asserted their right pursuant to Education Law § 3020-a, as interpreted by *Mills* and *Sabater*, and decline to be interviewed.<sup>5</sup> Further, although Principal Abdul-Mutakabbir's counsel initially advised SCI that he would appear for a remote interview, on January 5, 2021 – the day before the scheduled interview – Abdul-Mutakabbir's counsel responded that Abdul-Mutakabbir was declining the interview and invoking his *Sabater* rights.

Abdul-Mutakabbir, Pachter, and Singh invoked *Sabater* rights and refused to meet for a sworn interview conducted by SCI attorneys, as is their wont.<sup>6</sup> (The only interview that SCI was able to conduct with these personnel as an initial interview with Abdul-Mutakabbir regarding vouchering of contraband, as discussed further below). However, because of their failure to appear, SCI staff is left to the conclusions reached based on the evidence available and reviewed. All inferences and assumptions that SCI made are uncontroverted by senior leadership at Maspeth, specifically Abdul-Mutakabbir, Pachter, and Singh.

Of note, Principal Abdul-Mutakabbir is the first-assigned principal of the school, which was founded in 2011 and was awarded Blue Ribbon status in 2018.<sup>7</sup>

### B. School Safety Issues:

#### Allegation:

Maspeth did not properly maintain contraband – including drugs and weapons – and failed to adhere to Chancellor's Regulations regarding safety, care, and disposal of such contraband.

On January 9, 2020, SCI received an email complaint [REDACTED] in which he alleged that there were “troubling allegations of criminal activity inside various Queens’ schools” of which [REDACTED] was recently made aware from SSAs. Specifically, some schools were “covering up drug” activity without properly reporting to SSAs.

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<sup>5</sup> The *Mills* decision states, “Therefore, even if an employee chose not to testify at the hearing, his or her prehearing statements to the SCI would be admissible as admissions against interest. Clearly, this contravenes Education Law § 3020-a which provides a significant protection, that of shielding employees against testifying against themselves in a proceeding in which their job rights are in jeopardy. In our view, the Commissioner's interpretation of the laws was rational and reasonable and should not be disturbed.” See *Bd. of Educ. of City Sch. Dist. of City of New York v. Mills*, 250 A.D.2d 122, 126, 680 N.Y.S.2d 683, 686 (1998). Similarly, the *Sabater* decision states, “Thus, forcing a tenured teacher or assistant principal to testify in an SCI proceeding is tantamount to forcing that employee to testify in a DOE disciplinary proceeding, which directly conflicts with state law, Education Law 3020(3)(c)(i).” See *Condon v. Sabater*, 113 A.D.3d 203, 206, 977 N.Y.S.2d 18, 20 (2013)

<sup>6</sup> As noted below, Abdul-Mutakabbir, along with his union representative, did meet with SCI investigators in February 2020. However, this was not for a sworn interview.

<sup>7</sup> See <https://qns.com/2019/01/blue-ribbon-winning-maspeth-high-school-looks-back-on-eight-years-since-its-foundation/> and [https://nationalblueribbonsschools.ed.gov/awardwinners/winning/18ny124pu\\_maspeth\\_high\\_school.html](https://nationalblueribbonsschools.ed.gov/awardwinners/winning/18ny124pu_maspeth_high_school.html).

SCI investigators met with Maspeth Principal Abdul-Mutakabbir and [REDACTED] on January 14, 2020 and requested one and a half years of copies of all Online Occurrence Reporting System (“OORS”) reports concerning the recovery of weapons and narcotics related items.<sup>8</sup> [REDACTED] provided SCI with copies of OORS reports concerning weapons, narcotics, and narcotic paraphernalia for the 2018-2019 and 2019-2020 school years. SCI’s review of these documents indicated that there was only one OORS report that indicated weapons, narcotics, or paraphernalia – a student who was in possession of one glassine envelope of marijuana.<sup>9</sup> In this one instance, the NYPD Property and Evidence Tracking System stated that the alleged marijuana was vouchered.

Conversely, Abdul-Mutakabbir sent SCI OORS reports of all incidents from September 2018 to January 2020. He advised that any incident that involved either drugs or drug paraphernalia was confiscated by the Dean’s office and that SSAs did not voucher the items. Crucially, this is in violation of protocol; if SSAs did not voucher the items, there would be no way for the school to issue its own voucher. At the end of January 2020, SCI followed up with Abdul-Mutakabbir and asked via email, “If the Dean confiscates the drugs and it is not turned over to SSA for vouchering, what happened to the drugs? Are they destroyed or safeguarded in some way[?]” On or about January 22, 2020, Abdul-Mutakabbir responded, “Yes, Safeguarded [sic] then destroyed at the end of the year.” [REDACTED] again sent SCI statistics, this time regarding Maspeth’s 2018-2019 and 2019-2020 school years.

Short Description	2018-2019	2019-2020
Smoking	1	1
Possession of Controlled Substances or prescription medication w/o Authorization, Illegal Drugs, drug paraphernalia, or Alcohol	34	20
Weapon Possession (Category II)	0	1
Using Controlled Substances w/o Authorization, Illegal Drugs or Alcohol	0	4
Weapon Possession (Category I)	1	1
Using any weapon, other than a firearm, bomb, or other explosive, as defined in Category I or II	1	0
Possessing or Using a Firearm (This incident did not happen in the school building, the student claims someone took his phone, at gun point on his way to school)	1	0
Total:	38	27

<sup>8</sup> Of note, several interviewees referred to Principal Abdul-Mutakabbir as simply “Mutakabbir.” However, his DOE employment records and full legal name reflect the last name Abdul-Mutakabbir, and so SCI has designated him as such in this report.

<sup>9</sup> [REDACTED] sent SCI a chart of OORS reports for the 2018-2019 and 2019-2020 school years for Flushing. See Appendix A, exhibit 1.

Even with Covid-19 understandably depressing statistics during the 2019-2020 school year, Maspeth still had 20 instances of possession of controlled substances or prescription medication without authorization, illegal drugs, drug paraphernalia, or alcohol. By his own admission, Abdul-Mutakabbir relayed that rather than voucher with the NYPD for safeguarding contraband material, Maspeth failed to properly follow protocol.

SCI investigators met with Abdul-Mutakabbir in February 2020 with his union representative, during which time Abdul-Mutakabbir stated that in his nine years at Maspeth, when staff confiscated pills, vape pens, liquid vape oils, flavored tobacco products, and small amounts of marijuana, there were many instances when SSAs refused to take possession of the items. Abdul-Mutakabbir added that confiscated items not vouchered by SSAs were stored in a safe in the Dean's office, and that at the end of the school year; everything from the safe was put in a black garbage bag and given to the school custodian for disposal. Abdul-Mutakabbir said that he did not witness the custodian put the garbage bag in the trash and did not know if the Dean memorialized or listed the items prior to their disposal.

SCI reviewed the DOE Chancellor's Regulations, which do not state that a school administrator should keep all such confiscated items until the end of a school year. Specifically, Chancellor's Regulation A-432, Section II, subsection F states, in relevant part that a principal/designee must voucher contraband using a BOE voucher form and envelope, and must "immediately notify the BOE's Division of Student Safety and Prevention Services (DSS&PS), which will arrange for the contraband to be picked up by the NYPD's School Safety Division. Weapons must be safely secured until surrendered to the NYPD's School Safety Division for transportation." Nowhere in A-432 is there mention of contraband items being disposed of by school custodians at the end of term.

Similarly, pursuant to Chancellor's Regulation A-412, Section V ("VOUCHERING AND CONFISCATION OF CONTRABAND (WEAPONS, DRUGS, ETC.)), subsection C, if the NYPD do not take custody of a weapon discovered on school property, the principal/designee must voucher the item using a DOE voucher form and "immediately notify the DOE's Division of Student Safety and Prevention Services (DSS&PS) who will arrange for the contraband to be picked up by the NYPD's School Safety Division... Weapons must be safely secured until surrendered to the NYPD's School Safety Division for transportation." Again, this regulation does not offer the option of a school dean retaining seized items until the end of a school year, and then disposing of the items.

Via Zoom, SCI met with [REDACTED] in the presence of his union representative. Singh sent [REDACTED] two emails, [REDACTED] which were sent during the first weeks after SCI spoke with Principal Mutakabbir. The second email from Singh ostensibly memorialized a telephonic conversation between [REDACTED] and Singh on January 30, 2020. It is notable that the first email was sent by Singh three days after [REDACTED] submitted his complaint to SCI.

[REDACTED] stated that he reviewed the emails sent by AP Singh, and that Singh's interpretation of their conversation was "grossly inaccurate." Per [REDACTED] he told Singh that schools must follow the

Chancellor's Regulations regarding contraband. ██████ recalled that much of his conversation with Singh involved vape pens, an item that SSAs occasionally did not voucher because they were unable to field test vape pens to determine THC content or other marijuana-related oils. ██████ said that ██████ he had no recollection of Principal Abdul-Mutakabbir ever calling him or asking him at meetings about the seizure of contraband items.

