

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

80 MAIDEN LANE, 20TH FLOOR  
NEW YORK, NEW YORK 10038

RICHARD J. CONDON  
SPECIAL COMMISSIONER

TELEPHONE: (212) 510-1400  
FAX: (212) 510-1550  
WWW.NYCSCI.ORG

November 9, 2016

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

Re: Choking Incident at PS 250  
Noelia-Lisa Echavarria  
SCI Case #2015-6254

Dear Chancellor Fariña:

This office has concluded an investigation into the circumstances surrounding the choking death of New York City Department of Education (“DOE”) student Noelia-Lisa Echavarria (“Noelia”).<sup>1</sup> Our findings are reported here.

In October 2015, the office of the Special Commissioner of Investigation (“SCI”) self-initiated an investigation of the choking incident at PS 250 in Brooklyn, on October 21, 2015, which resulted in Noelia’s death. According to the death certificate, Noelia passed away on October 24, 2015.<sup>2</sup> Noelia’s cause of death was “Anoxic Ischemic Encephalopathy Complicating Obstruction Of Airway With Food Bolus.”

In December 2015, SCI expanded the investigation to include a review of the training of the PS 250 staff in Cardiopulmonary Resuscitation (“CPR”) and Automatic External Defibrillator (“AED”) procedures.

### **Background**

Noelia was a seven-year-old female student in the 1<sup>st</sup> Grade at PS 250 who attended the St. Nicks Alliance (“St. Nicks”) Williamsburg Community Center program after school. At the end of each school day, St. Nicks personnel arrived at PS 250 to pick up the students who attended the program. The choking incident occurred on October 21,

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<sup>1</sup> No one was reassigned as a result of this investigation.

<sup>2</sup> Media accounts indicated that Noelia was alive after October 24, 2015, but was on life support.

2015, at approximately 2:30 p.m., which was the end of the school day at PS 250 and the pick up time by St. Nicks personnel.

SCI investigators spoke with DOE employees, St. Nicks employees, first responders, and student witnesses. We obtained written accounts, related documents, the death certificate, 9-1-1 information, and CPR records. There were no cameras at PS 250 and, therefore, no video footage of the incident existed.

### 9-1-1

A review of New York City Police Department (“NYPD”) records relating to the calls to 9-1-1 revealed that there were two separate calls from unidentified females – later identified as School Secretary Linda McCormack and Paraprofessional Dina Macaluso. The first call was at 14:32:01 hours and the second was at 14:32:13. At 14:35:41 hours an Emergency Medical Services (“EMS”) unit was dispatched and at 14:37:57 hours, the EMS unit was on the scene. At 14:51:04 hours, Noelia was removed to Woodhull Hospital.<sup>3</sup>

The earliest recorded call was from McCormack, calling from the main office at PS 250, reporting a child was choking. The 9-1-1 dispatcher patched McCormack through to an EMS dispatcher who questioned whether someone trained in CPR and the Heimlich maneuver was assisting the student. McCormack responded that the school nurse, a registered nurse, was heading in the direction of the child who was in the Gymnasium on the ground floor. McCormack did not know the child’s gender or age; she had been asked to call 9-1-1.

Macaluso made her call from a cell phone. During the recorded call, Macaluso became frustrated with being questioned for more information, and she hung up. The EMS dispatcher indicated, however, that the job had been received from an earlier caller.

EMS sent the New York City Fire Department (“FDNY”) and an EMS ambulance to the scene.<sup>4</sup> A subsequent report from the School Sergeant to the dispatcher indicated that a “nine-year-old” child was en route to Woodhull Hospital.

### Paramedic

Media accounts identified Qwasie Reid as a paramedic for a private company who was in an ambulance transporting a patient when he stumbled upon a chaotic scene at PS 250 and was flagged down to render aid to Noelia. SCI investigators visited Assist Ambulance to obtain contact information for Reid. Paramedic Supervisor Aaron Goldstein refused to supply Reid’s pedigree information.

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<sup>3</sup> The death certificate indicated that Noelia passed away at NYU Langone Medical Center-Tisch.

<sup>4</sup> The FDNY and EMS are one department.

SCI investigators visited the residence of Reid's ex-mother-in-law who reported that Reid lived in Queens, but she did not provide a specific address. The ex-mother-in-law supplied her daughter's name and telephone number. Reid's ex-wife lived in North Carolina. The assigned SCI investigator spoke by telephone with Reid's ex-wife who said she did not know where Reid lived.

