

June 8, 2001

Hon. Harold O. Levy
Chancellor
New York City Public Schools
110 Livingston Street, Room 1010
Brooklyn, NY 11201

Re: Frederick King
SCI Case #2000-2567

Dear Chancellor Levy:

An investigation conducted by this office has substantiated that Frederick King, director of middle schools for Community School District 5, promoted students to the eighth grade despite the fact that the students failed the 2000 summer school program. King's actions violated the Board of Education ("BOE") policy ending social promotion.¹ Further, once he learned that his activities had been reported, he demoted the children to the seventh grade and never informed their parents.²

Then, in February 2001, despite the fact that some of the students were failing, school personnel promoted all but a few to the eighth grade.

¹ Chancellor's Regulation A-501, issued October 14, 1999, designates the criteria necessary for promotion to the next grade level and supersedes all other regulation governing student promotion. The regulation clearly states the requirements necessary for a seventh grader to be promoted to the eighth grade. Promotion is based on an assessment of whether the student: a) meets New York City Performance Standards in Language Arts and Mathematics as evidenced by student work, teacher evaluation and assessment/grades; b) achieves at or above Proficiency Level 2 on the Citywide CTB-Reading Assessment; c) achieves at or above Proficiency Level 2 on the Citywide CTB-Mathematics; d) attains 90% attendance. According to the regulation, "[d]ecisions regarding promotion will consider *all* the stated criteria for each grade. The decision to promote or retain may not be based on consideration of a sole criterion." *[Emphasis added]*

² King currently remains in his position as director of middle schools.

This investigation began after IS 43 Assistant Principal Constantin Marinos, who was the summer school site supervisor, reported to this office and the Chancellor's office that, without his knowledge, the grades of seventh grade summer school students were changed from 'F' to 'P' and they were all promoted to the eighth grade.³ According to Marinos, when he asked King about it, King informed him that he and District 5 Superintendent Thelma Baxter decided to change the marks and promote the students because it would create too many problems for the district if they were left back.⁴

Summer School Promotions

Marino laid out the events that occurred:

- ?? There were 175 seventh grade students enrolled in the IS 43 summer school program.⁵ On August 11, 2000, Marinos gathered the final summer school grades from his staff and learned that seventy-three students failed.⁶
- ?? Because IS 43 was being phased out, there would be no seventh graders attending that school. The holdovers had to be placed elsewhere. Therefore, Marinos informed District 5 Academy Principal John O'Mard, that he should budget for two additional classes to accommodate the seventy-three holdover students.
- ?? Later that day, O'Mard, while on the phone with King, summoned Marinos to his office and told the assistant principal to promote all students who showed up at summer school.⁷ Using O'Mard to relay the message, Marinos told King that he refused to do so because the holdover students failed to achieve a high enough grade on the citywide exams and also performed poorly in class based on teacher evaluations.
- ?? Later that day, King informed Marinos that he was going to establish a "7+" class for the failing students. This class purportedly would be an intensive curriculum for students and give them the opportunity to be promoted to the eighth grade mid-year.
- ?? On August 12, 2000, Marinos went on vacation.

³ On February 16, 2001, Marinos took terminal leave from the BOE, which means he will not be returning to work. He will officially retire on June 30, 2001.

⁴ Baxter denied having any knowledge of this.

⁵ As of September 2000, IS 286 and the District 5 Academy are also located in the IS 43 building.

⁶ There were two ways a student could successfully complete summer school: Either by passing the mandatory math and/or reading examinations or by receiving a positive evaluation from his/her teacher through homework, classwork, or class participation.

⁷ Approximately twenty of the seventy-three holdovers never showed up for summer school.

?? During Marinos's vacation, on August 14, 2000, King contacted him by telephone and requested the assistant principal's ATS computer password. King claimed he needed the code in order to print out student mailing labels. Marinos explained that King could use the school's biographical listing to obtain the students' addresses, yet King insisted that Marinos give him his ATS computer password. Marinos reluctantly told King his password.

?? In Marinos's absence, many of the students who failed summer school were promoted to the eighth grade without his knowledge.

Teacher trainer Nicole Price confirmed King's request for Marinos's code. She made the original phone call to Marinos, at King's instruction, in an effort to obtain the password. King told Price the reason he needed the code was to access the students' names and addresses in order to make labels to send letters to the parents. Price, as well as Dean Shavon Glover, offered to write the addresses by hand since there were not that many. King refused their offer.

