

September 27, 2017

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

Re: Richard Buery
SCI Case #2017-2665

Dear Chancellor Fariña:

In April 2017, as a result of an article published in the New York Post, the office of the Special Commissioner of Investigation for the New York City School District (“SCI”) self-initiated an inquiry into the circumstances surrounding the enrollment of Deputy Mayor Richard R. Buery’s two sons (“Student A” and “Student B”) into New York City Department of Education (“DOE”) elementary and middle schools in District 15 in Brooklyn in 2014.¹ Our findings are reported here.²

In a series of email exchanges with DOE officials beginning in February 2014, summarized below, Buery, then the President and Chief Executive Officer of the Children’s Aid Society, and his wife, then residents of New Rochelle, New York, discussed potential public school enrollment options for Student A and Student B once the family moved to New York City. Buery, who was to become Deputy Mayor for Strategic Policy Initiative, stressed the importance of ensuring seamless enrollment for their children prior to the beginning of the 2014-2015 school year.³

On February 23, 2014, Buery contacted Sayde Campoamor, then the Special Assistant to Chancellor Carmen Fariña, and requested assistance in scheduling visits at approximately seven DOE schools located within District 15 in Brooklyn.⁴ Several days later, Campoamor responded with a chart listing the seven schools, their principals, contact information, and dates for visits scheduled in early March 2014.

¹ Student A is now 13 years old, and Student B is now 11 years old.

² On April 3, 2017, the New York Post published an article entitled: “Deputy mayor ‘pulled strings’ to get kid into top-tier school,” by Lorena Mongelli and Yoav Gonen.

³ Richard Buery is presently the New York City Deputy Mayor for Strategic Policy Initiative.

⁴ Campoamor is now DOE Director of Community Affairs.

In March 2014, Campoamor exchanged messages with Kathleen M. Brannigan, then the DOE Chief of Staff for Student Enrollment regarding enrollment requirements.⁵ Brannigan stated, in no uncertain terms, that “in order to enroll, they need to reside in New York City.” When informed of that requirement, Buery responded to Campoamor by email: “that schedule doesn’t work for us because we won’t reside in NYC until August, and obviously we can’t wait until then to have clarity on where our children will go to school.” During the course of the email exchanges, the Buerys’ focus on a particular District 15 middle school (“the Middle School”) in Brooklyn, for their older son, Student A, became clear. However, later in March 2014, Campoamor informed Buery that Student A would not be allowed to attend a student orientation at the Middle School in May 2014, as “only students who ha[d] been enrolled/accepted” at the school could attend orientation.

On May 6, 2014, Buery contacted Campoamor to inform her that the family attended a great visit at a particular District 15 elementary school (“the Elementary School”) in Brooklyn, and had “enrolled” Student B at the school. On May 14, 2014, the Buerys received a “Provisional Admission Pending Address Verification,” for Student B to attend the Elementary School.⁶

Investigators spoke with the principal of the Elementary School (“Principal A”), who recalled the Buerys visiting in the spring of 2014, and showing interest in enrolling Student B at the school. According to Principal A, a short time later, the Buerys returned to the school to register Student B. Although Principal A did not handle the school registration process, she directed investigators to the school secretary who provided SCI investigators with copies of several documents from the student’s file which demonstrated the Buery family’s specific intent to obtain residency within District 15 prior to the start of the 2014-2015 school year. Among the documents were a City of New York Payroll Management System change of address form submitted by Buery, processed on May 13, 2014, indicating a new residence within District 15 in Brooklyn. Also in the file was a copy of an executed lease agreement, for a term of one year beginning June 15, 2014, for a residence located within District 15 in Brooklyn. Principal A told investigators that as long as a parent provided two pieces of verifiable proof of residency documents prior to the beginning of a school year, she would admit the child. Principal A further stated that she regularly encouraged parents to register their children as early as possible in order to determine class sizes and to facilitate proper scheduling. Finally, Principal A stated that she had no memory of anyone from City Hall, the Chancellor’s Office, or DOE admissions contacting her for assistance regarding the registration of Student B at the Elementary School.

On May 22, 2014, Buery and Student A met with Campoamor, Brannigan, and DOE Deputy of Middle School Administration Andrew Ferguson at the Tweed building

⁵ Brannigan is now the DOE Executive Director for Engagement Strategy.