## PS 250

### Attempted Interviews

When SCI investigators first visited PS 250, the principal was not present. They attempted to speak with Assistant Principal Rosecindy Siegel, but she requested representation.<sup>5</sup> However, Assistant Principal Siegel provided copies of the Online Occurrence Report System, known as the OORS report, Principal RoseAnn LaCioppa's written notes, the principal's letter to parents, a list concerning counseling, a list of guidance counselors who spoke with students, a second letter from the principal to parents, and a second list concerning counseling.

Thereafter, Principal LaCioppa also requested representation.

SCI investigators attempted to speak with NYPD School Safety Agent ("SSA") Thea Gilyard who acknowledged that she was present on October 21, 2015, but advised investigators that she was directed by her union not to speak to anyone without union representation. The SSA refused to supply investigators with a copy of the command log or the names of additional SSAs who may have been present.

In the presence of the PS 250 union representative, SCI investigators attempted to speak with Teacher Llorna Jacobs, Teacher Sandy Chertok, Teacher Mauricio Ortega, School Aide Waleska Ramos, Paraprofessional Dina Macaluso, Secretary Linda McCormack, and Nurse Vilna Campbell, but each requested that an attorney be present.

### RoseAnn LaCioppa

SCI investigators interviewed Principal LaCioppa in the presence of her union representative. LaCioppa did not know what time Noelia started choking. LaCioppa explained that the school day ended at 2:20 p.m., and the staff brought the students outside for dismissal. Teacher Sandy Chertok brought the students who attended the St. Nicks program to the cafeteria where they were met by staff members from St. Nicks and escorted to the program. LaCioppa supplied a copy of a roster of the students who attended the St. Nicks program; Noelia was on the list.

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<sup>5</sup> Assistant Principal Catherine Alicea spoke with investigators; however, she was out of the building on October 21, 2015, and had no information about the incident.

On October 21, 2015, at approximately 2:30 p.m., Principal LaCioppa was inside the main office when she heard Paraprofessional Dina Macaluso, who was in the hallway outside of the main office, yelling: “A child is choking.” LaCioppa directed Secretary Linda McCormack, who was inside the main office, to call 9-1-1 and get the nurse.

LaCioppa ran out of the office to the hallway which led to the cafeteria. When LaCioppa arrived on the scene – the hallway across from the Gymnasium – she observed Noelia lying on the floor on her back; she appeared to be in distress and unresponsive. LaCioppa explained that the cafeteria was approximately 20 to 30 feet from the Gymnasium.

LaCioppa said that she did not check Noelia’s throat for an obstruction; instead, she and School Aide Waleska Ramos picked up Noelia and LaCioppa attempted to perform the Heimlich maneuver, but was unsuccessful. LaCioppa and Ramos placed Noelia on her back, but she did not appear to have a pulse, and LaCioppa performed chest compressions on Noelia.

Assistant Principal Rosecindy Siegel arrived and assisted with crowd control by removing the students from the area. Teacher Mauricio Ortega arrived with an AED, but when Ortega attempted to use it, the machine responded that there was a pulse. LaCioppa, who was certified in CPR and AED, explained that the machine would not work when there was a pulse. The FDNY and the EMTs arrived and took over. LaCioppa said that the EMTs worked on Noelia for about five to 10 minutes before they removed her to Woodhull Hospital.

LaCioppa added that, as the EMTs were working on Noelia, her uncle, Carlos Santiago, arrived at PS 250 and behaved in a very threatening and menacing manner by yelling: “If anything happens to her, I’m coming back to get everyone in this school.”<sup>6</sup> Santiago also was banging his hands on the walls. Santiago accompanied the EMTs when they moved Noelia outside; no one from PS 250 went to the hospital with Noelia because LaCioppa thought that Santiago would go with her.

When LaCioppa returned to the main office, Santiago also returned to the school building, causing SSA Thea Gilyard, the only SSA assigned to PS 250, to conduct a lock down, and LaCioppa was locked in her office. LaCioppa heard Santiago banging on the door to the main office.

LaCioppa did not observe anyone from a private ambulance company on the scene. LaCioppa viewed a photo of Paramedic Reid and responded that she did not remember Reid being present at the school on October 21, 2015.

LaCioppa supplied a list of PS 250 staff members who were CPR and AED trained, including LaCioppa, Assistant Principal Siegel, Teacher Ortega, School Aide

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<sup>6</sup> SCI investigators did not interview Santiago.

