



THE CITY OF NEW YORK

**New York City
Department of Investigation**

**MARGARET GARNETT
COMMISSIONER**

180 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900
nyc.gov/doi

**DOI's Communications Office:
Diane Struzzi
Nicole Turso
(212) 825-5931**

**The Special Commissioner of Investigation
for the New York City School District**

**ANASTASIA COLEMAN
SPECIAL COMMISSIONER**

80 MAIDEN LANE
NEW YORK, NY 10038
212-510-1400
nycsci.org

**SCI's Public Information Officer:
Regina Gluzmanova
(212) 510-1479**

**FOR IMMEDIATE RELEASE
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**DOI AND SCI RELEASE STATEMENT OF FINDINGS ON JOINT INVESTIGATION INTO
DELAYS AND POLITICAL INFLUENCE OF THE CITY DEPARTMENT OF EDUCATION'S
INQUIRY OF EDUCATION STANDARDS AT HASIDIC YESHIVAS**

Margaret Garnett, Commissioner of the New York City Department of Investigation ("DOI"), and Anastasia Coleman, the Special Commissioner of Investigation for the New York City School District ("SCI"), issued a statement of findings today on their agencies' joint investigation into the process of the New York City Department of Education's ("DOE") inquiry into whether the education provided at certain Hasidic Yeshivas is "substantially equivalent" to the education provided in City public schools. A copy of DOI and SCI's statement of findings is attached and can also be found at DOI's and SCI's websites at the following respective links:
<https://www1.nyc.gov/site/doi/newsroom/press/2019/december.page>
<https://nycsci.org/press-releases/>

The joint investigation concluded that political horse-trading between the Mayor's and State legislators' representatives unquestionably occurred. According to the investigation, the representatives agreed in 2017, as part of a multi-pronged effort, to delay an interim report of the DOE's findings in an attempt to secure support for extending mayoral control of the City's schools. However, the investigation also found that this agreement had no substantial effect on the inquiry's conclusion or the progress of the inquiry, which was mired in delays for several years because of a variety of factors, including conflicts with the yeshivas and their counsel and a generally accommodating approach taken by DOE to that conflict. Further, the evidence uncovered during this joint investigation did not demonstrate whether the Mayor had personally authorized the agreement to delay the DOE report; however, the totality of the evidence did indicate the Mayor was aware that the offer to delay had been made.

DOI and SCI found no evidence of any violations of relevant laws or regulations and did not identify any criminal conduct in connection with the release of DOE's interim report.

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**Findings of a Joint Investigation by
the New York City Department of Investigation and
the Special Commissioner of Investigation for the New York City School District
on the City Department of Education's Inquiry into
Education Provided at Hasidic Yeshivas**

**MARGARET GARNETT
COMMISSIONER**

**ANASTASIA COLEMAN
SPECIAL COMMISSIONER**

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EXECUTIVE SUMMARY

The New York City Department of Investigation (“DOI”) and the office of the Special Commissioner of Investigation for the New York City School District (“SCI”) have completed a joint investigation of the New York City Department of Education’s (“DOE”) inquiry into whether the education provided at certain Hasidic yeshivas was “substantially equivalent” to that provided in public schools (the “Inquiry”). Among the allegations that prompted this joint investigation were claims that the progress of the Inquiry, the substance of its conclusions, and the timing of an interim report on the Inquiry were all influenced by political pressure from the Mayor or other City or State elected officials.

As discussed further below, DOI and SCI have concluded that there was unquestionably political horse-trading in which representatives of the Mayor agreed with representatives of State legislators to delay any interim report in connection with securing the overarching goal of extending mayoral control of the City’s schools. Following that agreement, the interim report was in fact delayed by approximately one year.

Nonetheless, our investigation found that the agreement had little to no substantive effect on the progress of the Inquiry or on the ultimate conclusions of the interim report. Rather, the delay in the Inquiry was primarily the product of two factors: conflict with the subject yeshivas and their counsel, and the accommodating approach taken by DOE to that conflict. We found no evidence that those factors were driven by any agreement regarding the extension of mayoral control; indeed, those factors existed well before any such agreement and persisted long after.

THE DOE’S INQUIRY

In the summer of 2015, based on complaints by alumni and parents of yeshiva students, the DOE began its Inquiry into 39 Hasidic yeshivas pursuant to New York State Education Law § 3204, which specifies instruction requirements for nonpublic schools. During the Inquiry, the DOE determined that 11 of the 39 yeshivas named in the complaint had closed or were not within the scope of its Inquiry. After visiting 15 yeshivas, the DOE published an interim report in August 2018, and plans to issue a second report. Although the DOE has now visited all 28 yeshivas, more than four years after the initial complaints, the DOE’s Inquiry continues.

