

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

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November 14, 2016

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

Re: Santiago Taveras  
 SCI Case #2015-4952

Dear Chancellor Fariña:

An investigation conducted by this office has substantiated that Santiago Taveras, the principal of DeWitt Clinton High School ("DWC") in the Bronx, failed to follow New York City Department of Education ("DOE") academic policy by changing the course codes and grades of several students at DWC. In addition, this investigation has substantiated that Taveras manipulated the employee rating system by giving an assistant principal ("AP") an unfavorable rating, then changed the rating to "Satisfactory" once the AP found a position at a different school.<sup>1</sup>

On August 12, 2015, the office of the Special Commissioner of Investigation for the New York City School District ("SCI") was contacted by [REDACTED] who reported that Principal Taveras had changed the course code on certain student transcripts in situations where students had been assigned, and completed, the same class twice. [REDACTED] said that Taveras explained that by changing the course code for one of the classes to an elective course, he was able to spare the students from being penalized for mistakes made by DWC administrators. [REDACTED] speculated that Taveras may have made more than 900 such changes on DWC transcripts between 2012 and 2015.

Investigators spoke to [REDACTED] who said that [REDACTED] met with Taveras in August 2015, when Taveras was "trying to clean up a mess in the [DWC] programming and transcripts" department. Taveras told [REDACTED] that many of the DWC students were assigned to the same class more than once in consecutive years, resulting in students receiving two grades for the same class, one of which would be deemed invalid. Taveras told [REDACTED] that in order to correct the problem, and to ensure that students received all their necessary credits, he changed the course code on certain student transcripts to reflect an elective credit rather than a second credit for the same course. [REDACTED] told investigators that changing course codes was a violation of DOE academic policy of which Taveras was aware. [REDACTED] recalled that Taveras told [REDACTED] "I know this is frowned upon," but he asserted that students should not be punished for the mistakes of adult administrators.

<sup>1</sup> Santiago Taveras was not reassigned during the course of this investigation.

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During an initial conversation conducted in the presence of his union representative, Taveras told SCI investigators that when he took over as principal of DWC in 2013, he noticed some problems with a number of student transcripts. According to Taveras, many students who had completed certain courses were mistakenly reenrolled in the same course the following year, in most cases resulting in multiple credits for the same course. Taveras explained that in these situations, which he described as mistakes by DWC guidance counselors, he would change one of the credits from a required credit to an elective credit. Taveras insisted, however, that he had never changed a student's transcript to reflect credit for an entirely different course, nor had he ever instructed guidance counselors to change a student's transcript to ensure the student's graduation.

In November 2015, SCI investigators received a package from an anonymous source containing documents including DWC student transcripts and attendance records. Among the documents reviewed by SCI investigators were:

- The transcript for an [REDACTED]-year-old female DWC student ("Student A") which showed that, for the 2014-2015 school year, Student A initially received a grade of No Show ("NS") in Global History, and a failing grade of 55 in Physical Education ("PE").<sup>2</sup> However, in October 2015, the transcripts indicated that Student A had received a grade of 75 in Global History, and 65 in PE; both, passing grades. For both classes, a change of grade form was completed bearing Taveras's signature, but not the signature of the respective teachers.
- The transcript for a [REDACTED]-year-old female DWC student ("Student B") which showed that, for the 2014-2015 school year, Student B initially received a failing grade of 55 in Algebra.<sup>3</sup> Later, the grade was changed to a passing grade of 65. Taveras's signature was on the grade change form, but the Algebra teacher's signature was not.
- The transcript for a [REDACTED]-year-old female DWC student ("Student C") which showed that Student C initially received a failing grade of 55 in PE, but by October 2015, it had been changed to a passing grade of 65.<sup>4</sup> A grade change form was signed by Taveras, but not by the PE teacher.
- The transcript of an [REDACTED]-year-old male DWC student ("Student D") who initially received a failing grade of 55 in English, but by October 2015, the grade had been changed to a passing grade of 90.<sup>5</sup> The accompanying grade change form appeared to bear the signature of Taveras, but not the English teacher.

SCI investigators spoke to DWC English teacher [REDACTED] who said that Student D received a failing grade due to "minimal effort" during the 2014-2015 school year. However, Student D presented [REDACTED] with a "bulk" of "quality work" very close to the last day of the school year which earned the student a change to a passing grade. [REDACTED] told investigators that due to the long distance between [REDACTED] residence and DWC, she called Taveras and requested that he change Student D's grade on [REDACTED] behalf. [REDACTED] explained that was why [REDACTED] signature did not appear on the grade change form.

<sup>2</sup> Student A has since turned [REDACTED]-years-old.

<sup>3</sup> Student B has since turned [REDACTED]-years-old.

<sup>4</sup> Student C has since turned [REDACTED]-years-old.