SCI investigators spoke with Maspeth ██████ who stated that ██████ neither Principal Abdul-Mutakabbir nor any school dean ever asked him to retrieve a black garbage bag and to place that bag in the trash. SCI investigators also met with ██████ about the allegations at Maspeth. ██████ stated that although Chancellors Regulation A-432 is outdated, DOE employees were still required to follow the regulations, and that if a principal were to place items in a dean's office until the end of the school year after SSAs refused to voucher such items, then the principal "is a fool to admit" that he allowed this type of safeguarding of contraband to occur. ██████ concluded that such activity was "unacceptable."

Also via Zoom, SCI investigators met with ██████ When asked how a principal should handle contraband discovered on school property, ██████ stated that the first step would be to notify school safety, and that the SSA should "essentially take over" for the removal of the contraband in question. "Simultaneously," the school should contact the family so that "a parent is not taken off guard." A principal's job "is to make sure that a whole set of procedures is happening," including de-escalation, and working with the SSA. ██████ was never notified of contraband issues occurring at Maspeth.

### **Conclusion:**

Maspeth failed to adhere to the enumerated Chancellor's Regulation regarding the disposal of seized contraband material, including failing to voucher such items. Further, the timing of Singh's email suggested an attempt to cover one's own tracks. It is decidedly odd that Abdul-Mutakabbir would, out of the blue, direct Singh to inquire with ██████ about proper procedures regarding contraband, especially in the middle of the school year. Rather, it suggests that Maspeth administrators were aware that they had knowingly failed to adhere to contraband guidelines, including improperly disposing of weapons and/or narcotics. Neither Singh nor Abdul-Mutakabbir agreed to respond, explain, or counter these allegations during a sworn interview with SCI investigators.

### **C. Payroll and Per Session Irregularities:**

#### **Allegation #1:**

Maspeth personnel were awarded per session pay for activities such as coaching, without having performed said activities.

## 1. Per Session Background

Broadly speaking, per session activities refer to those done before or after school hours (including weekends and holidays) in which teachers or other DOE employees are involved. Examples include, but are not limited to, team sports, clubs, and other events that occur on school grounds or that utilize school equipment. A per session role may be, for instance, a sports team coach, a faculty member supervising a club, or a chaperone of a school event.

Chancellor's Regulation C-175 governs per session activities. The DOE explains per session thusly:

“Throughout the school year, employees may apply for per session activities that are done either before school, after school, on the weekend or holidays (based on approval), or during the summer. The selection for most per session activities is based upon the individual criteria established in each posting. Per session consists of any activity in which pedagogical, pupil personnel service providers and supervisory employees are paid at an hourly rate depending on their particular title.

Per session work must not interfere with or be an extension of the employee's primary job, responsibilities or be used as a means of providing additional compensation for work in an individual's primary assignment.

No per session compensation may be paid for work performed at home. In addition, no individual is authorized to work in a per session activity during his/her normal working hours on a regular school day, or during the daily lunch hour. Employees who are absent due to illness cannot be paid for hours worked in a per session activity outside their regular work hours. Employees absent due to jury duty or official business are permitted to work in a per session activity outside their regular work hours.”<sup>10</sup>

Commonly, per session opportunities that have been awarded to DOE personnel in prior years will be filled by the same personnel, in the same roles (*i.e.* the coach of the school's baseball team the prior year will likely be the coach again the current season). This is known as “retention rights,” and it affords those who have already demonstrated a facility with a particular role a priority in fulfilling that role again. For all per session roles, schools must publicly post notices for a period of no fewer than 20 days, and applicants must submit a resume to demonstrate their qualifications for the position. Principals who complete per session work must receive authorization from superintendents.

Notably, the United Federation of Teachers (“UFT”) has advised pedagogues of per session “retention rights” like so:

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<sup>10</sup> <https://www.schools.nyc.gov/careers/other-jobs-in-schools/per-session-jobs>

“Upon completing two consecutive years of satisfactory service in the same activity you gain ‘retention rights,’ giving you priority for hiring in future years in the same activity. To exercise your retention rights, you must indicate on the per session application form (most per-session applications are filed online; some still require paper applications) that you are claiming such rights. You must be applying for the same activity in the time frame specified in the posting. You can exercise your retention rights to only one activity each school year, although you can apply for more than one per-session activity during that time.”<sup>11</sup>

This would explain why Maspeth employees frequently were given the same per session role year after year. ██████████ confirmed that certain roles (such as sports coaches) often retain their roles year-to-year.<sup>12</sup> However, this does not appear to have always been the case; ██████████ ██████████ told SCI that she did not see a posting for the ██████████ ██████████ position but she knew that the position was hers because ██████████

Chancellor’s Regulation C-175 imposes a limit on the maximum number of hours school personnel can work per session. Per C-175 III.A, “The maximum total number of hours of per session work permitted during any per session school year (“cap”) for the following titles is: 500 hours for Principals; Assistant Principals and Educational Administrators; 400 hours for Teachers, Secretaries, Paraprofessionals, and other limited pedagogic staff; and 270 hours for School Social Workers and School Psychologists.”<sup>13</sup>

## 2. Per Session at Maspeth

Despite SCI’s diligent review, numerous issues arose which hampered SCI’s ability to properly analyze the voluminous data that included the postings of per session positions, time cards, and time sheets. SCI’s inability to properly analyze the data stemmed in part from some timecard punches that were a few minutes off from what was documented on time sheets; some timesheets that were missing timecards; some timecards that were not punched and were manually written (as SCI was told that some athletic coaches did not have immediate access to punch in when they were on the field for practices); SAT preparatory instruction that ostensibly was held on Saturdays but teachers only had documented Monday – Friday per session; and other issues. Further, SCI could not establish if positions awarded to Abdul-Mutakabbir, Pachter, and Singh had retention rights per se, and were SCI was unable to determine the manner in which all per session jobs were posted. Maspeth has an approximate enrollment of 1,200

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<sup>11</sup> See <https://www.uft.org/your-rights/know-your-rights/session-work>.

<sup>12</sup> The per session positions must be reposted, but retention rights give a pedagogue priority when applying. As the UFT advises its members, “Upon completing two consecutive years of satisfactory service in the same activity you gain “retention rights,” giving you priority for hiring in future years in the same activity. To exercise your retention rights, you must indicate on the per-session application form (most per-session applications are filed online; some still require paper applications) that you are claiming such rights. You must be applying for the same activity in the time frame specified in the posting. You can exercise your retention rights to only one activity each school year, although you can apply for more than one per-session activity during that time.” See <https://www.uft.org/your-rights/know-your-rights/session-work>.

<sup>13</sup> See <https://www.schools.nyc.gov/about-us/policies/chancellors-regulations/volume-c-regulations>.



students and several sports teams, academic preparatory courses, and other per session opportunities.<sup>14</sup> During the 2018-2019 school year, there were nearly 50 per session positions posted.

During this investigation, SCI investigators spoke with several confidential informants who provided information on the condition of anonymity. The first confidential witness (“CW1”) alleged that Maspeth administrators and the staff members whom they favored, made an “excessive” amount of per session salary, yet the administration required the rest of the faculty to attend school events such as dances and/or overnight trips without compensation. CW1 stated that the staff members who did not volunteer were deemed unsupportive of the school and were “shunned.” CW1, who had reviewed public employment records during the 2017-2018 school year, alleged the following:

- Principal Abdul-Mutakabbir received \$11,794 in per session salary but did not actually work any per session positions;
- Sepulveda received \$22,281 in per session salary for coaching wrestling and working summer school;
- AP Singh received \$41,824, [REDACTED] and Teacher Christopher Grunert received \$6,962 in per session salary for [REDACTED]  
[REDACTED] and
- AP Pachter received \$35,681 in per session monies for coaching the female varsity flag football and a Public School Athletic League (“PSAL”) director position.<sup>15</sup>

Regarding Principal Abdul-Mutakabbir’s per session work in 2017-2018, though SCI could not determine for which position or title he was working per session, he submitted time cards that show several instances of four-hour shifts after school hours.<sup>16</sup> Crucially, per Chancellor’s Regulation C-175, “Principals performing per session work in their schools or at another site must obtain prior approval from the superintendent before performing the per session work.” With limited access to per session records, and without the cooperation of Abdul-Mutakabbir, SCI’s investigators could not determine if Abdul-Mutakabbir had received this approval.

In reviewing CW1’s allegations against Sepulveda, records that SCI reviewed showed that Sepulveda held myriad per session functions beyond those CW1 mentioned: “non-school [sic] dean hours,” “proctoring,” “wrestling summer camp,” “summer bridge program,” “baseball club,” “cabinet,” “2018 class advisor,” “PSAL – boys wrestling,” “Saturday Academy,” “Curriculum Planning,” and “PSAL – flag football.”

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<sup>14</sup> See <https://www.niche.com/k12/maspeth-high-school-elmhurst-ny/> and <https://www.usnews.com/education/best-high-schools/new-york/districts/new-york-city-public-schools/maspeth-high-school-144689> for enrollment figures.

