

# HORROR STORIES FROM THE *PUBLIC* SCHOOLS

GEORGE A. CLOWES

*I guess from the editorial we are to believe that public schools never have wrongdoers in their employ. — Steve Case, May 6, 2000 letter to Milwaukee Journal-Sentinel*

The recent tax fraud conviction of James A. Mitchell, the chief executive officer of a Milwaukee choice school, has raised questions in some quarters about how accountable such schools are for their use of public tax dollars, and for conducting background checks on employees, since it was revealed in court that, unbeknown to choice school administrators, the CEO had been convicted of rape some 29 years ago. In the present case, Mitchell was accused of pocketing \$4,500 of taxpayer money in a venture that predated his involvement with the choice school, Alex's Academy of Excellence. Nevertheless, Circuit Court Judge Elsa Lamelas, a former Milwaukee Public Schools teacher, took time out before sentencing Mitchell to imply that the CEO's fraudulent actions were somehow a byproduct of the school choice program, which she said was "easy pickings for people who are not inclined to be honest."

The revelation of the rape conviction prompted an editorial in the *Milwaukee Journal*



*Sentinel* saying that it was "outrageous and unacceptable" to have a state statute governing school choice that contained no requirement for background checks on the operators and employees in private schools. "When parents send their children to school — any school — they have the absolute right to expect that the youngsters will be in the hands of loving, caring teachers and administrators,"

wrote the *Journal Sentinel's* editors.<sup>1</sup>

While this is a sentiment few would disagree with, the persistence of accountability problems in *public* schools raises serious questions about whether applying a public school-style regulatory structure to private schools is the best way to achieve improved accountability for parents. In addition, while there is a need to ensure that children in school are adequately protected and that there is adequate accountability for the distribution of tax dollars to qualified recipients, some observers have suggested that a double standard exists for the reporting of problems encountered by choice schools versus those encountered by

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*George A. Clowes* is Managing Editor, School Reform News.

public schools. As the examples below indicate, parents must realize — before entrusting their children to the care of bus drivers, teachers, and school administrators — that “Buyer Beware” applies also to the “free” services provided by the public schools.

### **Teacher Has Manslaughter Conviction**

Parents in Rockland County, Georgia, discovered recently, having a criminal record does not prevent a person from getting a teaching job in a public school. Last November, *The Atlanta Constitution* revealed that one of the reading specialists on the staff of Conyers Middle School had been convicted of manslaughter in 1969, something he had failed to tell school officials. The teacher in question, Bobby Hughey, had been charged with murder for shooting a man in the back, and subsequently served three years in prison after pleading guilty to voluntary manslaughter. Balancing the manslaughter revelation against an outstanding teaching record, parents and colleagues supported Hughey's return to the classroom a month later.<sup>2</sup> Would a teacher in a similar situation in a choice school have been permitted to return?

### **Thousands Have Criminal Records**

It was last November when *The Atlanta Constitution* also warned parents not to assume that all teachers, school bus drivers and other public school employees have been checked for a criminal history. Reporter Doug Cummings noted that, despite a 1994 state law requiring fingerprinting and criminal background checks, nearly 3,000 school employees in Georgia — about 1.5 percent of public school employees — have criminal records. Two teachers resigned after being confronted by a WSB-TV reporter about criminal convictions on their records, one for cocaine possession and the other for multiple check, food stamp and credit card fraud.<sup>3</sup>

### **“Privatization Horror Stories”**

Mitchell's conviction and background are destined to become one of the oft-repeated “scandals” of publicly funded school choice programs. That's because publicizing such sto-

ries is an integral part of anti-choice efforts, according to the Education Intelligence Agency's Mike Antonucci, who reported that the National Education Association in 1998 had asked its activists “to submit charter school and privatization horror stories for dissemination around the country.”<sup>4</sup> To provide a broader perspective on horror stories in public schools, Antonucci produced a 1999 report called *Rotten Apples: School Crime from a Different Angle*.<sup>5</sup>

### **Rotten Apples in Public Schools**

Gathering details of public school employee crimes during 1998 from newspapers, public documents and other research, Antonucci discovered offenses ranging from murder, attempted murder and assault, to embezzlement, drug dealing and child pornography. The 359 cases that he found represent only a small fraction of the total number of crimes committed in public schools each year — for example, in 1997 there were 4,000 rapes and 11,000 weapon fights in schools. In Cleveland, Ohio, for example, some 386 teachers were hired in 1997 without undergoing the required criminal background check. At least 192 public school employees later were found to have felony convictions when the *Cleveland Plain Dealer* conducted its own investigation. The *Los Angeles Times* found 50 employees with criminal backgrounds out of 1,648 new hires by the city's public schools, including one convicted of child cruelty and attempted murder.