When he returned to school on August 28, 2000, Marinos learned that King actually wanted his ATS password in order to change the grades of students, except those who did not show up for summer school, from failing to passing. According to Marinos, Anthony Dede, who was in charge of testing and statistical assessment at the district office, told him that King directed him to change all the students' grades, except those who failed to show, from failing to passing. Further, Dede gave Marinos copies of the ATS computer printout that reflected the grade changes. The documents have Marinos's ATS code on them. According to Dede, King gave him Marinos's ATS password in order to make the changes.

While Dede told Marinos that this is what happened, through his attorney, Dede refused to be interviewed by our investigators.

Marinos also discovered when he returned from vacation that fifty-three names had been added to the eighth grade roster. He quickly realized that they were the students who did not meet the promotional requirements at the end of summer school and were slated to be retained in seventh grade. In fact, according to the assistant principal, four of the students were arrested during summer school and expelled by him. When he spoke to King about it, King stated that he wanted the children promoted. Marinos refused to sign off on the changes and asked for written authorization from King. He never received any.

This conversation between Marinus and King was heard by a number of other people in the school. It took place during a conference call with King during a staff meeting. Present at the meeting were IS 43 math teacher Matthew Shapiro, IS 43 Principal Gloria McNair, District Five Academy Principal John O'Mard, IS 286 Principal Paul Scranton, and IS 286 Assistant Principal Roseanne Collins. All of these individuals confirmed that Marinus told King he would not sign any document that promoted the failing students and demanded that King provide him with written authorization for the students to be passed. King agreed to provide such written documentation.

The events that followed further illustrate King's improper actions:

- ?? On August 31 and September 1, 2000, Marinus reported the chain of events to the Chancellor's Office and this office.
- ?? On September 5, 2000, King confronted Marinus for reporting his actions and handed the assistant principal a letter requesting that he justify the failing grades of summer school students.⁸
- ?? On September 6, 2000, without explanation, all but three of the improper promotions were reversed and the students were retained in the seventh grade.⁹
- ?? The district computer system had a problem with the input of the changes and students who reported to school on September 7, 2000, having been told they were being held back in the seventh grade, were placed in eighth grade classes.
- ?? On September 11, 2000, with the computer problems resolved, the promotions to eighth grade were reversed. The students were placed in a 7+ program where their performance would be monitored and upon meeting certain criteria, they would be promoted to the eighth grade mid-year.¹⁰

King declined the opportunity to be interviewed by our investigators.

⁸ On September 7th, Marinus responded to King's request in writing and personally delivered it, along with a carton of supporting documents.

⁹ Assistant Principal Roseanne Collins's ATS code was used to do this without her knowledge.

¹⁰ According to the 7+ contracts, in order to be promoted a student had to: 1) maintain 90% attendance; 2) achieve level 2 on the City-Wide Reading and Math exams; and 3) maintain a portfolio of student work in English and Math and complete a student project in Social Studies and Science.

According to Marinos, the 7+ program was a farce. It was described as an intensive curriculum for students who would be given the opportunity to be promoted to the eighth grade mid-year. Marinos asserted that it was his belief that this program was instituted to justify King's actions of promoting these students and then sending them back to the seventh grade. As far as Marinos knew, there was no intensive curriculum. Further, Guidance Counselor Michele Mohammed stated that when she learned of the 7+ program, she complained that the school would not be able to fulfill its obligations.¹¹ Moreover, Lawrence Wilson, the special assistant to Principal O'Mard, asserted that he had never seen or heard of a 7+ contract since he began at the school in December 2000.

To make matters worse, parents who were told their children had been promoted, either by telephone or on the first day of school, never learned that they had, in fact, been held back. First, parents of children who failed summer school were notified by letter in August 2000, that they were repeating seventh grade. Then, when the improper changes were made, most parents were not notified of the promotions. However, according to Marinos, parents who called the school, in response to the letter they received, were told it was a mistake and the student was, in fact, being promoted to the eighth grade. Further, parents who came to school on the first day, saw their children placed in eighth grade classes.

The experience of one child who failed the summer program ("Student A") illustrates the frustration felt by parents. Student A was placed in an eighth grade class on the first day of school. His mother was present at the school that day. Four days later, he was placed back in a seventh grade class. Student A's mother first learned that her son was held back when an investigator from this office called her during the course of this investigation. No letter was ever sent to Student A's mother informing her that her son was being retained in the seventh grade after being told of the promotion on the first day of school.