<sup>15</sup> CW1 provided more information than is publicly available on SeeThroughNY.net. For instance, Pachter’s \$35,681 in per session pay in 2018 states that it was for “Per Session Teacher” purposes, not that it was for coaching.

<sup>16</sup> Per a records review conducted by SCI, Abdul-Mutakabbir submitted timesheets that reflected he worked from 3:35 p.m. – 7:35 p.m. on December 3, 7, 10, 14, 17, and 21, 2017; January 8, 10, 17, 22, 29, and 31, 2018; February 5, 7, 12, 14, 26, and 28, 2018; March 5, 7, 12, 14, 19, 21, 26, and 28, 2018; April 11, 16, 18, 23, 25, and 30, 2018; May 2, 7, 9, 14, 16, 21, and 23, 2018.

CW1 stated that Pachter's PSAL director position, which entitled him to an annual stipend of approximately \$15,000, required Pachter to be present at all PSAL games at the school.<sup>17</sup> However, CW1 alleged that Pachter did not actually attend any junior varsity volleyball, wrestling, or basketball games that year. Further, CW1 stated that Pachter's per session timekeeping indicated that he worked 3:00 p.m. to 5:00 p.m. every day, but Pachter did not actually work those hours.<sup>18</sup>

A different confidential witness ("CW4") met with SCI investigators in October 2019, and alleged to have seen Singh, Grunert, [REDACTED] clock in to work for per session co-coaching varsity [REDACTED] even though the PSAL did not pay all three coaches. Further, Grunert, [REDACTED] and [REDACTED] – received per session salary to stand near the safety desk greeting students from 7:45 a.m. until 8:15 a.m., and that [REDACTED] received per session payments for greeting students, but "became upset" when she stopped receiving per session pay for that role. CW4 recalled witnessing Teacher Daniel Franchise ("Franchise") clock in to be paid per session for a student-versus-teacher volleyball game when most teachers were not paid to participate. By way of explanation, CW4 said that most Maspeth faculty was made up of young, new, untenured teachers who agreed to volunteer because they were unaware of their rights or felt pressured to do so.

To better ascertain Maspeth's per session practices, SCI reviewed ten boxes worth of records, and reviewed each individual's timecards and timesheets. SCI specifically reviewed the 2017-2018 and 2018-2019 per session data for Abdul-Mutakabbir, Singh, and Pachter. Singh, for instance, appeared to receive per session as non-school hours supervisor, a baseball coach, and a summer supervisor in 2018-2019. While this resulted in a large amount of per session hours, it did not appear to violate Chancellor's Regulation C-175's maximum allowable amount of per session hours for an administrator.<sup>19</sup> Similarly, during the 2017-2018 school year, Pachter's timesheets reflected per session hours for summer academy supervisor, flag football, athletic director, and guidance work before and after school.

Regarding the specific baseball-team allegations, SCI determined that [REDACTED] Grunert, and Singh far exceeded a 120 hour per session limit. [REDACTED] and Singh combined claimed to have worked 192 hours coaching baseball, and Grunert's total was 113 hours. SCI staff met with [REDACTED] and stated that he saw per session postings "only" for club advisor positions. [REDACTED] added that sports team coach per session positions – which were not posted – were taken by Sepulveda, Singh, and Pachter, all heavily involved in working paid per session positions after school even though they "strongly encouraged" staff members to attend such events without compensation.

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<sup>17</sup> In a school with a plethora of sports activities, in a typical year it would be extremely challenging for one individual to attend every single PSAL event.

<sup>18</sup> A discussion of potentially fraudulent course work for which Pachter was paid is discussed in greater detail in Section E of the instant report, "Fraudulent Classes."

<sup>19</sup> C-175 states, "The maximum total number of hours of per session work permitted during any per session school year ("cap") for the following titles is 500 hours for Principals [and] Assistant Principals and Educational Administrators".

**Conclusion:**

It should be noted that many of the teachers at the school seemed to be unaware of the UFT applicable definition of retention rights for per session assignments, which may have contributed to confusion or the reason for the initial allegations.

Though SCI could not verify all allegations due to the lack of proper maintenance of paperwork at Maspeth, it appears that there were several instances in which Maspeth personnel erroneously earned pay for per session work that was not done. For instance, Abdul-Mutakabbir submitted per session documents but SCI could not determine what, precisely, he did to merit this pay, nor if he received superintendent approval due to the poor record keeping at Maspeth. In addition, Grunert, [REDACTED] and Singh far exceeded a cap on the number of coaching hours that could be split among baseball coaches. However, SCI was unable to quantify the amount of pay based upon the lack of record keeping at the school, but could easily ascertain that Maspeth's records were poorly kept.

**Allegation #2:**

Maspeth's principal created an environment in which staff felt they were treated unfairly. Further, Maspeth's principal favored members of his "clique," and appeared distant and unavailable.

1. An Environment of Favoritism at Maspeth

SCI investigators met with Teacher [REDACTED] in the presence of her attorney. [REDACTED]

[REDACTED] – stated that Maspeth was "not a professional place" and that several staff members felt Abdul-Mutakabbir and APs Pachter and Singh made the school a difficult environment in which to work. [REDACTED] also said that the administration hired young, untenured teachers who were unfamiliar with their rights and DOE protocols because "they don't want anybody to be [sic] in the building to know the right way to do things." [REDACTED] added that Pachter and Singh scared teachers by warning them into either "falling in line" or face a difficult review for tenure, and that administrators retaliated against teachers using negative observations and undesired schedules. By way of example, [REDACTED] noted that Pachter did not like a teacher named [REDACTED] because she held students to a high standard. [REDACTED] Pachter told [REDACTED] that he planned to "fuck [REDACTED] on her observations." [REDACTED] said that Pachter and Singh "highly encourage[d]" teachers to volunteer at school events without pay and to adhere to an "unwritten dress code." [REDACTED] said she was paid per session to coordinate student activities such as prom and homecoming, but was not paid to work the event as a chaperone. When a hiring freeze in 2018-2019 meant that the school would have to hire a guidance counselor from the ATR pool, Pachter instructed [REDACTED] to change her schedule to teach one class and spend the rest of her workday performing guidance counselor tasks. When [REDACTED] asked when she [REDACTED] Pachter replied, "Fuck no, you're never going back to teaching." [REDACTED] confirmed that she, Pachter, Sepulveda, Franchese, and Grunert were college friends who attended [REDACTED] where Pachter, Sepulveda, Franchese, and Grunert were all members of the [REDACTED] fraternity.

When SCI met with ██████ he stated that Abdul-Mutakabbir did not directly manage staff members and communicated instead through APs. A separate confidential witness (“CW3”) later stated Sepulveda, Pachter, Grunert, and Franchese, attended ██████ together, where they were members of the same fraternity. CW3 stated that Sepulveda, Pachter, Grunert, and Franchese were a “clique” within Maspeth who protected and helped one another and mistreated staff members who they viewed as outsiders. ██████ also confirmed that most per session positions were handed out to Abdul-Mutakabbir’s “boys’ club” which consisted of Pachter, Singh, ██████ and Teacher David Mevs (“Mevs”).

Echoing others’ prior comments, CW4 stated that Maspeth staff members who were not part of “the clique” of administrators were not given paid per session opportunities, and “they tend[ed] to give things to people they like[d].” Though per session postings may have existed, CW4 said they were never posted, and that ██████ asked CW4 to take a paid per session position assisting with a student club, but advised CW4 not to tell other staff members.

In addition, SCI investigators met with ██████ the presence of her attorney. ██████ confirmed that Pachter was the chairperson of the guidance department prior to his promotion to AP in 2018-2019, and that he took the Saturday Academy and Summer Academy per session opportunities available to guidance counselors for himself. ██████ asked Pachter about the possibility of her working the Saturday Academy or Summer Academy per session slots, but Pachter advised that there was only one position available ██████ which he had. Per ██████ Pachter was the athletic director and women’s flag football coach, and Sepulveda was his assistant coach.

Crucially, ██████ said that Abdul-Mutakabbir did not attend staff meetings, was hardly seen before, during, or after school hours, and that he rarely interacted with anyone besides Pachter and Singh – including the fact that he did not know most staff members’ or students’ names. Like ██████ stated that Maspeth was deliberately staffed by young, inexperienced, untenured teachers who did not know their rights, and that per session positions were not offered to untenured teachers who felt pressured by Pachter and Singh to volunteer to work at school events without pay in order to “show school spirit.” ██████ did not complain to ██████ about issues in the school because ██████ was close friends with Pachter, Singh, and Sepulveda. When asked if he had ever heard that Abdul-Mutakabbir was unavailable or not present during the school day, ██████ said he was aware of that criticism and worked to address it with Abdul-Mutakabbir.

Franchese and Grunert, through their attorney and citing their tenured pedagogue status, declined to be interviewed by SCI.