### **Unsafe Driver**

Fortunately, there were no children aboard driver John Drabick's school bus when — under the influence of heroin — he fell asleep on his way to pick up children at a school in King of Prussia, Pennsylvania, and crashed into the rear of a car driven by an off-duty police officer. Police tests showed heroin in Drabick's bloodstream and several packets of heroin were confiscated from him after the incident. Convicted of driving under the influence, possession of narcotics and other charges, Drabick was found to have had 21 prior traffic violations and eight criminal convictions.<sup>6</sup>

## Unsafe Buildings

It's unsafe just to be around some of the schools in New York City because of school construction work done by careless and inept contractors who are inadequately supervised by the district. A *New York Times* report last July detailed how students are put at risk by bad contractors who not only get "second chances" but in some cases sixth and seventh chances. In 1997 a student was killed by falling bricks because of contractor ineptitude, and in March 1998 a construction worker was killed and two students injured when a brick wall collapsed.<sup>7</sup>

## Unsafe Food

The *New York Post* also ran an exposé revealing that one in three of city school cafeterias was crawling with vermin during the past year, exposing students to diseases carried by mice, roaches and flies. "If you were a restaurant, you could be closed down for that — but people still have to send their kids to school," Jill Chaifetz told the newspaper. She is executive director of Advocates for Children, which recently completed its own survey of school cleanliness.<sup>8</sup>

## \$200 Million Wasted on New School in LA

On January 25, 2000, a divided Los Angeles Board of Education voted to abandon further work on building a \$200 million high school — the nation's most expensive — on an environmentally contaminated site in the Belmont area west of city's downtown. The school, which is built on a former oil field, was halted last year after it was revealed that the site's environmental hazards had not been fully addressed before ground was broken on construction work in 1997. Construction was compromised last year when high levels of

explosive methane gas were detected, along with the carcinogen benzene and poisonous hydrogen sulfide gas.<sup>9</sup>

## Unsafe in School — A Trust Betrayed

In a disturbing three part 12-story series that was uniformly ignored by the national media, *Education Week* in December 1998 published a Special Report called *A Trust Betrayed*, which detailed sexual abuse of students by school employees — male and female, young and old, from band directors to basketball coaches, from aides to principals. Although most parents regard schools as sanctuaries where their children will be safe from harm,

manipulation, and seduction, the series made clear that hundreds of educators across the country have betrayed that trust by preying sexually on their innocent student wards. Over a 6-month period, 244 cases of abuse by school employees were identified by authors Caroline Hendrie and Steven Drummond, ranging from single unexpected assaults to sexual relationships stretching over several years; from occurrences of unwanted touching to frightening

incidents of serial rape.<sup>10</sup>

## Staff-Student Sex OK — Legally

One of the most disturbing issues raised by the *Education Week* report is that in 20 states, sexual relationships between teachers and students aged 16 and over, though ethically intolerable, are "perfectly legal." Only in 16 states is it a crime for adults in a position of trust and authority — such as teachers, administrators, and coaches — to have sex with students under the age of 18. A zero tolerance prohibition on staff-student sex would make it clear to school employees that the children in their care were taboo as far as any kind of sexual relationship was concerned. For example, before

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Utah passed its abuse-of-authority law in 1992, there were teachers who kept track of female students' birthdays to schedule their seduction when they reached the age of consent, according to Douglas F. Bates, director of school law, legislation, certification and equity for the Utah Office of Education.

### **Schools Didn't Check Background**

Before high school teacher John Ahern was hired for a job with the New York City schools, he certified that he had no problems at his previous teaching job in New Jersey, from which he was fired in 1985 after throwing at least two parties where he served beer and slept with his students. Although Ahern's teaching credentials subsequently were revoked in both New Jersey and New York, he continued to teach as a math instructor in New York City's Wingate High School and eventually became dean. After newspaper reports publicized Ahern's past, Schools Chancellor Rudy Crew finally ordered him removed from the school.<sup>11</sup>