DOI and SCI’s joint investigation found that the progress of DOE’s Inquiry was delayed by a variety of factors, but most significantly by: (1) prolonged disputes with the yeshivas’ attorney in obtaining curricula information and scheduling school visits at a “mutually convenient time” as prescribed by New York State Education Department (“NYSED”) equivalency guidance (which contain no specific obligation that the yeshivas open their doors to the DOE); and (2) the collaborative approach taken by the DOE to those disputes. In addition, progress of the Inquiry was further complicated by the New York State Legislature’s 2018 amendments to Education Law § 3204, effective April 12, 2018 (regarding factors for reviewing substantial equivalency) and subsequent changes to, and court nullification of, NYSED equivalency guidance.

The key dates in the DOE’s Inquiry are as follows:

- Beginning in August 2015 through the summer of 2016, the DOE, consistent with § 3204 and NYSED guidance, met separately with the complainants and yeshiva leaders to discuss

the allegations. During this time, DOE also met with the yeshiva leaders to discuss plans for overcoming any deficiency in their curricula.

- In June and August 2016, DOE officials met with yeshiva leaders and representatives to request curricula documentation, discuss curricula development, and plan school visits to assess curricula implementation.
- In early 2017, after considerable negotiation, the yeshivas' attorney agreed to schedule visits at eight schools from March through May 2017.
- In May 2017, DOE officials confirmed to the press that they expected to issue an interim report to the NYSED on the status of the Inquiry in the summer of 2017.
- By June 2017, the DOE had visited only six of the eight agreed-upon schools; two of the yeshivas cancelled the visits before the end of the school year. (At the end of June 2017, as detailed below, City Hall representatives agreed to delay the release of the DOE's interim report in connection with negotiations over continued mayoral control of the DOE.)
- Beginning in October 2017, the DOE again negotiated with the yeshivas' attorney to schedule nine more visits. Due to religious holidays and delays by the yeshivas' attorney, these visits did not take place until November and December 2017.
- In the summer of 2018, the DOE issued an interim report to the NYSED, reflecting the 15 yeshivas visited up to that point.
- After the 2018 amendments to Education Law § 3204, in the fall of 2018 the DOE scheduled the 13 remaining visits, the last of which occurred in the spring of 2019.

DOI and SCI found that while the DOE offered continual support in implementing the new curricula at the yeshivas, it took approximately two years for the DOE officials to gain access to all 28 schools to observe and review classes in order to conduct its Inquiry.

POLITICAL INFLUENCE

DOI and SCI also examined whether there had been improper or inappropriate political interference in the DOE's Inquiry by the Mayor or other elected officials. In June 2017, a special session of the New York State Legislature was called to vote on extension of mayoral control of New York City schools, among other things. DOI and SCI found that shortly before the vote in that special session, representatives of the Mayor's Office agreed to delay the release of an interim report summarizing the status of the DOE's Inquiry. This agreement was apparently made as part of a multi-pronged effort to bolster legislative support for continued mayoral control over the DOE, which was a significant legislative priority for the Mayor's Office.

The evidence did not permit a conclusion as to whether the Mayor had personally authorized the offer to delay issuance of the interim report. However, the totality of the evidence indicates that the Mayor was aware that the offer to delay had been made, prior to the final push to secure the votes for mayoral control. After being informed of the commitment to delay the interim report, the Mayor personally participated in conversations with at least one state senator and Orthodox community leaders about their broader concerns regarding oversight of yeshivas and how those concerns related to the extension of mayoral control. One witness told DOI and SCI that the City was asked to delay the issuance of the report – then scheduled for summer 2017 – until April 2018. However, DOI and SCI were unable to confirm that any City official agreed to a specific release date or specific period of delay.

The agreement to delay the release of an interim report appears to have had minimal substantive impact on the Inquiry itself. Multiple witnesses told DOI and SCI that, as of June 2017, DOE's Inquiry was still in its early stages and that any interim report issued at that time would have contained only limited information. This is consistent with internal DOE documents reviewed by DOI and SCI, which confirm that DOE had only visited six out of 28 yeshivas by the summer of 2017. The draft interim report appears to have been primarily for the purpose of updating NYSED on the progress of the DOE's Inquiry and the status of its cooperation with the yeshivas. Instead of a written report, oral updates on the status of the Inquiry were provided to NYSED and the Attorney General's office during the summer of 2017. While DOI and SCI's investigation did not find evidence that this agreement affected the overall progress of the Inquiry or the substance of its ultimate findings on substantial equivalence, the agreement did delay public awareness of the fact that the DOE had only visited six yeshivas by the summer of 2017 despite beginning its Inquiry in 2015. It is impossible to predict the effect, if any, of earlier public awareness of the status of DOE's access to yeshivas, the yeshivas' amenability to mutually convenient inspections, and DOE's approach to yeshiva inspection as a whole.

CONCLUSION

In short, after a lengthy and thorough investigation by career investigators, DOI and SCI's joint investigation did not identify criminal conduct, nor did it identify any violations of other relevant laws or regulations, either with respect to the Inquiry itself or the agreement to delay release of any interim report on the Inquiry. As such, the investigation will not result in any referrals to prosecutorial or enforcement bodies. However, because the investigation did reveal facts that are relevant to the ongoing public debate about government oversight of private religious schools, we are issuing this joint statement summarizing our findings. With the release of this statement, DOI and SCI's joint investigation is now closed.