**Conclusion:**

The account as detailed by several individuals with knowledge, demonstrate that Maspeth administrative staff did not always provide per session opportunities to staff in an equitable manner. Additionally, the postings for per session opportunities did not appear to be properly posted. Though retention rights certainly played a factor, it appeared likely that roles were given based on friendship with a specific “clique.” There appears to have been a prior social history among the teachers and administrators, which may have contributed to this atmosphere. Further, Abdul-Mutakabbir created an environment in which a select few administrators were determinative of the careers of other pedagogues. As noted, Abdul-Mutakabbir, Pachter, and Singh would not controvert any of SCI’s findings or its conclusion, as they refused to participate in sworn interviews with SCI counsel.

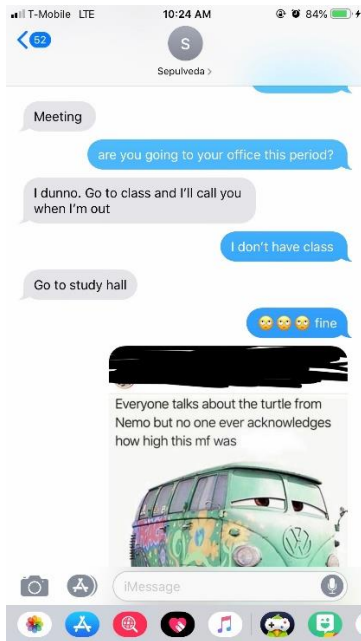
Further, it appears from the statements provided that Abdul-Mutakabbir created a work environment at Maspeth ██████████ to favoritism in which his preferred APs were able to treat other administrators and pedagogues disparately. Mutakabbir himself appeared distant. Based upon statements by ██████████ he attempted to address Abdul-Mutakabbir’s lack of involvement.

**D. Sepulveda:****Allegation:**

Head Dean Daniel Sepulveda acted inappropriately with students, specifically by: 1) dangerously wrestling with a student who was not a member of the schools wrestling team; and 2) inappropriately texting students. (A third allegation, Sepulveda’s conduct while proctoring Regents exams, is found herein under Section G, “Issues with Regents Exams”).

As noted above, during the course of the investigation, SCI investigators met CW1, who stated that Maspeth personnel – especially coaches of sports teams – use an application called GroupMe to communicate with students ostensibly so that staff members’ cellphone numbers remain private. CW4 corroborated this, and stated that administrators encouraged staff members to communicate with students via the GroupMe app instead of text messages.

CW1 advised that Sepulveda coached the men’s wrestling team and, in lieu of using GroupMe, exchanged text messages with several student wrestlers. CW1 provided screenshots of text messages that Sepulveda sent to a ██████-year-old male student (“Student A”), which demonstrated that Sepulveda and Student A had exchanged messages before, during, and after the school day. SCI obtained several screen shots of these text messages (see examples below, using the original texts’ syntax and spelling). The messages demonstrate that Sepulveda was in contact with the Maspeth student during the school day and reflect the informal and casual relationship that he had with Student A, including a reference to a cartoon character who appeared to be using drugs:



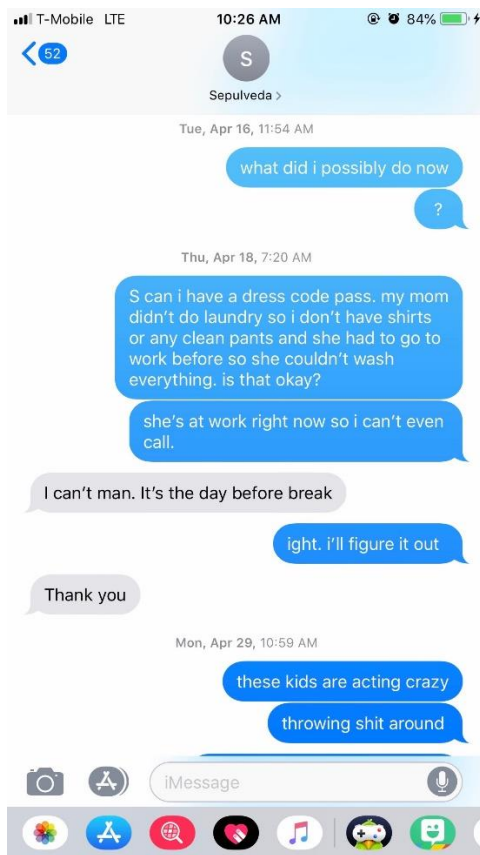
Sepulveda: Go to study hall

Student A: [three eyeroll emoji] fine

[Quoting a cartoon] Everyone talks about the turtle from Nemo but no one ever acknowledges how high this mf was



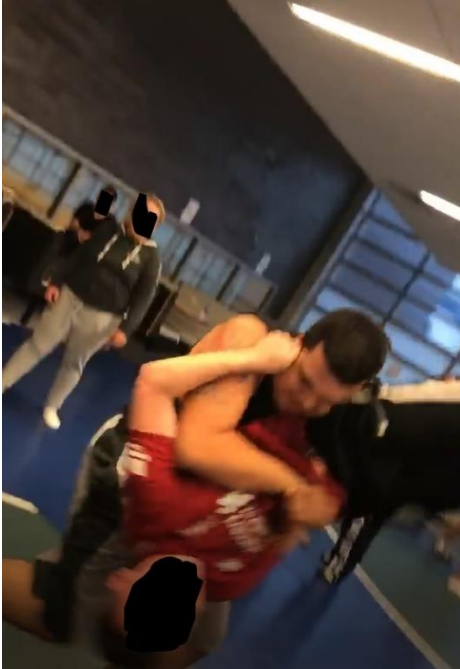
Sepulveda: Oooo [sic] shit. Happy birthday kid. Yes come during study hall or lunch”  
Student A: lol thank you big pops [horns emoji] and I’ll probably come during study hall if you’re free  
Sepulveda: OK  
                  Where are you??  
Student A: [REDACTED], we have an appointment on Tuesdays this period  
Sepulveda: OK  
Student A: im not skipping [eye roll emoji]  
Sepulveda: Just checking  
                  Dude now we’re cutting?



Student A: S can I have a dress code pass. My mom didn’t do laundry so I don’t have shirts or any clean pants and she had to go to work before so she couldn’t wash everything. is that okay?  
Sepulveda: I can’t man. It’s the day before break.  
Student A: ight (sic). i’ll figure it out.  
Sepulveda: Thank you.







The video clips are disturbing and clearly demonstrate that Sepulveda was not acting in an instructional or tutorial capacity; rather, the videos demonstrate at best dangerous horseplay. In one clip, Sepulveda is seen lifting Student B upside down and crashing him down on the mat while other students looked on laughing.<sup>22</sup> [REDACTED] complaint alleged that Student B – who was *not* on the wrestling team – was slammed to the floor twice and put in a headlock by Sepulveda.<sup>23</sup> Per the complaint, Sepulveda “wasn’t even trying to teach him, he was being a bully.”

SCI approached Student B’s mother (“Mother B”), but Mother B declined to allow Student B to be interviewed. Similarly, the complainant – the parent of a Maspeth student – advised SCI that his own child did not want him to cooperate with the investigation because his child is still a student at Maspeth.

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<sup>22</sup> [REDACTED]

<sup>23</sup> SCI learned from witnesses that the student may have been part of a try-out for the team.

However, the complainant advised that “as a parent, it’s very concerning that a teacher [Sepulveda] would do something so violent to a student. Mr. Sepulveda is still the wrestling coach, that is outrageous.”<sup>24</sup>

CW4 stated that Sepulveda and ██████████ communicated with students via text message, and that it is “very public knowledge” that Sepulveda and ██████████ drove students home from sports events in their personal vehicles. Though SCI is not currently aware of a rule prohibiting coaches and/or pedagogues transporting students’ home in personal vehicles, there clearly is a troubling pattern of too-familiar behavior between Sepulveda and students, as demonstrated above. SCI also spoke with former Maspeth students about Sepulveda, one of whom, an ██████-year-old female student (“Student P”) said she heard a rumor that Sepulveda gave previously confiscated marijuana vape pens to the students with whom he was “cool,” and possibly smoked the vape pens with students.

██████████ noted that Sepulveda had been removed from his per session activities because of his “overly aggressive behavior” with a student. It had been reported in the news media that Sepulveda was removed from Maspeth.<sup>25</sup> However, due to tenure rights, Sepulveda was returned to Maspeth.

As previously mentioned, Sepulveda, through his attorney, and citing his status as a tenured pedagogue, refused to be interviewed by SCI. As noted, SCI has been advised that Sepulveda remains employed at Maspeth as both pedagogue and coach.

**Conclusion:**

The video submitted, as obtained by SCI from several sources, is incontrovertible, and clearly shows that Sepulveda physically wrestled with a significantly smaller student in a potentially dangerous manner. The video demonstrated such deplorable behavior that SCI received it from multiple sources. Though the student appeared laughing, the video – as shown in stills – clearly showed a large, grown man throwing a thin, young teenager to the ground.