### **Too Few Background Checks**

Most parents assume that a certified teacher has been subjected to a thorough background check, but that's not the case in all states. In a three-part series called "Dirty Secrets," the *Pittsburgh Post-Gazette* last year revealed the startling information that 17 states certify teachers without doing a state-level criminal background check, and almost half the states certify teachers without a federal background check. As a result, teachers who commit sexual offenses against students in one state often move with impunity to another, helped along with a recommendation from their former bosses. The authors of the series, *Post-Gazette* writers Jane Elizabeth Zemel and Steve Twedt, spoke to experts to develop a set of recommendations for keeping bad teachers out of the classroom forever. Among those recommendations:

- Require federal and state fingerprint checks for all teachers;
- No statute of limitations on child abuse by an adult;

- Improved access to child abuse registries;
- Internet posting of the names of educators who have had adverse action taken against them;
- Require teacher applicants to disclose any prior arrests or outstanding warrants, since background checks reveal only convictions;
- Require teacher applicants to disclose prior dismissals;
- Hold school officials accountable for writing accurate recommendations.<sup>12</sup>

### **Teachers Against Background Checks**

Teacher unions in Illinois recently forced the State Board of Education to drop a plan to require teachers to answer ten criminal background questions as part of the process of exchanging their existing state teaching certificates for a new five-year certificate. The questions would have asked applicants about drug, sex-related, or other felony convictions, involvement in child abuse, defaults on student loans or child-support payments, non-payment of taxes, and suspension of previous teaching certificates.<sup>13</sup> However, teachers in Maine lost their campaign to roll back a new state law which required all public school employees to be fingerprinted and to have a background check conducted on them to ensure that none had been convicted of any crime that would disqualify them from working with children.<sup>14</sup>

### **Teacher Role Model: Drinking**

Six 15-year-old students from North Irdell High School in Statesville, North Carolina, showed up for a 1998 soccer game intoxicated, including one who was so drunk that he was sent to a local hospital. Two weeks later, special education teacher Amos Faulk, 51, resigned his post at Monticello Elementary School and was charged with providing alcohol to the students.<sup>15</sup>

### **Teacher Role Model: Cocaine Dealer**

In November, 1998, assistant principal Willie James Young, 53, was handed a 30-year

federal prison sentence for arranging a 30-kilo cocaine buy from his office at North Miami Middle School in south Florida. Young, a 22-year veteran of the school district, was found to be a distributor for Luis H. Cano's huge drug smuggling operation, which in the last decade has imported 10 tons of cocaine into the United States. In imposing the harsh sentence, U.S. District Judge Federico Moreno said that Young had abused his position of trust, brought a handgun on to the school grounds in his car, and lied on the witness stand.<sup>16</sup>

### True Crime Video

The tape from a hidden security video camera at Pasadena High School revealed school police officer Michael Babb, on duty and in uniform, entering an off-limits business area at the school, forcing open a door to an inner office, rifling through a desk, and attempting to crack a safe. The Pasadena Unified School District fired Babb after his arrest in early May on suspicion of commercial burglary. Police are investigating whether other burglaries at other district schools are linked to Babb.<sup>17</sup>

### School Rules: No Strip Searches

Despite a school policy prohibiting strip-searches of any kind, a gym teacher and a security aide at Hartford's Jackie Robinson Middle School ordered 22 fifth-grade girls to raise their shirts and drop their pants and panties in an attempt to find \$40 that a student has reported missing. Parents and school officials alike denounced the March 1997 incident and two staffers who conducted the search were fired, along with Assistant Principal Gloria Roberts who sat outside the gym office writing late passes for the students.<sup>18</sup>

### Classroom Assignment: Gangsta Math

"Everyday math" took on a new meaning when six Texas high school teachers handed out worksheets showing the kind of arithmetic problems that the world of drugs and violence poses for today's urban gangsters. For example:

- Johnny has an AK-47 with an 80-round clip. If he misses six out of ten shots and shoots 13 times at each drive-by shooting, how many drive-by shootings can he attempt before he has to reload?
- Jerome wants to cut his half-pound of heroin to make 20 percent more profit. How many ounces of cut will be needed?