Ramos, School Aide Concetta Valek, and Teacher Jaclyn Carboni. However, Carboni was not present on the day of the incident.

LaCioppa supplied a letter from St. Nicks Alliance addressed to the families who attended the program, and documents relating to Noelia.

Rosecindy Siegel

SCI investigators interviewed Assistant Principal Siegel in the presence of her union representative. Siegel did not know what time Noelia started choking. At approximately 2:30 p.m., on October 21, 2015, Siegel was in the hallway in the vicinity of the main office when she heard Paraprofessional Macaluso yelling that a child was choking and to call 9-1-1. Siegel walked over to the main office, opened the door, and directed Secretary McCormack to call 9-1-1.

Siegel did not see Principal LaCioppa, but as she left the main office and walked toward the security desk, she heard Macaluso on the phone with 9-1-1. Siegel heard Macaluso say: "There's a girl choking at PS 250, stop asking questions, hurry up."

Siegel knew where to go because there was a crowd of students and she saw Noelia was on the floor on her back. Siegel also saw LaCioppa kneeling on the floor next to Noelia, giving the girl chest compressions. School Aide Ramos then knelt down and took over performing chest compressions on Noelia; Teacher Ortega then arrived with an AED. Siegel removed the students from the area to the auditorium.

Soon after Siegel dropped the students at the auditorium, the FDNY and the EMTs arrived. Siegel saw the EMTs working on Noelia for approximately two minutes before removing her. Siegel observed one of the EMTs place a tube in Noelia's mouth.

As the EMTs worked on Noelia, her uncle arrived. Siegel said that Santiago was banging on the walls, and screaming: "What happened to her?" Santiago also yelled: "If anything happens to her, I'm coming back to this school."

Because the EMTs were getting ready to remove Noelia, Siegel returned to the auditorium to prevent the students from seeing Noelia. Siegel opened the back door of the auditorium and the St. Nicks staff members escorted the students out of the building. Siegel then walked outside to the front of the building and saw Santiago near the ambulance. Siegel heard Santiago screaming at the EMTs because they would not let him ride to the hospital with Noelia. When Siegel went inside the school, Santiago followed her. Santiago's presence resulted in a lockdown. Siegel and two teachers hid in the closet. Siegel heard Santiago banging on the door to the main office.

Siegel confirmed that she was CPR and AED trained. Siegel took the investigators to the area where Noelia choked – in the hallway, approximately 40 to 45 feet from the cafeteria.

Linda McCormack

SCI investigators spoke with Secretary McCormack in the presence of her attorney. On October 21, 2015, McCormack was inside the main office when she heard a female staff member, who was in the hallway, yelling for someone to call 9-1-1: “A child is choking!” McCormack was unable to identify the staff member. As McCormack called 9-1-1, Principal LaCioppa ran out of her office and headed to the victim. McCormack never left the main office and did not know whether anyone else called 9-1-1.

Llorna Jacobs

SCI investigators interviewed Teacher Jacobs in the presence of her attorney. On October 21, 2015, Jacobs was in Principal LaCioppa’s office when she heard a female staff member, who was in the hallway, yelling for LaCioppa to respond to the Gymnasium because a student was choking. Jacobs was not able to identify the staff member. Jacobs said that, as LaCioppa ran out of her office, LaCioppa yelled to Secretary McCormack: “Call 9-1-1.”

Jacobs ran with LaCioppa to the hallway between the Gymnasium and the cafeteria. Upon arriving at the scene, Jacobs first noticed a line of students standing in the hallway and then saw Noelia sitting on the floor as two unidentified females wearing green shirts – referring to staff from the St. Nicks program – patting and rubbing Noelia’s back. At that time, Jacobs did not see anyone performing the Heimlich maneuver on or providing any kind of CPR to Noelia.

Jacobs heard a female, whom she could not identify, yell: “She choked on a sandwich.” Jacobs said that LaCioppa, with the help of two St. Nicks staff members, picked up Noelia and, as the two St. Nicks staff members held the girl, LaCioppa performed the Heimlich maneuver. Jacobs added that, when the Heimlich maneuver failed, Noelia was placed on her back and LaCioppa and School Aide Ramos took turns performing chest compressions on Noelia.

Jacobs continued that St. Nicks staff members then removed the other students to the auditorium and Teacher Ortega arrived with the AED. Jacobs confirmed that the machine did not work. Approximately one minute after Ortega’s arrival, a paramedic – apparently from a private ambulance – arrived. According to Jacobs, because there were a number of people at the scene, she could not see whether the paramedic performed CPR. However, Jacobs saw the paramedic check Noelia’s mouth.