There also appeared to be a clear pattern of Sepulveda’s inappropriate behavior with students, including sending text messages that involved joking about drug use, and using personal vehicles to drive students home.

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<sup>24</sup> Apparently, Maspeth personnel agreed for a period of time, as Sepulveda was temporarily removed from his position with the wrestling team.

<sup>25</sup> See <https://nypost.com/2020/01/25/maspeth-high-school-dean-who-allegedly-helped-kids-cheat-is-removed/>. See also [https://www.qchron.com/editions/queenswide/teacher-removed-from-maspeth-hs/article\\_c0ec8530-5505-5818-a6e6-34736ce982ca.html](https://www.qchron.com/editions/queenswide/teacher-removed-from-maspeth-hs/article_c0ec8530-5505-5818-a6e6-34736ce982ca.html). However, he still appears on Maspeth’s school website as of April 21, 2021. See <https://www.mhs.nyc/apps/staff/>.

### E. Fraudulent Classes:

#### Allegation:

Maspeth offered sham courses to “low-priority” students in an effort to graduate them early thereby relieving the school of the responsibility for their education.

##### 1. Early Graduation

During the course of this investigation, SCI became aware that a false or fraudulent course offering was potentially being used at Maspeth to allow students – many of whom had attendance or grades-related challenges – to graduate early.<sup>26</sup> As such, SCI investigated accordingly.

During the above-mentioned interview with CW1, the confidential witness stated that Pachter was paid per session for teaching “fake” classes. CW1 stated that Pachter was listed as the teacher of PSAL Sports 2 and Topics in Health during zero, eighth, ninth, and tenth periods, all of which, per CW1, were not actual class times. CW1 stated that “troubled students” were enrolled in the classes to receive credits that enabled them to graduate, but they did not actually attend any classes or submit any work. CW1 stated that Sepulveda told CW1 that a █-year-old male student (“Student D”), an 18-year-old male student (“Student E”), and a █-year-old female student (“Student F”) all “cut a deal” with Sepulveda, Pachter, and Singh to come in once a month with a packet of work.<sup>27</sup> CW1 provided SCI with attendance records for these four students, which indicated that the students were chronically absent and yet all graduated in summer 2019.

As previously noted, SCI investigators met with █ to discuss per session assignments at Maspeth. During that conversation, █ also provided information about a specific Maspeth course. █ stated that 44 total credits were required for graduation: eight English credits, eight social studies credits, six math credits, six science credits, four physical education credits, two foreign language credits per year (with most students taking two to three years of foreign language), one health credit, and elective courses, such as art or music, which were worth two credits per year. █ stated that most students accumulated a total of 39 credits by the end of their junior year, which meant that they did not need to take a full schedule of courses in their senior year. █ stated that zero and ninth period classes were offered to juniors and seniors to expedite the time it took for them to accumulate credits, and made it possible for them to graduate early. Per █ during the 2019-2020 school year, Singh created a ninth-period humanities class, █ which offered a semester of English and government and a semester of English and economics, for a total of four credits. █ said that approximately 20 juniors and 15-20 seniors met with █ during their study or lunch periods or after school, and █ had the students sign in and gave the

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<sup>26</sup> Among other channels, SCI investigators reviewed the *New York Post* article “I was always stoned, drunk and skipping class — so they let me graduate early: Maspeth alum,” available online <https://nypost.com/2019/09/21/i-was-always-stoned-drunk-and-skipping-class-so-they-let-me-graduate-early-maspeth-alum/> (“Troublesome students were pushed through and their graduations accelerated”).

<sup>27</sup> Despite several attempts, SCI was not able to speak with Students D, E, and F.

students' assignments to complete. ██████ further said that four credit classes usually met every day. However, the students in this ninth-period class did not meet with ██████ daily.

SCI investigators re-interviewed ██████ who advised that a "PE [Physical Education] Leaders" class was offered during the 2018-2019 school year during zero period as a way for students to earn extra credits to graduate early. Further, although government and economics courses for one credit were usually taught daily, a ninth period "Government and Economics" class was offered so that students could take both simultaneously, during the same term, to expedite their credits and graduate early. ██████ said that students had to submit a parental consent form to take the course.<sup>28</sup> At the beginning of the school year, Pachter gave ██████ a list of students who were at risk of not graduating, students with "behavioral issues," and students who could possibly graduate in January 2019, and wanted ██████ to help these students graduate so they "would no longer have to be dealt with." ██████ mentioned several students Pachter identified who graduated early. One such student, an █-year-old female ("Student N") asked to take the ninth-period class ██████ and wanted to graduate early. ██████ said that in late September or early October, Student N asked ██████ where she should meet with ██████ because she was never told where to attend ninth-period class and "still" did not have a classroom for the course. Student N subsequently graduated in January 2019.<sup>29</sup>

When ██████ asked ██████ about ninth period, ██████ ██████ told ██████ that another student had come to ██████ with similar questions and that, when ██████ confronted ██████ and ██████ they stated the course was a "hybrid course." However, according to ██████ the two were "not actually teaching anything." ██████ then confronted Singh about the matter, and Singh stated that the DOE permitted schools to offer "hybrid blended courses," and although ██████ told Singh the students had complained about the ninth-period course and that she was not comfortable enrolling more students into the class, Singh directed her to "Just put them in and we'll figure it out." ██████ spoke with an █-year-old female student ("Student O"), who had attendance issues, around the time of winter break, *i.e.* December 2018. Student O asked ██████ for help to graduate in January 2019. Though ██████ told Student O that it was too late to make changes to her current schedule, ██████ directed her to Singh and Pachter, and then later noticed Student O's name added to the list of students in ninth-period class. Less than one month after ██████ spoke with Student O, she graduated in January 2019.

SCI investigators met with ██████ who stated that an █-year-old alumnus ("Student V") had an Individualized Education Program ("IEP") meeting during the 2018-2019 school year, during which time he said that his ninth-period class ██████ did not actually meet, and that Student V had not been assigned work. ██████ said that a █-year-old male student ("Student W") gave ██████ the same feedback regarding the ninth-period course. ██████ told ██████ what Student V said

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<sup>28</sup> ██████ too, advised SCI that Singh directed her to obtain parental consent forms for all the juniors who were taking a ninth-period humanities class taught by ██████ and ██████ ██████ said that she did so, and logged the communications with parents in Skedula. Skedula is now known as "IO Classroom," and is a DOE-used portal that assists with schedule and grade tracking. See <https://www.skedula.com/>.

<sup>29</sup> SCI was unable to speak directly with Student N.

and ██████ ostensibly responded, “Thank you for letting me know. I’ll make sure to get him some work.” ██████ said that many changes were put in place since investigations into and public scrutiny of Maspeth began. ██████ said that ██████ remained ██████ but ██████ believed that the class now “actually” met several times per week, with attendance taken.

SCI investigators also met or attempted to meet with approximately 23 students who attended Maspeth to discuss this course offering.<sup>30</sup> An ██████-year-old female student (“Student I”) stated that she wanted to graduate in January 2020, and that she met with ██████ who suggested that she take a ██████ social studies course taught by ██████ in conjunction with a government course she was already scheduled to take.<sup>31</sup> ██████ gave Student I a parental consent form which Student I’s mother signed and which she submitted. Student I spoke with ██████ and ██████ and told them that she had a full course load from 9:00 a.m. to 12:15 p.m. and could not attend a later class because she had an after-school job. Per Student I, ██████ told her she should go to the office one day per week for one period to fulfill the class time for the ninth-period course.

SCI investigators interviewed an ██████-year-old female alumna of Maspeth (“Student M”), who advised that she began high school with nine to 12 high school credits that she had earned in middle school, and therefore needed only two English courses during her junior and senior years to graduate. Student M said that in fall 2018, Student M asked ██████ to help her graduate in January 2019, and ██████ enrolled Student M in a ██████ economics class ██████ Student M said that she told ██████ and ██████ that she had an after-school job and could not attend a course that started at 2:38 p.m. According to Student M, ██████ told her that “it was fine” if she did not come to class “because it was me – I kind of got princess treatment there.” Student M said they gave her a list of assignments with little structure and no deadlines.

As noted above, SCI investigators also met with several confidential witnesses. One, CW5, a former Maspeth employee, stated that students who had attendance issues “were strategically placed in classes with someone [a teacher] who was going to pass them along,” even if they did not attend. CW5 also mentioned a ██████-year-old male alumnus of Maspeth (“Student T”) whose transcript reflected that he took a health course in the first term of the 2012-2013 school year, even though health classes were not offered until the second term. (Student T confirmed to SCI that he was given several makeup packets throughout his time at Maspeth because he often cut school and had attendance issues. Despite this, he attained enough credits to graduate early). Despite a nominal zero-period physical education class, CW5 stated that when they arrived at school in the morning, they never witnessed such a course being offered. Further, CW5 submitted a failing physical education grade for several students: a ██████-year old female, (“Student Q”); a ██████-year old female, (“Student R”); a ██████-year old male, (“Student S”); and the aforementioned Student T. CW5 stated that Pachter informed CW5 that Abdul-Mutakabbir wanted CW5 to provide assignments to these students in order for them to pass. Pachter then assigned dates for the

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<sup>30</sup> Although SCI was able to meet with several students, it was difficult to speak with many former Maspeth students because they had moved from their home of record after graduation, and some feared speaking to SCI in light of concerns that they may have graduated without earning proper credits, and speculated that speaking with SCI may result in the revocation of their degrees.

