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Findings and Recommendations Of the Joint Commission On Integrity In the Public Schools



Commissioners

James F. Gill, Chairman

Elizabeth Colon

Paul J. Curran

Sandra J. Mullings

Monroe E. Price

April 1990



JOINT COMMISSION
ON INTEGRITY IN THE PUBLIC SCHOOLS
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April, 1990

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President of the Board of Education
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Brooklyn, New York 11201

Honorable Joseph A. Fernandez
Chancellor
110 Livingston Street
Brooklyn, New York 11201

Dear Sirs:

This is the final report of the the Joint Commission on Integrity in the Public Schools, and it contains the Commission's findings and recommendations. I regret to report that we found serious corruption or impropriety almost wherever we looked.

I consider the Commission's work the most important undertaking of my professional life. I am enormously proud of what the Commission and its superb staff accomplished in so short a period of time and at so little cost to the taxpayers. I am grateful for having had the opportunity to serve.

I am prepared to meet with you at any time to discuss this report and the Commission's work.

Very truly yours,

James F. Gill
James F. Gill
Chairman

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Deputy Chief Counsel Amyjane Rettew also brilliantly supervised investigations, examined witnesses at public and private hearings, and wrote several sections of this report. Her superb writing skills, exquisite investigative instincts, toughness, and invariably correct legal advice were absolutely invaluable to the Commission.

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I must also note with pride the work of Director of Investigations Joseph Comperiatì, Chief Financial Crimes Investigator Frank Frattolillio, and John J. O'Rourke, the President of J. O'R Services, Ltd., a private investigation firm.

Mr. Comperiatì supervised all the Commission's investigations. His investigative skills and vast experience in supervising criminal investigations, his wisdom, and his inevitably correct judgment were continuously valuable.

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Drug Enforcement Administration liaison officer Alfred LaPerch also assisted in gathering evidence for the Commission.

Jennifer Cunningham, the Deputy Executive Director, participated in writing this report, and was, among other duties, responsible for the Commission's relations with the media, advocacy groups, and certain governmental leaders. Her wisdom and unflagging efforts on behalf of the Commission were marvelous.

Office Administrator Tracey Gibbons, an unpaid volunteer for many months, was tireless on our behalf. She not only managed our office, but also deftly and successfully oversaw the Commission's relations with the vast, and sometimes labyrinthine, City and Board of Education bureaucracies -- a daunting task for most, which never intimidated her.

Diana Palma helped run the office with efficiency and wit, and I want to thank her and her summer colleague Lisa Whitaker for their efforts on our behalf.

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Several law enforcement officials provided enormous help to the Commission. The Commission's staff could not have functioned efficiently and effectively without their unstinting assistance.

Police Commissioner Richard J. Condon responded immediately to every Commission request for police personnel and technical assistance. He could not have been more helpful to the Commission.

For an entire year, Commissioner Kevin Frawley of the Department of Investigation put his entire department at

the Commission's disposal. In addition to supplying technical assistance repeatedly, at critical times he selflessly gave the Commission's work priority over the Department's own matters. His invariably helpful attitude and continuous assistance were a model for cooperation between law enforcement agencies.

First Deputy Commissioner Patrick Hoey of the Department of Investigation worked with Chief Counsel Campriello on almost a daily basis. In addition to providing valuable advice, Commissioner Hoey ensured that the Department's cooperation with the Commission went smoothly. No one was more helpful to the Commission.

Governor Mario M. Cuomo, and Chairman Thomas A. Duffy, Jr. of the State Liquor Authority, graciously permitted Mr. Comperiatì to take a leave of absence from his post as Chief Executive Officer of the State Liquor Authority to work with the Commission. New York County District Attorney Robert M. Morgenthau permitted Ms. Rettew to take a leave of absence as the Deputy Chief of his Appeals Bureau to join the staff.

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County District Attorney's Office, the Queens County District Attorney's Office, the Essex County New Jersey Sheriff's Office, the Essex County New Jersey Prosecutor's Office, the East Orange New Jersey Police Department, the Hamden Connecticut Police Department, and the Federal Bureau of Investigation.

I am also deeply grateful to my fellow Commissioners: Elizabeth Colon, Paul J. Curran, Augusta Souza Kappner, Sandra J. Mullings, and Monroe E. Price. Each brought valuable insights, judgment, and wisdom to our work. Each devoted a great deal of time and worked terribly hard to help to make the city school system work better for our children.

I am immensely proud of this report, of each member of our staff, of all their work, and of this Commission's accomplishments. I am enormously grateful to all those who assisted us during the past sixteen months.

James F. Gill
Chairman

FOREWORD

Sixteen months ago, Mayor Edward I. Koch and the Central Board of Education established this Commission in response to disturbing signs of corruption in the public school system.

The Commission's empowering documents dictated its mandate in language virtually identical to that of an earlier Mayoral Commission: the Knapp Commission set up in the early 1970's to investigate corruption in the criminal justice system. The Commission's mandate was quite broad: to search out the extent of corruption and impropriety in the system and to make recommendations for reducing them in the future.

Thus, our approach was necessarily different from those of other Commissions and task forces that were addressing the needs of the public school system from an educational or political perspective. And, accordingly, we assembled a staff experienced in criminal investigations, law enforcement, and criminal prosecution.