For her part, Superintendent Baxter denied any knowledge of King's activities. She did admit that she was aware that King established a 7+ program in the school. Yet, according to her, she hired King to operate these programs as he deemed necessary. Nevertheless, as the leader of the district, Baxter has the ultimate responsibility for ensuring that the Chancellor's Regulations are adhered to and she failed to do so.

¹¹ However, she asserted that a committee was formed to take action.

Mid-Year Promotions

In the end, because school officials disregarded the BOE promotional standards which ended social promotion, King got what he wanted. In February 2001, most of the summer school failing students, now in the 7+ program, were promoted to the eighth grade despite the fact that many were still failing. According to BOE computer records, thirty-one of the students whom King originally promoted even after they failed summer school, were moved into the eighth grade.¹² This was done despite the fact that fifteen of these students either continued to fail Math or English – the class they failed the prior year and after summer school.¹³

The rules were disregarded when it came to decisions regarding mid-year student promotions. According to Guidance Counselor Mohammed, she made the decision to promote students mid-year based on her own set of criteria.¹⁴ In complete disregard of BOE requirements, students were promoted simply for passing the second semester of the subject which they had failed during summer school. For example, one student (“Student B”) received a failing mid-year grade in the same subject that she had failed before and did not maintain anywhere near 90% attendance. Yet, Mohammed promoted Student B based supposedly on classwork and homework.

Recommendations

Frederick King violated the Chancellor’s Regulation regarding promotion standards by promoting students to the next grade despite the fact that they had failed the summer school program. He only reversed that action after he learned that his conduct had been

¹² An additional nine students no longer attend school in District 5.

¹³ This statistic is based on the average of each student’s first and second semester grades. However, according to Guidance Counselor Mohammed, only the second semester grade was used to determine promotions. Not surprisingly, most of the students did receive a passing second semester grade in the class they failed during summer school. However, many did not achieve 90% attendance. In fact there was a student who was absent as many as 57 days in just the first two quarters who was promoted mid-year. Moreover, there were no mid-year city-wide exams. Therefore, students who did not get a satisfactory grade over the summer had no opportunity to take the exam again. Further, Mohammed admitted that age was a factor. A seventeen-year-old student was not going to be held back in the seventh grade, regardless of his marks or poor classwork. Yet, according to one teacher, all of his students who were promoted mid-year, “deserved” to be promoted.

¹⁴ Although another staff member stated that the decision to promote was made by a committee that included King, Mohammed insisted that she and Special Assistant Wilson made the decisions. Wilson admitted that he and Mohammed made promotion decisions and that not all promotions were based on the Chancellor’s Regulations. He asserted that this was not done on the instruction of anyone else. It was simply based on what he and Mohammed felt about particular student situations.

reported and was under investigation. Based on this, it is the recommendation of this office that strong disciplinary action be taken against King, which should, at a minimum, include removal from his position as director of middle schools.

Further, students were promoted mid-year without satisfying the necessary requirements. Whether the decision came from the District 5 Office or the District 5 Academy, it is clear that those involved were determined to promote these students no matter what. It is our recommendation that school staff and administrators be directed to promote only those students who meet the promulgated requirements. All Board of Education personnel must understand their obligation to adhere to the standards set by Chancellor's Regulation A-501. Individual schools and staff should not undermine this important BOE policy for their own purposes or to avoid less appealing outcomes. We further recommend that District 5 be monitored and if students continue to be improperly promoted, disciplinary action should be taken.

We are forwarding a copy of this letter and our report to the Office of Legal Services. A copy of our report is also being forwarded to the State Education Department for whatever action they deem appropriate. Should you require a copy of our report, or have any inquiries regarding the above, please contact Vicki L. Multer, the attorney assigned to this case. She can be reached at the above address or by telephone at (212) 510-1454. Please notify Ms. Multer within thirty days of receipt of this letter of what, if any action has been taken or is contemplated against Frederick King. Thank you for your attention to this matter.

Sincerely,

EDWARD F. STANCIK
Special Commissioner
of Investigation for the
New York City School District

By: _____

Regina A. Loughran
First Deputy Commissioner

EFS:RAL:VLM:ai
C: Chad Vignola