<sup>31</sup> ██████

students to come in and make up missed PE time by running laps for an entire school day. In June 2013, Abdul-Mutakabbir called CW5 into his office and told CW5 that Maspeth could not afford summer school for PE, so CW5 should do everything possible to ensure students passed during the school year. Per CW5, Abdul-Mutakabbir said that he would give Student S a diploma that was not **“worth the paper it was printed on”** and for him **“to have fun working at Taco Bell”** (emphasis SCI’s). CW5 felt threatened, and ultimately changed each students’ failing grade to a passing one. CW5 further stated that Abdul-Mutakabbir said in sum and substance, “I don’t care if a kid shows up at 7:44 [a.m.] and you dismiss at 7:45 [a.m.] – it’s your job to give that kid credit.”

████████████████████ corroborated these types of reports. Per ██████████ CW5 failed a student who did not do proper work during the school year, and failed to submit work issued by CW5 in a “make-up” packet. ██████████ said that Maspeth administrators told teachers that failing grades were not to be issued for poor attendance, while Abdul-Mutakabbir told teachers, “We’re not here to teach them life lessons; college will do that.” ██████████ stated that Abdul-Mutakabbir “just wanted them out.” ██████████ stated that unidentified students in the zero-period class showed their schedules to ██████████ and said, “Yeah, it’s a joke but we get a grade.”

a. Maspeth Students

i. Student L

A Maspeth alumnus, an ██████-year-old male (“Student L”), who graduated ██████████ stated that at the beginning of the 2018-2019 school year, a dean suggested that he take a ██████████ government class ██████████ to graduate early. Though Student L initially declined the offer, he later decided to enroll in the course. Either Pachter or Sepulveda – Student L could not recall precisely who – told Student L that it was too late to join the class, but he was eventually allowed into a ██████████ class ██████████ Student L stated that within the first week of enrolling, ██████████ and ██████████ told him there was no need for him to stay and that he could complete his assignments at home. In total, ██████████ gave relatively easy assignments, and Student L handed in two four or five-page reports one month prior to his graduation in January 2019. Student L stated that he was probably “pushed out of school” because he had been accused of selling drugs on school grounds, and that he had been suspended during the 2017-2018 school year. Per Student L, each of Pachter, Sepulveda, and Franchese offered Student L the option to graduate early during his senior year.

ii. Student T

SCI investigators also met with Student T, a Maspeth graduate, ██████████. As noted above, Student T said that he was given several make-up packets throughout his time there because he often cut school and had attendance issues. Student T stated that he had an “extra class” during zero and ninth periods, one of which was for writing. Student T said the extra classes provided him with enough credits to graduate early.

### iii. Student C

The mother of a [REDACTED]-year-old former male Maspeth student (“Mother C” and “Student C,” respectively) spoke with SCI investigators and advised that, during Student C’s [REDACTED] year, she was contacted by Sepulveda who offered to place Student C in an extra-credit program to enable Student C to graduate early. Per Mother C, the program would have entailed Student C being placed in extra classes during his sophomore and junior years, though it went unexplained why the option was being offered to Student C, who had an IEP, low grades, and issues with both lateness and his behavior. Mother C agreed to Student C’s placement in the program, and added that in his [REDACTED] year – despite being given make-up packets for Latin, math, English, and “possibly science,” which took Student C “weeks” to complete – Student C turned in all of his work by May and graduated in June, during what was his [REDACTED] year.

## 2. DOE Advice Re: Required Credit Hours

SCI investigators spoke with [REDACTED] [REDACTED] In an email that SCI obtained, [REDACTED] described several interactions with Maspeth personnel in 2019. Per [REDACTED] “[t]he Assistant Principals and the school programmer have regularly contacted me whenever they have questions or concerns that I can advise them on. The school visits have helped me develop a close working relationship with the school staff.” He wrote that on October 10, 2019, he met with three APs who “brought up a number of current academic policy questions that they wanted to review with me. We discussed in more detail writing a comprehensive grading policy and sharing it with staff before the first marking period in November.” On October 28, 2019, Maspeth personnel “sent me a revised grading policy which I sent to [REDACTED] On October 31, 2019, [REDACTED] “visited the school to review the draft grading policy with the Assistant Principals. I gave them central’s feedback and they agreed to revise the draft to reflect the feedback,” and on November 4, 2019, Maspeth personnel sent [REDACTED] the policy with revisions. [REDACTED] again visited Maspeth on December 18, 2019.

When speaking with SCI, [REDACTED] stated that AP Singh and AP Pachter had asked [REDACTED] if it was acceptable to offer a blended humanities course to juniors who had accumulated most of the necessary credits for graduation. [REDACTED] said it was acceptable and described to Pachter and Singh that a “blended” course was partially in-class and partially independent study. [REDACTED] advised that the course would require a teacher to document interactions with students, be it work, exams, projects, computer assignments, research, or the student visitation during office hours. [REDACTED] suggested that the teacher require one in-class session and one one-on-one session per week. [REDACTED] further advised that 54 hours of participation from each student was required to obtain one credit, so no matter when a student was placed into the class (even weeks before the end of term), that student “would have had to do a lot of work outside the classroom.” To offer two credits per subject – something the Maspeth ninth-period course ostensibly did – the student would have to do 108 hours of work. Notably, [REDACTED] description of a blended course differs from the DOE academic policy description that deems blended as half in-person and half-online.

██████████ confirmed that students required 44 credits to graduate, and that if a student had 44 credits in the correct sequence prior to June of one's fourth year, one could graduate. ██████ stated, "As an educator, I don't really recommend this necessarily for students. I think that as a former principal we want to load up a senior's program with as many college-level and rigorous courses right to the end. While a student may want to graduate early, it is not always in their best interests to do so." When asked about blended courses that would offer credits in several disciplines (such as the ones Maspeth apparently offered), ██████ stated that, "A student has to have a certain amount of seat time for each course." If ██████ saw that a school were regularly graduating students early, it would come to his attention and be of concern and interest. ██████ said it would "absolutely" be an area of concern if the students graduating early had issues such as truancy. "Early graduation was never on my radar at Maspeth," ██████ also said. "My guidance to principals [regarding blended/interdisciplinary courses] – I always defer to the advanced academic policy point person... their responsibility is to support principals and the reviewing of transcripts to ensure that all candidates for graduation" have satisfied the requirements laid out by the state. ██████

Though SCI was advised during the course of its investigation that a Google document had been circulated at Maspeth concerning grade/amending students' grades, SCI was not able to obtain or review this document.

#### **Conclusion:**

The consistent and credible accounts of all interviewed parties demonstrates that Maspeth repeatedly attempted to have students with attendance, behavioral, or other issues graduate early. For instance, Student C – a student with known academic and attendance issues, as admitted even by his mother – was offered extra credits and an opportunity to graduate following the completion of his junior year. Similarly, Students L and T said they were afforded the opportunity to graduate early, despite their known issues. CW5 and Students L and T provided credible statements that corroborated each other's accounts that students were encouraged to graduate early, and that showed that Principal Abdul-Mutakabbir simply wanted students to graduate, even if the diploma was not "worth" the paper on which it was printed. There appears to have been an overt, clear attempt to graduate students early at Maspeth, something that runs contra to ██████████ contention that early graduation is not always in a student's best interest. As previously noted, SCI received no input or explanation from Maspeth administrators.

#### **F. Improper Computer and Technology Use**

#### **Allegation:**

Maspeth personnel used non-DOE email accounts for school business.

When SCI investigators briefly met with Principal Abdul-Mutakabbir in the presence of his CSA representative, he stated that Maspeth provided staff members with Google accounts at the domain @mhs.nyc and/or @maspethhighschool.org. Abdul-Mutakabbir said that there was no designated IT person at the school, and that he was not sure which staff member was responsible for overseeing the



email accounts.<sup>32</sup> When presented with a December 2019 email that AP Singh had written regarding ██████████ Abdul-Mutakabbir stated that ██████████ was a “racist” who had “victimized” Abdul-Mutakabbir, and he believed that Singh was “speaking his truth on that.”<sup>33</sup>

Singh and ██████████ coordinated with DOE vendor ██████████ to create and manage a school website at [www.mhs.nyc](http://www.mhs.nyc) and staff members’ Google accounts at the domain @mhs.nyc, formerly @maspethhighschool.org. Maspeth staff members’ Google accounts had functionality such as the ability to share documents, pictures, spreadsheets, and calendars.