<sup>5</sup> Student D has since turned [REDACTED]-years-old.

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SCI investigators spoke with DWC [REDACTED] in the presence of [REDACTED] attorney. [REDACTED] explained that each GC was responsible for their students' transcripts and ensuring that the students had satisfied their graduation requirements. According to [REDACTED] Taveras should not have played a role in that process. [REDACTED] added, however, that if Taveras had changed course codes, then a GC probably would not know about it. [REDACTED] further explained that a change of grade required the signature of the grading teacher in addition to a supervising administrator. Three copies of the grade change form would be made, one going to the teacher, one going to the GC, and one being placed in the school's records. [REDACTED] told investigators that [REDACTED] was the GC for, among others, Student C, and that [REDACTED] never was notified of the change in Student C's PE grade.

Investigators spoke with former DWC PE teacher [REDACTED] who recalled Student C rarely being present in PE class, causing her to receive a failing grade. [REDACTED] told investigators that [REDACTED] was no longer teaching at DWC when Student C's grade change form for her PE class was completed. [REDACTED] union representative abruptly ended the interview. Through [REDACTED] attorney, [REDACTED] declined to speak further with SCI investigators. SCI attempted to speak with Student C directly, however, she informed investigators that she would not cooperate with this investigation.

Investigators spoke with Student A, in the presence of her mother, who described a medical condition which forced her to miss a significant number of school days at DWC. Student A said that when she transferred to DWC prior to the 2014-2015 school year, she notified the school of her medical condition and cautioned that it might lead to potential absences. Student A told investigators that "an agreement" had been reached with the teachers of her core classes, but that PE Teacher [REDACTED] did not participate in the meeting.

According to Student A, Global History Teacher [REDACTED] agreed that if Student A completed a supplemental assignment packet, and successfully passed the Global History Regents examination, then she would receive a passing grade in the class. However, Student A told investigators that after completing the packet, and passing the Regents examination in June 2015, Student A received a grade of NS in Global History. Student A said that over the summer of 2015, while working in a clerical capacity at the school, she spoke with Taveras about her failing grades. According to Student A, Taveras could not understand the failing grade in PE because he said the school already had the necessary medical "documentation." Taveras told Student A that he was "gonna see what [he] could do about this," and sent several email messages to [REDACTED]. When Taveras did not receive a reply, he told Student A that he would change her Global History grade himself. Several weeks later, Student A noticed that she now had passing grades in both Global History and in PE.

Through [REDACTED] attorney, [REDACTED] declined the opportunity to speak with SCI investigators.

SCI investigators spoke with [REDACTED] who said that Student A had a "horrendous" attendance record which was why she received a failing grade for the 2014-2015 school year. [REDACTED] said that Student A never informed [REDACTED] about her medical issues, but she did speak to [REDACTED] in May 2015, about possible make-up assignments to elevate her grade. [REDACTED] agreed that if Student A attended class more frequently, and completed a special journal, then the grade might be changed.

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Although Student A agreed, ██████████ told investigators that Student A continued to be consistently absent from the class and did not complete the supplemental assignment. ██████████ said that ██████████ never saw a grade change notice regarding Student A, nor did anyone from DWC contact ██████████ regarding changing Student A's failing grade. ██████████ added that no one had ever forced or coerced ██████████ into changing Student A's, or any other student's, grade.<sup>6</sup>

Investigators spoke with Student B who was enrolled in Teacher ██████████ summer school Math class in 2014. Student B volunteered that she rarely attended or completed assignments for the class, and believed that her poor participation in the class resulted in her failing grade. However, Student B passed the Regents examination at the end of the summer course. Student B told investigators that GC ██████████ informed her she could not fail her summer Math course because she had passed the Regents. Student B was notified in January 2015, that she had, indeed, passed ██████████ summer Math class.

Investigators spoke with ██████████ who no longer taught at DWC. ██████████ did not recall Student B or why she may have failed the summer school Math class in 2014. ██████████ was certain that ██████████ was never asked by Taveras, or any other DWC staff member, to change a student's grade, nor was ██████████ notified that any grade changes had been made for her DWC students.

SCI investigators attempted to re-interview ██████████ to confirm ██████████ statement regarding a passing Regents examination score ensuring a passing grade in the class. Through ██████████ attorney, ██████████ declined the opportunity to speak again with SCI investigators.

SCI investigators spoke with DOE Academic Policy ██████████ who explained that Taveras's reasoning for changing the grades of Student A, Student B, and Student C was not allowable under DOE academic policy. ██████████ told investigators that pursuant to DOE academic policy guidelines "the Regents exam may not be the only reason a student passes or fails a course," and that the student in question would have to demonstrate that she had mastered the course material in order for her to pass the class.<sup>7</sup> Regarding Student A's absences from PE, ██████████ explained that the academic policy offered no exemptions for medical conditions, and informed the investigators that the school "should have provided the student with an instructional program."<sup>8</sup> ██████████ also told investigators that in the case of a grade change, the grading teacher must be notified of the proposed grade change. In addition, any grade change form must be accompanied by supporting documentation including grading policy, grade book, and a rationale for the grade change.