Jacobs said that the NYPD, the FDNY, and FDNY EMTs arrived approximately two minutes after the paramedic. Jacobs added that the NYPD cleared the area of all bystanders, and she did not see what happened thereafter. Jacobs did not know when 9-1-1 was called or who placed the call.

Sandy Chertok

SCI investigators interviewed Teacher Chertok in the presence of her attorney. On October 21, 2015, Chertok was in her classroom on the 1<sup>st</sup> floor when she heard a female outside of her classroom yell: "A student's choking! Get the nurse!" Chertok went to the nurse's office, which was next door to her classroom, and informed Nurse Vilna Campbell that a student was choking. Campbell grabbed a medical bag and Campbell and Chertok ran to the scene where Noelia was choking.

When Chertok arrived, Principal LaCioppa, Assistant Principal Siegel, Teacher Ortega, School Aide Ramos, and a paramedic were present. Chertok did not observe anyone performing CPR on Noelia, but the paramedic was placing a tube in Noelia's mouth. Approximately two minutes later, the NYPD, FDNY, and EMS arrived; those responders cleared the area.

Dina Macaluso

SCI investigators interviewed Paraprofessional Macaluso in the presence of her attorney. On October 21, 2015, Macaluso was walking in the vicinity of the security desk when she headed down the stairs toward the Gymnasium. Macaluso saw Noelia on the floor with SSA Gilyard and St. Nicks staff members, whom she could not name, standing over her. Macaluso heard SSA Gilyard yell: "Get the nurse; it's a 9-1-1!" Because it was so loud in the hallway, Macaluso ran in the direction of the main entrance and, as she stood in the vestibule, she called 9-1-1. Macaluso never returned to the scene and did not know what happened after she called 9-1-1.

Mauricio Ortega

SCI investigators interviewed Teacher Ortega in the presence of his attorney. On October 21, 2015, Ortega was on the 3<sup>rd</sup> floor in Room# 306, when he received a call on the school phone; a female staff member, whom he could not name, informed him that a student was choking in the hallway near the Gymnasium. Ortega went to the security desk, grabbed the AED, and ran to the scene. Ortega lifted Noelia's shirt and placed the pads on her, but the AED would not work because Noelia had a pulse. When Ortega arrived at the scene, there were no other students present, but School Aide Ramos was on the floor with Noelia who was vomiting blood and phlegm. Ortega said that Principal LaCioppa was present and talking on the radio and one female staff member from St. Nicks, whom he could not name, also was present.

Ortega added that a paramedic from a private ambulance company arrived and asked whether there was an AED and Ortega replied: "Yes." The paramedic then ran outside and returned approximately two minutes later with a tube which he placed in Noelia's mouth. Approximately one minute later, the NYPD, the FDNY, and EMS arrived. Ortega said the responding EMTs performed CPR on Noelia.

#### Waleska Ramos

SCI investigators interviewed School Aide Ramos in the presence of her attorney. On October 21, 2015, Ramos was cleaning the storeroom located across from the main office, when she heard a female staff member yelling: "Call 9-1-1! A child is choking!" Ramos could not identify the staff member. Ramos, who was CPR certified, ran to the hallway where she saw Principal LaCioppa running out of the main office toward the Gymnasium.

When Ramos arrived at the scene where Noelia was choking, she saw a female St. Nicks staff member performing the Heimlich maneuver. Ramos could not name the St. Nicks staff member. Because that Heimlich maneuver did not work, LaCioppa attempted the Heimlich maneuver on Noelia. When LaCioppa failed to dislodge what Noelia was choking on, Ramos and LaCioppa placed Noelia on her back and took turns performing chest compressions on Noelia.

Ramos said that Teacher Ortega arrived with an AED and Ramos moved away from Noelia. A couple of minutes later, Nurse Campbell arrived at the scene. According to Ramos, Nurse Campbell just stood there looking inside her bag and she did not perform CPR on Noelia.

Ramos saw a paramedic arrive by himself; he then ran out, but returned approximately two minutes later, and placed a tube in Noelia's mouth. Approximately two minutes after that, the NYPD, the FDNY, and EMS arrived at the scene. Ramos left the scene because the NYPD responders were clearing the area.