██████████ counsel provided SCI with documentation that showed three purchase orders issued by the DOE to Maspeth for ██████████ services, two of which were to be delivered to “Mr. Pachter” and were electronically signed by Abdul-Mutakabbir and one delivered to ██████████ and signed electronically by ██████████ ██████████ counsel further stated that Matos was the primary contact regarding ██████████ invoices, and that ██████████ made a demonstration to Abdul-Mutakabbir.

██████████ noted that school personnel using non-DOE email servers is a “common” practice.

Additionally, as noted earlier, Maspeth administrators encouraged pedagogues to use GroupMe to text students in lieu of traditional text messaging.

### **Conclusion:**

As noted above, it is common practice not only at Maspeth but other DOE schools, that DOE-issued email accounts are not the (sole) ones used by faculty and staff. This is problematic in that these email accounts may lack proper security and oversight. Therefore, it is SCI’s recommendation that DOE schools and/or sites should not issue non-DOE email accounts to staff members that cannot be regulated by the DOE or accessed by DIIT and DOE Central personnel. This lack of oversight may potentially lead to security issues being revealed and/or other forms of data breaches, as well as delays in investigations. In addition, staff members should not utilize GroupMe as a means of communication with students, and instead should rely on official DOE channels such as DOE-issued email accounts.

### **G. Potential Cheating on Regents Exams:**

#### **Allegation:**

Maspeth staff helped students cheat on Regents exams by providing verbal clues to answers when proctoring.

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<sup>32</sup> The school’s website does not reflect a designated IT, computer, or technology employee. See <https://www.mhs.nyc/apps/staff/>.

## 1. Regents Exams

Regents' exams are given to DOE high school students, and administered statewide by the New York State Education Department ("NYSED"). Per the DOE, "Regents exams measure student achievement in high school-level courses. To graduate from high school with a Regents diploma, students must pass five Regents exams in the following subject areas: English Language Arts, a math, a science, social studies, and any additional Regents exam or another option approved by the State. Student may also earn an Advanced Regents diploma if they pass certain additional Regents exams in math and science, as well as any NYC Language Other Than English exam."<sup>34</sup>

## 2. Regents Exams at Maspeth and Allegations of Cheating

It was alleged that Maspeth staff assisted Maspeth students to cheat on the Regents exams, by providing them with answers while serving as exam proctors.

SCI is not the investigative body that would normally review cases of potential academic fraud regarding Regents exams; that role has usually been filled by OSI or NYSED. For instance, in 2011, SCI referred to OSI a complaint from NYSED Assistant Commissioner David Adams that alleged malfeasance regarding an algebra Regents exam.<sup>35</sup> As appropriate, SCI refers matters to OSI or other DOE offices that involve unethical conduct or misconduct for investigation, disciplinary, or other appropriate action. For cases of academic fraud; however, OSI handles the vast majority.<sup>36</sup> OSI has a dedicated set of investigators referred to as the Testing Unit. Because allegations of cheating on Regents involved potential issues of criminality – including but not limited to the filing of a false instrument – SCI duly investigated the instant allegations.

Per reporting on the topic, "Teachers proctoring state Regents exams allegedly gave kids answers. They accomplished this in different ways. For instance, kids with [Individualized Education Program plans] can have the questions and answer choices read aloud to them, but some proctors signaled the right answers by their tone of voice, teachers said. One student wrote in a statement that Maspeth teacher and Dean Danny Sepulveda reread the questions at the end of the exam. 'But while he was reading it he was only saying the right answer choice, and this made me uncomfortable because it showed he didn't believe in me to pass the exam,' the teen wrote."<sup>37</sup> Specifically, SCI received an e-mail report from OSI that alleged misconduct against ██████████ Sepulveda, ██████████ ██████████ ██████████ reported that while she was present in the lobby at Maspeth regarding an OSI investigation of testing and grading irregularities, she overheard ██████████ ██████████ Sepulveda, ██████████ discussing the ongoing OSI investigation, even though they were notified in writing not to discuss the case. In addition,

<sup>34</sup> See <https://www.schools.nyc.gov/learning/student-journey/grade-by-grade/testing/ny-state-high-school-regents-exams>.

<sup>35</sup> See <https://ny.chalkbeat.org/2012/1/20/21110107/probe-into-regents-grading-finds-misconduct-but-not-cheating>.

<sup>36</sup> The fourteen cases of cheating from 2002 - 2011 investigated by SCI represented a "tiny fraction of the more than 1,250 accusations of test tampering or grade changing that the special commissioner has received since Mayor Michael R. Bloomberg took control of the city schools — most are handled by the Education Department, which has declined to provide a full accounting of its investigations." See <https://www.nytimes.com/2011/10/18/nyregion/how-cheating-cases-at-new-york-schools-played-out.html>.

<sup>37</sup> See <https://nypost.com/2019/09/14/maspeth-high-schools-secret-to-high-pass-rates-is-cheating-teachers/>

phone records obtained from Sprint showed correspondence between Sepulveda, ██████ and ██████ on November 21, 2019 – the same morning ██████ overheard those three and ██████ in the lobby. While it is unclear what the three were discussing, the timing is notable.

SCI was also able to obtain text messages sent between Sepulveda and a confidential witness (“CW6”). The text messages show that Sepulveda had knowledge of providing answers to students taking the Regents exams. For instance, the following is a transcript of texts between the two (with original syntax, punctuation, and diction), and CW6 said the conversation occurred in June 2018, shortly after the June 2018 algebra Regents exam:

CW6: how is giving answers helping her?<sup>38</sup>  
 what is that teaching her? that she doesn't have to try because she'll just get the answers ?  
 she didn't try at all this year, not one bit. Yet she thinks she's smart as hell now because she got the highest score

DS: And how is that harmful? What's worse, her thinking she can't do it or that's she's smart?

CW6: that she's smart when she's not.  
 that's setting her up for failure  
 she's asking to go to geometry to be with her friends, when we all know she can't handle that work<sup>39</sup>  
 how is giving students answers to an exam harmful !?! you did not just ask that question

DS: You don't get it man. You came from a very black and white background in private schools. But it's different here. It's different because I'm not going to not even give these kids a shot at the real world because they didn't pass HS. That's ridiculous. She shows up everyday and tries. Maybe not in algebra because she's GIVEN UP. That's why its a bullshit system.  
 But you also have to understand that this is the mindset of this place.

And a short while later in the conversation:

CW6: i understand he mindset of the school, and i obviously respect it but i don't always agree with it. Giving that many answers to her was outrageous and obviously i would never tell anyone that you or ██████ did this but like you really think giving them all the answers was the right decision?

DS: Not at all  
 She was smart enough to realize what was happening and took advantage lol. No other kid in that room got that many.

<sup>38</sup> Upon information and belief, this is a student who graduated in 2020.

<sup>39</sup> Sepulveda, per records obtained by SCI, proctored the Algebra I Regents exam on June 19, 2019.

Sepulveda, in these text messages, appears to admit to providing answers to at least one student. It further appears that Sepulveda was not concerned with a student's learning of course content nor that the student would not progress well due to missing foundational information. As noted previously, Sepulveda did not speak with SCI to be confronted with these text communications or other questions regarding his proctoring.

### 3. SCI's Review of Maspeth's Regents Exam Records

SCI attempted to review all Regents exams that Maspeth should have maintained on file; however, as noted further below, Maspeth did not properly keep all Regents exams, as required.

██████████ stated that schools were required to keep all "test documents," *i.e.* Regents exams, in a school vault for five years.<sup>40</sup> SCI investigators, when requesting Regents exams for the prior five years from Maspeth, were told that the school did not maintain five years' worth of exams. ██████████ ██████████ told SCI investigators that January 2019 Regents exams were "destroyed," along with those taken during the 2017-2018 school year, and that June and August 2019 Regents exams were ones to which he no longer had access.

SCI sent a request by subpoena for all June and August 2019 Regents exams, as well as the proctoring schedules and grade books. Although SCI obtained 38 boxes of material, there were no proctor schedules included.<sup>41</sup> SCI also reviewed student transcripts obtained from the DOE Office of General Counsel. The purpose of reviewing the transcripts – for the 2018-2019 academic year – was to evaluate whether students who were not strong academically in classes received exceptionally high Regents scores on exams given in June 2019. Of the student records SCI reviewed, 11 students failed the exam, and for those who did pass, there were no major discrepancies from their grades in those respective courses during the school year.

SCI also obtained the Regents exam test booklets and answer sheets for the exams that were alleged to have been proctored by Sepulveda in June 2018. In reviewing the exams, there were no obvious signs of excessive erasure marks or tampering. SCI investigators spoke with ██████████ ██████████ who said that her office looked for certain patterns when reviewing Regents exam sheets to determine if cheating had taken place. For instance, if answers to the first five or last five questions have erasure marks across several students' sheets, it would be a "red flag" for her. The exams, which were marked with several codes, did not include code 10, which would have required that the exams be read aloud.

