

## **ARE OUR KIDS SAFE?**

### **Safety**

#### **Trevyan Rowe becomes symbol of deep crisis over special ed at City School District**

#### **SPECIAL NEEDS FAMILIES ASK:**

**Justin Murphy** Rochester Democrat and Chronicle USA TODAY NETWORK

Festering discord and a series of high-level departures have dropped the Rochester City School District's special education department, never a model of stability, to a new level of dysfunction in the past several months.

That central office chaos, described by seven people with direct knowledge, has now been invested with the potent symbolism of 14-year-old Trevyan Rowe submerged in the frigid Genesee River while his teachers at School 12 marked him present in class. He was receiving services for a learning disability and may have had autism as well.

Attorney General Eric Schneiderman is in-

See SAFETY, Page [21A](#)



**At a press conference, Rochester School Board President Van White and Superintendent Barbara Deane-Williams detailed failures on the school district's part concerning the disappearance and death of Trevyan Rowe. MAX SCHULTE/@MAXROCPHOTO/STAFF PHOTOGRAPHER**



**Mieisha Grant says that her three children, Roemello McMillan, left, Mi'Andrea McMillan, right, and Giavanna McMillan, who each has a disability, were dropped off by their school buses on the wrong street one day last year when district computers “updated” to her old residential address from three years ago. SHAWN DOWD/ @SDOWDPHOTO/STAFF PHOTOGRAPHER**

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Continued from Page 1A

investigating the circumstances around the boy’s drowning death and what RCSD, among others, could have done to prevent it.

Trevyan was able to walk away from School 12 because of lax protocol and misconduct by school staff, but his fate also points to greater problems.

A months-long *Democrat and Chronicle* investigation, based on documents obtained through Freedom of Information requests as well as interviews with parents, board members, district employees and outside experts working on special education in RCSD, reveals severe problems in a department that is threatening to drag the entire district into protracted litigation or stringent state oversight.

Among the most recent incidents:

- Mary Pauly, the former special education executive director, went on leave in December and later resigned amid allegations of racism and creating a hostile workplace environment.

- The department was led in practice for a time by former School of the Arts principal Brenda Pacheco, who has no background in special education.

- Pacheco’s influence was a major contributing factor to the departure of Chief of Special Education and Student Services Theresa Wood, who said that what she saw in RCSD violated her professional ethics.

■ Several top administrators lack permanent district-level certification in New York.

The situation is bad enough that the district is paying a consultant \$35,000 to help the department “re-establish collaborative collegial relations,” with a particular focus on racial tension among employees.

### **From order to disorder**

Those are quintessential “adult problems” that nonetheless have practical consequences for the district’s 5,500 students with disabilities.

Mieisha Grant puts her three children, all with disabilities, on buses each morning to three different schools. One day last year, the buses didn’t come. She called central office to find out why.

It turned out, she said, that the computer had somehow been “updated” to her old address from three years ago. She would have found out sooner, but the bus drivers had ignored the updated, erroneous address for weeks.

“The only thing they could tell me is that it’s a computer error,” she said. “I said, ‘Would it be a computer error if I sued you for dropping my kids off on a street where they don’t live?’ ” Similar stories of miscommunication, confusion or delay are common among district families. Off-the-record interviews with seven people working in special education in RCSD revealed how the administration’s capacity to help students such as Grant’s children has been decimated even as the needs of students with disabilities grow.

Administrators, teachers and specialists in individual schools have spent the 2017-18 school year scrambling to meet state requirements after a procedural redesign failed.

### **Rowe’s death exposed failures**

In a late March interview, Superintendent Barbara Deane-Williams said the district has addressed its most immediate shortcomings, and a new interim executive director is in place. A school board committee will soon issue a list of resolutions for the administration to implement if it does not wish to be sued, and newly appointed “distinguished educator” Kenneth Eastwood will surely examine the subject as well.

“Even though there have been setbacks, there are also a great many things that are working and working well,” Deane-Williams said. “There is some risk in admitting you have serious systems issues, but in that admission comes the extension of the opportunity for the community to help us, and for everyone to put their hearts and hands into this work.”

In the meantime, even RCSD chief counsel Karl Kristoff conceded that the district “fairly can be characterized as being in crisis.”

The 2018-19 budget proposal adds dozens of special education teachers, among others, but cuts the money for instructional coaches who were funded but never hired last year.

“It’s been a very difficult year,” said the Rev. Marilyn Cunningham, grandmother of two children with disabilities and president of the Special Education Parent Advisory Council. “They went from an orderly system to a disorderly system.”

What’s more, several top central office administrators lack permanent state certification for their current jobs, a longstanding human resources flaw the district is just now beginning to correct.

Deane-Williams often talks about the need for coherent systems. Zayra Lespier, mother of a 7-year-old boy with disabilities in the district, agreed. She said she never received formal notification of her son’s upcoming special education meeting, and that other meetings have been late.

“The district is pretty much in disarray,” she said. “They don’t know how to line stuff up and apply protocol and policies — hence Trevyan being dead. And I’m just disgusted by it.”

If one could expect immediate improvement anywhere over the last month, it would be in attendance-taking at School 12. But Grant said that on two occasions since Trevyan's death, her daughter Mi'Andrea has been out of School 12 and she has not received a phone call about it.

The school told her it had marked Mi'Andrea down as an excused absence, but Grant said she never called it in.

She said: "The thing that's going through my mind is, if that can happen to (Trevyan), is my child next?"