#### Vilna Campbell

SCI investigators interviewed Registered Nurse Campbell in the presence of her attorney. On October 21, 2015, Campbell was in her office when she heard a female, who was in the hallway, yelling: "Somebody get the nurse! A child's choking and turning blue." Campbell grabbed her emergency bag which contained CPR equipment, including a mask, gloves, a stethoscope, and a blood pressure cup. Campbell ran toward the Gymnasium where she came upon staff members from the St. Nicks program, Principal LaCioppa, and other PS 250 staff members. Campbell saw Noelia sitting on the floor in an upright position, slumping forward, with School Aide Ramos holding her up. Campbell said that Noelia was blue in the face when she arrived at the scene.



Campbell saw a female staff member from St. Nicks, whom she could not name, performing the Heimlich maneuver on Noelia. Campbell did not observe vomit, but noticed that Noelia was bleeding profusely from the mouth. Campbell described Noelia as unresponsive; Campbell directed Ramos to place Noelia on her back and Campbell yelled for someone to get the AED. Campbell checked Noelia's pulse, which was faint. Teacher Ortega arrived with the AED and applied the pads, but the device indicated: "Stand back, analyzing, no shock needed."

Approximately one minute later, a male paramedic from a private ambulance arrived on the scene. Campbell said that the paramedic suctioned the blood from Noelia's mouth and attempted to open her airway. Campbell did not see the paramedic leave the scene and return with a tube. The NYPD, FDNY, and EMS arrived on the scene; the private paramedic continued suctioning the blood from Noelia's mouth as the FDNY EMTs performed chest compressions. An FDNY EMT placed an oxygen mask over Noelia's and they removed her to the hospital.

Campbell said that the CPR practice of slapping a choking victim on the back was used on younger children. Campbell explained that she did not perform CPR on Noelia because someone else was doing so when she arrived on the scene.

#### Thea Gilyard

SCI investigators spoke with SSA Gilyard in the presence of her union representative. On October 21, 2015, at approximately 2:28 p.m., SSA Gilyard was at her post at the front security desk of PS 250 when a student informed her that a student was choking outside the cafeteria. SSA Gilyard could not identify the student who reported the incident. SSA Gilyard responded to the scene and saw School Aide Ramos and a female after school program employee holding up Noelia as either Ramos or the after school program employee performed the Heimlich maneuver. SSA Gilyard could not name the after school program employee. SSA Gilyard used her radio to notify 9-1-1.

SSA Gilyard was not able to identify everyone who was present at the scene because it was crowded with students and staff members. However, SSA Gilyard identified Principal LaCioppa as kneeling down over Noelia who was on the floor. Because of the crowd, SSA Gilyard did not have a clear view of LaCioppa, but it appeared that LaCioppa was performing CPR on Noelia. SSA Gilyard said that Teacher Ortega was present with the AED, but she did not see him use it.

SSA Gilyard added that she removed the students to the Gymnasium and returned to her post at the security desk. SSA Gilyard did not perform CPR. SSA Gilyard did not see the private ambulance paramedic, but saw NYPD officers, FDNY personnel, and FDNY EMTs on the scene.

**St. Nicks Alliance**Deborah Sue Lorenzen

SCI investigators visited St. Nicks and met with Director Deborah Sue Lorenzen who said that four St. Nicks staff members went to PS 250 at approximately 2:15 p.m., each day, to pick up the students attending the program. School staff brought the students to the cafeteria at approximately 2:20 p.m. and, at approximately 2:30 p.m., the St. Nicks staff members lined up the students in two rows. The St. Nicks staff members conducted a check of the students and made sure they had all of their belongings. The students then entered the hallway outside the cafeteria where the staff members performed a second check. The St. Nicks staff members and the students left the school through the front entrance and proceeded to the St. Nicks program located inside the Williamsburg Community Center.

At the program, the students received a snack and, at approximately 5:00 p.m., were fed dinner. According to Lorenzen, there was nothing prohibiting the students from eating at PS 250 before leaving for the St. Nicks program.

Lorenzen was not present at PS 250 on October 21, 2015, but she took written statements from the four staff members who were there. Lorenzen agreed to arrange interviews with the four staff members, subsequently identified as Anelic Polanco, Joshua Pichardo, Desarie Torres, and Amanda Kenny.

Director Lorenzen subsequently forwarded a document called "CPR Training and Timeline of Incident Noelia-Lisa Echavarría." The document included the names of the primary and secondary St. Nicks staff members involved, information about CPR and First Aid training, and the sequence of the incident at PS 250 on October 21, 2015. SCI also obtained the St. Nicks Alliance Incident Report Form and copies of statements about the incident which were written by staff members.