<sup>6</sup> Investigators obtained an email message sent by Taveras to DWC ██████████, dated June 26, 2015, in which Taveras directed ██████████ to have both ██████████ and ██████████ review their grading of Student A based on medical documentation and "the evidence and outcome of the Regents." In an additional email message, dated July 16, 2015, Taveras directed ██████████ to generate a grade change form for Student A for Taveras to sign because he had received "all of the doctor's documentation."

<sup>7</sup> DOE High School Academic Policy Reference Guide ("APRG"), Section IV (A) states, in part: "Regents scores may be included in the calculation of a final course grade only if the score is: a) Weighted no more than 33 percent of the terminal course leading to the exam; and b) Calculated into the course grade as a component of the weighted average."

<sup>8</sup> APRG Section IV (G) states, in part: "There are no waivers or exemptions from PE requirements." In a situation where a student is physically unable to participate in a traditional PE class, "the school should provide the student with an instructional program of alternative activities aligned to PE learning standards under the direct supervision of a certified PE teacher."

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SCI investigators spoke with former DWC AP [REDACTED] in the presence of [REDACTED] union representative. [REDACTED] spent [REDACTED] years at DWC.<sup>9</sup> [REDACTED] told investigators that at one point during the 2013-2014 school year, [REDACTED] was summoned to the school's main office, handed the transcript of a [REDACTED]-year-old male student ("Student G"), and told by [REDACTED] that Taveras wanted [REDACTED] to look over the transcript to see whether any changes could be made.<sup>10</sup> [REDACTED] reviewed Student G's file and observed that Student G had received a failing grade of "45" in Algebra. [REDACTED] who recognized that Student G had been absent for much of the semester and had not completed the coursework, told [REDACTED] that there was nothing [REDACTED] could do regarding Student G's failing grade.

According to [REDACTED] two days later, [REDACTED] was summoned to the office again, but this time to speak directly with Taveras regarding Student G's grades. [REDACTED] said that Taveras asked [REDACTED] directly to review Student G's transcript and attendance record, and to talk with Student G's Algebra teacher about a way to "fix" the student's grade. [REDACTED] complied with Taveras's direction and spoke to Student G's teacher, ultimately agreeing that if the student successfully completed a supplemental "packet" of material, then it would be possible to "bring his grade up." Student G completed and submitted the packet several days later, but according to [REDACTED] "everything was wrong," and the work was "unsatisfactory." [REDACTED] reported the findings to Taveras, and refused to change Student G's grade. [REDACTED] said that Taveras accepted [REDACTED] decision regarding Student G, but added that [REDACTED] relationship with Taveras immediately began to deteriorate.

In May 2015, Taveras summoned [REDACTED] to his office and notified [REDACTED] that he intended to give [REDACTED] a "U" rating for the 2014-2015 school year, and would recommend termination of [REDACTED] employment, unless [REDACTED] found a position "somewhere else." [REDACTED] received a "U" rating in June 2015, but [REDACTED] stated that Taveras promised to change the rating if [REDACTED] left the school. [REDACTED] told investigators that once [REDACTED] accepted an AP position at [REDACTED] and informed Taveras of the move, his 2014-2015 "U" rating was changed to an "S" by Taveras.<sup>11</sup>

[REDACTED] while unsure whether Taveras ever actually changed grades or class coding for certain students, insisted that Taveras was very concerned with grading policies at DWC. [REDACTED] said that Taveras regularly instructed the staff to be "leaner" with grading practices, and to weigh class work and grades differently for different students. For example, [REDACTED] said that Taveras instructed staff that if a particular student was a poor test taker, but turned in completed homework assignments, then the student should be given greater credit for homework assignments and less for test results.

Finally, [REDACTED] told SCI investigators that when [REDACTED] informed Taveras that [REDACTED] had accepted a position at [REDACTED], in August 2015, Taveras immediately drafted, and had [REDACTED] sign, new rating paperwork indicating that [REDACTED] would receive an "S" rating for the 2014-2015 school year. [REDACTED] told investigators that Taveras back-dated the paperwork to read June 30, 2015, which was the end of the prior school year.

<sup>9</sup> [REDACTED] is currently an AP [REDACTED]

<sup>10</sup> Student G has since turned [REDACTED] years-old.

<sup>11</sup> [REDACTED] later provided SCI with several email messages exchanged with Taveras regarding [REDACTED] "U" rating and its subsequent change to an "S."