⁶ During a visit in May 2017, the Elementary School administrators provided SCI investigators with several documents demonstrating proof of residency which were furnished to the school by the Buerys in 2014. Included in those documents was the Provisional Admission form for Student B.

to discuss middle school options.⁷ In 2017, SCI investigators spoke with Andrew Ferguson about the meeting with Buery and Student A at Tweed in May 2014. Ferguson recalled that Buery brought numerous documents to the meeting including a signed lease indicating that the family intended to move to a residence within District 15, and documents related to Student A's current schooling outside of New York City. Ferguson could not recall anyone at the meeting making copies of the residency documents, but later stated that even if there were documents, they likely would have been shredded after confirmation of residency. Ferguson asserted that Student A was not registered, nor guaranteed a seat, at the Middle School at the conclusion of the meeting, but admitted telling Campoamor that Student A's admission to the Middle School was a "done deal." Ferguson insisted, however, that Student A was an excellent candidate for the Middle School based on his interview, his intelligence, and his academic scores to date. After the meeting, Ferguson placed a call to the principal of the Middle School ("Principal B"), to discuss the matter, and to express his assessment that Student A was an appropriate fit for the Middle School. Ferguson explained that, although he did not give "special treatment" to the Buerys, he had hoped to "expedite" their enrollment process as a "courtesy" because of Buery's position in City government.⁸ Finally, Ferguson insisted that Student A was admitted to the Middle School at the end of the middle school appeals process, and that the placement was exclusively based on the student's academic record and zone residency.⁹

SCI investigators spoke with Principal B who recalled Buery's interest in the Middle School for Student A in 2014, but did not recall being contacted by anyone on his behalf prior to their tour of the school. Principal B explained that Student A went through the regular process of admission to the school during the appeal period, and was assessed, as any other prospective student, by the school's "admissions team." Principal B asserted that Student A was admitted to the Middle School based on his academic achievements and classroom availability, and insisted that no one from either City Hall or the Chancellor's Office had contacted or pressured her into enrolling Student A at the school in 2014.

Sayde Campoamor met with SCI investigators and explained that in February 2014, she was contacted by a former colleague, assigned to the Mayor's Office of Legislative Affairs at the time, and asked to assist Buery and his family select and enroll Student A and Student B in DOE schools. Campoamor stressed that she was not asked to get Student A or Student B enrolled in any specific school, but rather to help shepherd the family through an unfamiliar system so as to speed up the process for them. According to Campoamor, this was not an uncommon request, and was one that she had previously performed while in her position. Campoamor said that the Buerys indicated that they

⁷ Ferguson is now the DOE Deputy Chief Executive Officer for Admissions.

⁸ Ferguson insisted that he had provided the same courtesy to other New York City government officials in the past, but declined to name them.

⁹ Investigators spoke with Kathleen Brannigan who did not recall many details of the Tweed meeting. Brannigan was, however, positive that Student A was not registered or enrolled in any middle school that day, nor was he promised a seat in any specific DOE school.

were planning to reside in Park Slope, Brooklyn, within District 15, and would like to visit appropriate elementary and middle schools within the district. After visiting several, the Buery family settled on the Middle School for Student A, and the Elementary School for Student B. Campoamor followed by organizing a meeting including Buery, Student A, and Ferguson, among others, at Tweed in May 2014. Buery was instructed on the proper documents to provide for the meeting including proof of pending residency and current student records. Campoamor introduced Buery to Ferguson, who reviewed Student A's current transcript and engaged in a brief conversation with the boy. Although Ferguson informed Buery that Student A was "in line" with criteria for acceptance at the Middle School, Campoamor insisted that Ferguson did not guarantee Student A a seat at the school, and only spoke about the next steps in the process which included establishing residency within the district. Campoamor told investigators that she was aware, at the time, that Student B had received a provisional admission to the Elementary School, but was unaware if there was a similar provisional acceptance to the Middle School. Finally, Campoamor insisted that at no time was she instructed or pressured by anyone to secure Student A or Student B enrollment in any particular DOE school.

After careful review of this matter, SCI has determined that there was no intent by Richard Buery to seek inappropriate special considerations regarding his children's enrollment in DOE District 15 schools. Further, we have concluded that DOE personnel acted appropriately in assisting and supporting the Buery family in their search for educational options for their children in 2014.

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

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c: Howard Friedman, Esq.