The teachers, who were suspended for 30-60 days, said they were trying a different approach to get their students' attention.<sup>19</sup>

### Bad Judgement: Group Shave

After concerns about student health were raised by parents, the school board in Galena Park, Texas, suspended the principal of the 1,500-student North Shore High School for three days with pay for what she did to

enforce the school's dress code when 33 male students violated the code by coming to class unshaven. The principal, Linda Sherrard, required all the students to shave with the same electric razor and placed them on three-day in-school suspensions. Sherrard, who also received a letter of reprimand, sent the students' parents a letter of apology in which she offered to pay for blood tests and cancelled the in-school suspensions.<sup>20</sup>

### Bad Experiment: Students Injured

Christopher James, a 17-year-old teenager from Santa Clarita, California, was set on fire and received life-threatening burns when a science teacher at the William S. Hart High

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School in Los Angeles County conducted an experiment that exploded in the boy's hands. Another student, 17-year-old Nolan LeMar, also was seriously burned. The science teacher, Thomas Magee, was attempting to fire tennis balls from two improvised cannons made from apple-juice cans with wood alcohol as the explosive propellant.<sup>21</sup>

#### **Bad Call: Pants Incident**

Apprehending two sixth-grade boys for engaging in horseplay during a gym class at DuJardin Elementary School in Bloomingdale, Illinois, assistant principal Carmel Cottrell ordered them several times — in front of the entire sixth-grade class — to “show me what you were doing.” When one of the boys complied with her request and tried to pull down the other boy's gym shorts, Cottrell instructed them to stop. But parents were outraged when their children related to them that the teacher had forced one of the boys to pull down the other's pants as a punishment. Subsequently, Cottrell was censured by district administrators but not dismissed.<sup>22</sup>

#### **Bookkeeping: Half a Billion Here...**

The Dallas Independent School District made such extensive bookkeeping errors in a 1998 report to the state that they dwarfed a series of earlier reporting discrepancies. The district's errors totaled more than a half billion dollars, according to the Texas Education Agency, which had repeatedly told district administrators that their reporting process was flawed. Because of the way that students were counted in certain educational programs, \$560 million in accounting errors was discovered. A district official estimated that the school district had lost up to \$1 million a year since 1992 because of the mistakes.<sup>23</sup>

#### **Half a Billion There...**

According to *New York Post* columnist Bob McManus, the “wholly unreliable” enrollment figures for New York City's schools generate a half billion dollars in “cooked school books.” While the enrollment figures determine how much state aid is sent from Albany and how resources are allocated among schools, they

may be as much as 5 percent too high, based on an audit conducted in 1998. As McManus points out, “that's the equivalent of \$500 million in operating funds — or twice the sum Crew says is needed this year for emergency school repairs alone.”<sup>24</sup>

#### **Inflated Enrollments**

A number of Maryland's local education agencies appear to be “over-billing” the state by inflating their student enrollment counts in order to gain more money from the state, according to a 1998 Calvert Institute study. A 1996 legislative audit of five of these agencies found “numerous students reported twice and numerous students who never attended school.” The auditor estimated that, in three of the agencies, as many as 10 to 26 percent of the students included in enrollment counts could not be substantiated. If a similar ratio applies statewide, then the State of Maryland could be distributing up to \$200 million annually in excess education aid because of inflated enrollment counts.<sup>25</sup>

#### **Fake Diplomas**

New York City's Board of Education revoked the diplomas of 61 former high school students from the Eastern District Senior Academy in Brooklyn after Special Commissioner of Investigations Ed Stancik found they got credits for running errands for teachers, answering phones at a travel agency, and taking courses like bicycle repair and Whiffleball theory. Stancik's 1998 report, called “How to Succeed Without Really Trying,” blames Principal Marcia Brevot for allegedly inflating grades, excusing students from exams, and offering credits for the easy courses.<sup>26</sup>

#### **\$1 Million for Terrorists**

After supporters of Puerto Rican independence were elected to the Local School Council at Clemente High School in Chicago, they fraudulently diverted as much as \$1 million in anti-poverty education funds to political activities, including some associated with a now-dormant terrorist organization, the Fuerzas Armadas de Liberacion Nacional. Recipients of the public funds “included clowns, dancers,

musicians, muralists, sculptors, criminal defense attorneys for FALN defendants, kidnappers and attempted assassins,” said state Representative Edgar Lopez in a preliminary report on 1998 hearings he chaired on the issue.<sup>27</sup>

### \$12 Million in Illegal Contracts

Arizona's Scottsdale school district accepted kickbacks and illegally awarded nearly \$12 million in contracts, according to a report from the state auditor general that was released in October 1998. In an out-of-court settlement with the state attorney general, the district paid \$300,000 and admitted that it “systematically and pervasively” violated multiple state laws. Two district employees — director of purchasing services Robin Bechtel and executive director of building services Bob Hubley — took early retirement after the auditor general's report linked them with wrongdoing, but they were not charged.<sup>28</sup>

The examples listed above represent just a small sampling of horror stories from the public schools, suggesting that media treatment of choice school problems should be balanced with similar treatment of larger problems that occur in public schools. Space limitations prevent more detailed descriptions of the following recent news articles:

- “Teacher Taped Feces to 11-Year-Old's Desk”
- “School Tours of Youth Jails Stopped After 6 Assaulted”
- “Teacher Undressed in Class, Officials Say”
- “Inspectors Close Harrison School Kitchen After Rat Droppings Found”
- “Teacher Warned for Taping Pupil's Mouth, Official Says”
- “S. Carolina Kindergartners Undergo Genital Exams”
- “Teacher to Plead Guilty on Prostitution Charge”
- “Teacher Charged in Rape of Girl, 6”

Private schools, particularly those participating in school choice programs, ask only that judgments made concerning their school personnel and school policies be done with equal vigor to the public schools. That only seems fair.

### Notes

1. Editorial, “Choice Law's Shortcomings,” *Milwaukee Journal Sentinel*, May 4, 2000.
2. (a) Leon Stafford, “Teacher on Leave After Slaying Conviction Surfaces,” *The Atlanta Constitution*, November 12, 1999; (b) Leon Stafford, “Teacher With Record Is Back In Class,” *The Atlanta Constitution*, December 15, 1999.
3. Doug Cummings, “Schools Employ Thousands With Criminal Records,” *The Atlanta Constitution*, November 4, 1999.
4. Mike Antonucci, *Education Intelligence Agency Communiqué*, November 23, 1998.
5. Mike Antonucci, *Rotten Apples: School Crime from a Different Angle*, Education Intelligence Agency, 1999.
6. Malcolm Garcia, “School Bus Drive Gets Jail For Driving Under Influence,” *Philadelphia Inquirer*, October 15, 1998.
7. John Sullivan, Christopher Drew and Jacques Steinberg, “Physically Unfit: Careless Risks in Fixing New York City Schools,” *New York Times*, July 26, 1999.
8. Kirstin Danis, “Schoolkids Eat Amid Vermin,” *New York Post*, November 8, 1999.
9. Doug Smith, “School Board Kills Troubled Belmont Project,” *Los Angeles Times*, January 26, 2000.
10. Caroline Hendrie and Steven Drummond, “A Trust Betrayed,” 3-part series, *Education Week*, December 2, 1998; December 9, 1998; December 16, 1998.
11. Joanne Wassermann, “HS Teacher With Shady Record Irks Chancellor,” *New York Daily News*, September 30, 1998.
12. Jane Elizabeth Zemel and Steve Twedt, “Dirty Secrets,” 3-part series, *Pittsburgh Post-Gazette*, October 31, 1999; November 1, 1999; November 2, 1999.
13. Associated Press, “Teacher Unions Fight Checks Into Backgrounds,” *Daily Herald*, April 29, 2000.
14. Gregory Kesich, “House, Senate Endorse Bill to Fingerprint School Workers,” *Kennebec Journal*, May 12, 2000.
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16. David Kidwell, “School Official Gets 30 Years in Cocaine Case,” *Miami Herald*, November 24, 1998.
17. Richard Winton, “School Police Officer Fired After Thefts,” *Los Angeles Times*, May 11, 2000.
18. Natalie Missakian, “State's High Court Backs Firing in Strip Search Case,” *New Haven Register*, May 4, 2000.

19. "Gangsta Math Sparks Protest," *School Reform News*, October 1997.
20. Michelle Galley, "Group Shave Prompts Suspension," *Education Week*, October 28, 1998.
21. Solomon Moore, "Student Hurt in Experiment Undergoes Tracheotomy," *Los Angeles Times*, December 1, 1998.
22. Stacy St. Clair, "Teacher Censured But Keeps Job After Pants Incident," *Daily Herald*, September 22, 1998; Christy Gutowski, "Parents Question District in 'Pants' Punishment," *Daily Herald*, September 29, 1998.
23. Linda K. Wertheimer, "Cost Report at DISD Off by Millions," *Dallas Morning News*, November 19, 1998.
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25. Paul O. Ballou III, William R. Miles and Douglas P. Munro, "The Cure," Calvert Institute Brief, August, 1998.
26. Laura Williams and Dave Goldiner, "Diploma Mill Eyed," *New York Daily News*, June 25, 1998.
27. Ana Mendieta, "Report Details Clemente 'Fraud,'" *Chicago Sun-Times*, November 23, 1998.
28. (a) Rachel Ochoa, "Administrator Put on Leave," *Arizona Republic*, November 7, 1998; (b) Mary Ann Zehr, "Employees Retire After Probe," *Education Week*, December 2, 1998.