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SCI investigators spoke with [REDACTED] who said that Taveras called [REDACTED] at some point during the summer of 2015, and informed [REDACTED] that he wished to change [REDACTED] rating to "S" because [REDACTED] had found a position at another school. [REDACTED] told investigators that finding a new position was not a valid reason for changing an employee rating, and that the practice was rare. However, [REDACTED] said that Taveras insisted that [REDACTED] was an acceptable AP for [REDACTED], but not a school as complex as DWC.<sup>12</sup>

Investigators also asked [REDACTED] about course code changes involving several DWC students. [REDACTED] recalled Taveras stating that certain students had not been programmed correctly, and he felt it was unfair to punish those students for mistakes made by DWC administrative staff. Taveras informed [REDACTED] that he changed course codes so the students received credit for the duplicate courses, a practice that [REDACTED] said was "not allowed." According to [REDACTED] Taveras wanted to find a way to graduate the students on time, but [REDACTED] did not believe it was possible.

Investigators spoke with DOE Bronx Borough [REDACTED] who said that Taveras called [REDACTED] and asked [REDACTED] to change [REDACTED] "U" rating to an "S" rating on August 5, 2015. [REDACTED] could not recall the reasoning behind Taveras's request, but told investigators that it was uncommon to change an employee rating after it was given. Taveras followed the call with two email messages to [REDACTED] and [REDACTED], one requesting that the rating be changed, and the other requesting that [REDACTED] not be discontinued from his position as Taveras had changed the rating from "U" to "S."<sup>13</sup>

During a follow-up interview conducted in the presence of his union representative, Taveras told SCI investigators, among other things, that he never removed a teacher for refusing to change grades and that he never altered a student's attendance records. Taveras conceded that he changed Student A's Global History and PE grades for the 2014-2015 school year, explaining that he sent email messages to both [REDACTED] and [REDACTED] requesting they review Student A's grades, but neither responded. Taveras further explained that Student A passed her Global History Regents examination and told him that she completed additional assignments given to her by [REDACTED]. Based on those reasons, Taveras said, he changed Student A's Global History grade to a passing one. Taveras said that he "made assumptions" that Student A was passing [REDACTED] PE class, before consulting [REDACTED], without the teacher's approval, and without proof that Student A completed any additional assignments demonstrating her mastery of the subject content.

When asked about Student B and Student C, Taveras stated that he could not recall either student, why he changed their grades, or whether he had notified their teachers prior to changing the grades. Taveras further stated that he was not aware of the academic policy requirements, nor the documents needed to complete a grade change form. Taveras conceded that he did not include all of the necessary documents when submitting the grade change forms for Student A, Student B, and Student C, nor did he notify their teachers that grades were being changed.

<sup>12</sup> A review of [REDACTED] 2014-2015 ratings shows that, initially, Taveras rated [REDACTED] "U" in part because [REDACTED] was unable "to provide information on a timely basis on more than one occasion." However, once the rating was changed to "S," Taveras wrote that [REDACTED] had "completed all of [REDACTED] observations in a timely manner." In addition, a reprimand that was included in the "U" rating for having a poor attitude and not attending a school function, was removed from the "S" rating sheet.

<sup>13</sup> [REDACTED] provided SCI investigators with copies of the two email messages.

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Finally, Taveras said that he "maybe" told [REDACTED] that [REDACTED] would receive an "S" rating for the 2014-2015 school year if he left DWC and found a position at another school. Taveras insisted that, although [REDACTED] was a poor manager overall, [REDACTED] could be successful as an administrator at a small school because [REDACTED] had "good organizational characteristics." Taveras defended his offer to change [REDACTED] rating if [REDACTED] left the school by stating that it was an "okay practice if it's someone who you believe can be good later." According to Taveras, the practice of changing a rating was not unusual within the DOE, and he insisted that his intent was not to force [REDACTED] out, or to terminate [REDACTED] employment, but rather to give [REDACTED] an opportunity to succeed in a less demanding school environment.

Santiago Taveras knowingly changed student grades, transcripts, and course codes in contravention of the DOE academic policy. Further, he pressured an AP to leave DWC for another position by manipulating the employee rating system. In light of these very serious findings, it is the recommendation of this office that appropriate and significant disciplinary action be taken against Taveras, and that he be advised that similar administrative failures on his part, in the future, may lead to suspension or termination of employment with the DOE.

We are sending a copy of this letter and of our report concerning this investigation to the Office of Legal Services. In addition, we also are forwarding our findings to the New York State Education Department for whatever action they may deem appropriate. Should you have any inquiries regarding the above, please contact Special Counsel Daniel Schlachet, the attorney assigned to the case. He can be reached at (212) 510-1418. Please notify Mr. Schlachet within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated concerning this investigation. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON  
Special Commissioner  
of Investigation for the  
New York City School District

By:

  
Regina A. Loughran  
First Deputy Commissioner

RJC:RAL:DS:lr

c: Howard Friedman, Esq.  
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