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<sup>40</sup> Notably, per the NYSED Schedule ED-1 concerning retention of records effective 2004 (and superseded in 2021, during SCI's investigation), a school must only maintain examination and test answer papers, including Regents examinations for one year after end of the school year. See [http://www.archives.nysed.gov/common/archives/files/mr\\_pub\\_ed1.pdf](http://www.archives.nysed.gov/common/archives/files/mr_pub_ed1.pdf). See also [http://www.archives.nysed.gov/records/retention\\_ed-1\\_student-records](http://www.archives.nysed.gov/records/retention_ed-1_student-records).

<sup>41</sup> Ultimately, SCI was determine the proctoring schedule for the June 2019 exams in a review of email correspondence.

**Conclusion:**

There was no conclusive evidence that revealed that Maspeth staff assisted with students cheating on Regents exams. However, Sepulveda appeared to imply that he aided students on their exams, even confirming in a text message to a colleague that a student was “smart enough to realize what was happening” and take advantage, as that supposedly had that been a proctored exam where he read the questions aloud. Exams reviewed by SCI showed no code for exams to be read aloud, yet Sepulveda asked how giving answers was “harmful.” Further, Maspeth did not maintain test documents and proctor sheets for a full five years, as was required.

**II. Conclusion and Recommendations:**

While not every allegation brought to our attention was ultimately substantiated by SCI, the instant investigation of numerous allegations of wrongdoing revealed that Maspeth had fundamental problems, and repeatedly failed to adhere to DOE-prescribed norms and standards. For instance, Maspeth acted in a manner antithetical to the collection and disposal of contraband items; graduated students with behavioral, truancy, and academic deficiencies early; possibly aided students on Regents exams, and failed to accurately maintain required records thereof; allowed for at least one student to be placed in physical danger by an overly aggressive wrestling coach; and fostered a culture in which at least one faculty member sent inappropriate text messages to a student. It was determined that Maspeth improperly vouchered contraband; ran per session in a manner unfair and antithetical to DOE procedure; and ran courses that did not provide the required classroom hours or provide for an adequate educational experience, in an effort to have students with issues graduate early.

Maspeth is, of course, a school run by individuals. Therefore, specific individuals deserve an additional level of scrutiny. Principal Abdul-Mutakabbir maintained a lax attitude at the school, and allegations including being unavailable and distant, and making clear that he had a preferred “clique,” were credible. It appeared that Abdul-Mutakabbir’s supervisor had been working with him regarding his visibility. As the chief individual in charge of running Maspeth and its first and only principal of the school since 2011, he was responsible: for academics; for learning; for the safety and well-being of all Maspeth students – including proper vouchering and disposal of contraband; for proper posting of assignments of per session; for maintenance of per session records (including his own); and for maintenance of state-issued tests. These are all measures upon which Maspeth did not adhere to DOE protocol. For the foregoing reasons, and for the clique-based atmosphere that he created as he is the individual in charge of Maspeth – staff and students alike – SCI recommends that Principal Abdul-Mutakabbir be appropriately disciplined, up to and including termination.

In addition, SCI recommends discipline of Teacher and Wrestling Coach Daniel Sepulveda. [REDACTED] Sepulveda endangered a student’s wellbeing, and there were credible accusations made against him of texting with students during the school day and that he condoned and encouraged their drug use. Further, there were credible allegations regarding his providing assistance to students during Regents exams, corroborated by text communications in which he seemed to admit to providing answers to students while proctoring a math Regents exam, and not caring that the student had not mastered the subject matter of the exam. Sepulveda’s actions are antithetical to the expectations of a DOE teacher’s work. Therefore, SCI

recommends significant disciplinary action be taken, up to and including termination of his employment. In no way should Sepulveda remain a coach of the wrestling team, given his actions.

In addition, SCI offers the following Procedure and Policy Recommendations (“PPRs”):

- 1) In light of the troubling nature of several students who were asked and assisted to graduate early, despite truancy and academic deficiencies, high schools should be required to request Superintendent approval before allowing a student to graduate early (*i.e.* before completing eight academic semesters), other than through the school-based credit recovery process.<sup>42</sup>
- 2) DOE pedagogues should be prohibited from sending text and digital messages to students – particularly during the school day – from personal accounts unless absolutely necessary and/or for exigent circumstances.
- 3) Principals and APs who perform per session activities must file an annual disclosure, and must also explain how these activities will not interfere with or preclude them from completing their regularly scheduled tasks. C-175 already provides a cap on the maximum number of hours Principals and APs may work per session, but it should be amended to include this extra level of review. While per session activities are important and help a school provide opportunities for students beyond the classroom, principals and assistant principals’ first priorities should always be to the administration of the school, rather than opportunities such as sports coaching.
- 4) Maspeth should be required to have its per session assignments be reviewed for the 2021-2022 and 2022-2023 school years, to ensure opportunities are given to all pedagogues and personnel who qualify and wish to apply. Special care should be given to ensure that all positions are properly posted and records maintained.
- 5) Schools that are found to have violated policy regarding vouchering and disposal of weapons, drugs, narcotics, and paraphernalia – such as Maspeth – should be subject to random auditing and inspection to ensure compliance in the future.
- 6) Central DOE should review Maspeth’s record-keeping and record maintenance, so that future investigations can obtain necessary material. Records such as timesheets, per session postings, and Regents examinations, that are required to be maintained, should be especially emphasized.

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<sup>42</sup> The DOE states that the credit recovery process can be utilized by “Students who previously failed a course and meet specific eligibility criteria...Credit recovery is a targeted experience, specifically for students who attended most of a failed course and mastered the majority of the content. In this option, the student does not retake the full course, but works with a teacher to receive instruction only in the portion of original course content in need of mastery. After receiving instruction in and demonstrating mastery of the remaining content of the originally failed course, the student may earn credit. However, there are specific NYCDOE and NYSED policies regarding the use of credit recovery. Schools must use the STARS eligibility check function and the Credit Recovery Approval Form when scheduling individual students for credit recovery.” See <https://infohub.nyced.org/docs/default-source/default-document-library/AcPolicy-HighSchoolAcademicPolicyGuide>.

Please respond in writing within 30 days of receipt of this letter as to any action taken regarding Maspeth personnel, including Abdul-Mutakabbir and Sepulveda. We are sending a copy of this letter to the DOE Office of Legal Services. In addition, we are sending a copy of this letter to the New York State Education Department, for whatever action they deem appropriate.

Should you have any inquiries regarding the above, please contact Jonathan Jacobs, the assigned attorney for this matter, at (212) 510-1423 or [jjacobs@nycsci.org](mailto:jjacobs@nycsci.org).

Sincerely,

ANASTASIA COLEMAN  
Special Commissioner of Investigation  
for the New York City School District

By: /s/ Daniel I. Schlachet  
Daniel I. Schlachet  
First Deputy Commissioner

AC:DS:JJ:lr

cc: Judy Nathan, Esq.  
Karen Antoine, Esq.  
Katherine Rodi, Esq.

**Appendix A**

**Exhibit 1:**

**Flushing High School**

2-Year Count of Weapons, Smoking, Drugs, and Other Contraband Incidents at Flushing HS Campus

Period of Analysis: 7/1/2018-6/30/2019; 7/1/2019-6/30/2020

DBN	School Name	Code	Short Description	2018-2019	2019-20
25Q240	Veritas Academy	B13	Smoking	0	2
		B41	Possession of Controlled Substances or prescription medication w/o Authorization, Illegal Drugs, drug paraphernalia, or Alcohol	0	1
		B49	Using Controlled Substances w/o Authorization, Illegal Drugs or Alcohol	0	1
		B58	Weapon Possession (Category I)	2	0
		<b>25Q240 Total</b>			<b>2</b>
25Q241	Queens High School for Language Studies	B41	Possession of Controlled Substances or prescription medication w/o Authorization, Illegal Drugs, drug paraphernalia, or Alcohol	0	1
		B49	Using Controlled Substances w/o Authorization, Illegal Drugs or Alcohol	1	0
		B57	Selling/Distributing Illegal Drugs or Control Substance	0	1
		B58	Weapon Possession (Category I)	1	0
		<b>25Q241 Total</b>			<b>2</b>
25Q460	Flushing High School	B13	Smoking	9	5
		B41	Possession of Controlled Substances or prescription medication w/o Authorization, Illegal Drugs, drug paraphernalia, or Alcohol	6	10
		B48	Weapon Possession (Category II)	0	1
		B58	Weapon Possession (Category I)	5	6
		<b>25Q460 Total</b>			<b>20</b>
Q460	FLUSHING HS - Q	B13	Smoking	9	7
		B41	Possession of Controlled Substances or prescription medication w/o Authorization, Illegal Drugs, drug paraphernalia, or Alcohol	6	12
		B48	Weapon Possession (Category II)	0	1
		B49	Using Controlled Substances w/o Authorization, Illegal Drugs or Alcohol	1	1
		B57	Selling/Distributing Illegal Drugs or Control Substance	0	1
		B58	Weapon Possession (Category I)	8	6
<b>Q460 Campus Total</b>			<b>24</b>	<b>28</b>	