The district cannot comment on details about specific children. Regarding Lespier's son, though, spokesman Carlos Garcia said the district believes it followed the proper notification procedures for his meeting.

### **Consumed by conflict**

The district has lacked stable leadership in special education since Chris Suriano left in September 2016 to take the top special education job in the state Education Department. He instituted some reforms, including expanding the continuum of services available throughout the district, but was unable to address some foundational issues, including flawed meeting protocols and disproportionate suspensions of students of color.

Suriano was replaced in May 2017 by Mary Pauly, who had been a special education administrator in Buffalo Public Schools. Soon after she arrived, Pauly began to clash with her central office subordinates and faced charges of poor leadership and racism, according to six people in a position to know.

Bernice Malcolm, a former coordinating administrators of special education, or CASE, who was fired by the district last month, sued Pauly and the district in federal court in 2017, alleging they did not protect her against harassment from her supervisor.

Another special education administrator wrote an email in October 2017 to Deane-Williams and other top leaders, expressing concern that "(Pauly's) behaviors are causing me great distress in performing my daily job duties. ... Being asked to do my job in a hostile environment is conduct unbecoming in any institution of learning." Pauly was put on administrative leave in December 2017, and the district commissioned an outside report on the accusations. The district would not comment on the contents of the report, but six people familiar with it said it contained allegations of racism and a hostile workplace.

Those people requested anonymity to avoid repercussions in the district.

Pauly resigned in February and took a job in an Erie County school district.

"There's a lot that needs to be known about special education in the Rochester City School District. I'll be sharing more information very soon," Pauly said.

Kristoff, the RCSD attorney, would not say whether her departure was related to the contents of the confidential reports.

### **'Principal on assignment' has no special ed experience**

By the time Pauly began her job as special education director, the district had added another layer of management above her — chief of special education and student services. It was filled by Theresa Wood, a state Education Department veteran, in December.

Several weeks later Deane-Williams appointed Brenda Pacheco, former School of the Arts principal, as a principal on assignment serving as "special assistant" on special education.

Deane-Williams and Pacheco both said her role was essentially human resources — to help speed the hiring process for crucial unfilled district positions in special education.

Pacheco was the right person for the job, Deane-Williams said several times, because "she gets stuff done."

That take-charge attitude may have carried her too far. Five people with direct knowledge said Pacheco was functioning as department leader almost immediately upon her arrival.

That rankled some of her colleagues because Pacheco lacks specific special education experience — School of the Arts, where she was principal, annually has one of the lowest rates of special education students in the district.

Four people with direct knowledge of the situation said it was Pacheco's ascent that caused Wood to leave. Wood herself did not give a specific reason for her February resignation but said: "I've been in special education for 37 years and my integrity would not allow me to continue."

Pacheco denied she had taken leadership of the department, and said she and Wood hardly spent any time working together.

"If there's any conflict, I wasn't aware of it," she said.

There certainly is conflict. The district hired Frederick Jefferson, a behavioral scientist at the University of Rochester, to work with the department toward "an overall improvement in the existing work environment(s) and re-establishment of collaborative collegial relationships," according to the language in his \$35,000 contract, obtained via Freedom of Information request.

It continues: "There will also be a reduction in the number of personnel conflicts and formal complaints registered by district employees." Human Resources Chief Harry Kennedy acknowledged in an interview that Jefferson will focus on "the racial bias especially as it relates to the special education department."

Asked in general about racial tension in her top-level team, Deane-Williams said: "We are constantly looking for opportunities to use the diversity in our system to address issues that everyone in the country needs to work on. ... The ability to lead for racial equity requires people to do some of their own work. I hope what we're providing is a safe space to do that work, and I would expect that work to continue."

### **Parents organizing, advocating**

Part of the reason the special education problem has lingered for so long is that parents have struggled to organize and advocate for themselves. That has changed recently through the creation of the Special Education Parent Advisory Council, which attracts dozens of parents to its monthly meetings.

"You feel sometimes you're the only parent going through your situation," Mieisha Grant said. "It's nice to be with other parents going through the exact same thing."

A loose knot of Spanish-speaking families has pushed for better accommodations for their children. And Melanie Funchess, the newly appointed board member heading its special committee on the topic, has two children with disabilities herself. She appears to be the first board member in several years to take up special education as a personal cause.

Ever since the school bus mix-up, Grant doesn't trust the district to get her children home safely in the afternoon. Instead she spends more than two hours in the car every afternoon, going to each of their schools to pick them up.

She stops first at School 12, where her daughter Mi'Andrea is in seventh grade. She needs to be there well before school gets out because Mi'Andrea gets very anxious if she leaves the building and doesn't see her mother.

It's a tiring schedule and Grant feels fortunate that she has time for it. If she had more trust in the district, though, her life would be much easier.

“They need to understand: you’re working with our children,” she said. “You’re supposed to be keeping our children safe. ... You’d want your children to be safe when you send them to school; that’s the same thing I’m asking for.

“Just because I’m in the city and I maybe don’t have as much money as you do, doesn’t mean my children don’t have the right to feel safe. My children deserve the same education as a child that doesn’t have a disability. ... I’ll fight for them to receive that.”

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**Mieisha Grant's three children Roemello McMillan, seated on floor, Mi'Andrea McMillan, left, and Giavanna McMillan, right, play video games in Roemello's bedroom after they finished their homework. SHAWN DOWD/@SDOWDPHOTO/STAFF PHOTOGRAPHER**

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### **Mieisha Grant**

Parent of three children with disabilities in RCSD