This report summarizes the results of the Commission's investigations and lays out the evidence of corruption, impropriety, and gross mismanagement the Commission discovered during those investigations. The report also makes a series of detailed findings and recommendations, which are compiled in a synopsis.

We stress, however, that this report should be read in conjunction with the Commission's earlier report -- Investigating the Investigators -- which revealed crucial weaknesses in the structure, administration, and personnel of the Board of Education's Inspector General's Office. That report highlighted the urgent need for an effective and trusted independent agency to replace the current Inspector General's Office.

It is the Commission's conclusion that none of the substantive recommendations in this report will be effective unless the victims of corruption and impropriety in the system have an agency they can trust to turn to with their evidence of wrongdoing.

In formulating our recommendations, the Commission operated within a philosophical framework that the following observations may help to clarify.

What is Corruption?

Sometimes, corruption takes the form of criminal conduct. Sometimes, a pattern of impropriety is corrupt. But, sometimes, impropriety, not in itself corruptly-motivated, is every bit as fatal to the integrity of the system -- here, our fragile schools -- as criminal conduct.

Consequently, we focused on theft, whether it took the form of stealing equipment or creating unnecessary patronage jobs. We also focused on the lack of integrity in the elections by which local boards are chosen. And, we focused on the failure to enforce a system of discipline that deals effectively with teachers and principals who ought to be removed. In our view, permitting criminal conduct to persist unpunished becomes a form of corruption in itself.

How Big is the Problem of Corruption?

The Commission's hearings revealed that millions are squandered on unneeded patronage positions. We have also found, too often, that superintendents, principals, and others who guide our schools are selected and promoted on grounds other than merit, and that teachers are retained when they should be subject to reassignment, further training, or discipline.

The Commission also revealed thousands of dollars wasted through gross fiscal mismanagement. Some of that money is spent on vital equipment that just disappears. Additional money is wasted on unnecessary frills for public servants. And, enormous amounts of money are stolen by completely improper behavior like dial-a-porn. Without question, huge amounts of money could be used more effectively if the system ensured that educational priorities were dominant.

Squandered resources and wasted opportunities are not the only consequence of corruption. Corruption also has an insidious and pervasive effect on attitude. In these very difficult times, the school system requires a sense of purpose, of idealism, and of leadership. Corruption undermines all of these. Dedication is hard to sustain when those who lie, cheat, and steal are rewarded as well as those who do not, and when the system ignores merit as a basis for advancement and honor.

What Should Be Done?

The Commission's report includes many specific recommendations. But, some words about general choices are in

order. The Commission believes that there are three basic requirements for enhancing integrity in the public school system: (1) improving monitoring and enforcement; (2) establishing better leadership; and (3) addressing structural flaws that increase the likelihood of corruption.

Monitoring. Given the complexity of the system's structure, and given our findings of patronage and impropriety, we strongly urge more effective, more reliable, and more forceful monitoring. As a first, and critical step, therefore, we recommend that the Mayor immediately establish a Special Commissioner to Investigate the Public School System.

Yet, everyone in a position of responsibility must monitor the integrity of the system -- a responsibility that has all too often been ignored. As our report on the telephone abuses and other fiscal mismanagement reveals, the Central Board, the districts, and the principals all have important monitoring responsibilities, but they have rarely been held accountable for their failure to fulfill those obligations.

This lack of accountability has led to weak business managers who cannot, or will not, monitor spending and prevent fiscal abuses. And, because of this lack of accountability, there are all too many principals who neither know nor care where valuable equipment is. Furthermore, ambiguity about the relationship between the central board and the local districts has been a recipe for disaster.

Leadership. Strong leadership, from the Central Board and from the districts and the schools, is the surest way to enhance the integrity of the system.

If the local board and superintendent are not fulfilling their responsibilities to prevent corruption, the Chancellor must, while maintaining the spirit of decentralization, continue to use his power of supersession decisively on behalf of the integrity of the system.

But, the system cannot depend solely on the leadership and efforts of the Chancellor. Strong and effective principals are needed to reduce the likelihood of corruption in the schools and we support current efforts to render the selection of principals less subject to cronyism.

Our recommendations for increased monitoring should also bring the light of public scrutiny to the process.

Structure and Governance. Corruption is sometimes a function of some bad apples and hence cries out for better

monitoring. Corruption is sometimes a function of lack of leadership and vision and hence cries out for better and stronger people in top positions. But, sometimes, corruption is a function of structure, confused lines of authority, and ambiguity in power.

For structural reasons, we have recommended that the Special Commissioner -- who would replace the Inspector General -- should be appointed by the Mayor, not the Board of Education. This structural change will clarify what has sometimes been the Inspector General's ambiguous relationship with the Central Board of Education.

This report also examines aspects of the last community school board election and finds significant fault with the conduct of the Board of Education and the Board of Elections. Our democratic system is based on the idea that elected officials are accountable to the voters. If the voters do not vote, officials are accountable to no one. Accordingly, we have recommended some critical structural means of increasing political accountability.

Conclusion

The New York City public school system faces many arduous assignments as we approach the 21st century. If we are to thrive as a community, we cannot allow our children to be ill-educated and ill-prepared. It is our hope, as a Commission, that we have improved the environment for a more thorough and less politicized debate on the need for change within the system. Particularly in these times of fiscal scarcity and increasing demands on the schools, it becomes ever more important to ensure that corruption does not rob our children of their future.