Anelic Polanco

Polanco was one of the St. Nicks staff members who arrived at the PS 250 cafeteria on October 21, 2015, at approximately 2:10 p.m. Polanco explained the standard daily procedure:

- PS 250 staff turned over the students to St. Nicks staff members at approximately 2:20 p.m.;
- The students lined up boy/girl in two lines;
- Roll call was taken;<sup>7</sup>
- The students clothing and backpacks were secured;

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<sup>7</sup> On October 21, 2015, Desarie Torres took the roll call.

- The four staff members surrounded the students: one at the front of the line, one at the rear of the line, and one on each side of the students;
- Staff members escorted the students out of the cafeteria to the hallway;
- Staff members stopped the students in the hallway directly outside of the cafeteria; and
- Staff members ensured that the students stay in line and look straight ahead.

Polanco said that there were no guidelines prohibiting students from eating as they waited in the PS 250 cafeteria to be escorted to the Williamsburg Community Center. Polanco had seen students eating in the cafeteria, but the students were required to finish the food before leaving. Polanco did not see Noelia eating on October 21, 2015, and did not hear anyone, including members of the St. Nicks staff, tell Noelia or any other students to hurry and finish their food.

According to Polanco, at approximately 2:30 p.m. on October 21, 2015, the students exited the cafeteria with Desarie Torres in the front of the line, Joshua Pichardo in the rear of the line, and Amanda Kenny and Polanco on either side of the students. Polanco did not remember which students were standing next to Noelia. The students stopped in the hallway, directly outside of the cafeteria, when Polanco saw Noelia approach Torres. Polanco went to Noelia who appeared to want to vomit. Polanco said that she bent Noelia over and, as she and Torres rubbed the girl's back, Polanco told Noelia to vomit. Polanco added that Noelia vomited what appeared to be a chunk of bread. Torres told Polanco to bring Noelia to the bathroom, but Polanco thought Noelia was choking and told that to Torres. Polanco explained that Noelia had her hands up near her throat and was not speaking.

As Polanco, Torres, and Pichardo attempted to remove Noelia's backpack, Amanda Kenny yelled: "Help! A student's choking." Because they were unable to remove Noelia's backpack, Polanco placed her arms through the straps of Noelia's backpack and performed the Heimlich maneuver. Torres ran in the direction of the security desk to get help. Polanco was unable to dislodge whatever was stuck in Noelia's throat, but Polanco and Pichardo were able to remove Noelia's backpack.

Polanco performed the Heimlich maneuver a second time. Kenny cleared the area of students as Torres arrived with the SSA. According to Polanco, no PS 250 staff members were present at that time. Polanco described Noelia as going limp, causing her to kneel, with Polanco and Pichardo reacting to hold her up. As they held her, the SSA performed the Heimlich maneuver a third time. Polanco told Pichardo to pick up Noelia and, as Pichardo and the SSA held Noelia, Polanco performed the Heimlich maneuver a fourth time. To Polanco, it appeared that Noelia was losing consciousness. As a result of Noelia turning blue, Polanco and Pichardo placed Noelia on her back.

According to Polanco, approximately four minutes after Noelia began to choke, PS 250 staff members arrived on the scene. Polanco said that a female staff member, whom she could not name, identified by others as Principal LaCioppa, performed chest compressions – not the Heimlich maneuver – on Noelia. According to Polanco, the female stood up and announced: “Somebody do something!” The female again knelt down and conducted more chest compressions on Noelia. Polanco asserted that no one from PS 250 performed the Heimlich maneuver on Noelia.

Polanco maintained that another PS 250 staff member, whom she could not name, identified by others as Nurse Campbell, arrived, and said: “She’s not choking.” Polanco added that the female did not perform any form of CPR on Noelia and did not check Noelia’s mouth for an obstruction.

Polanco observed blood coming from Noelia’s mouth which caused her to announce: “We need to check her mouth.” According to Polanco, she turned Noelia on her side and the first female – LaCioppa – began to cry. Polanco added that a male staff member, whom she could not name, identified by others as Teacher Ortega, arrived with a box – previously identified as an AED – but did not use the box; Polanco did not know why.

Polanco said that a paramedic arrived by himself. The paramedic asked Polanco what happened and what was done and she responded that the girl was choking and described the efforts taken. The paramedic checked Noelia’s pulse and performed chest compressions.

Polanco added that, approximately two minutes after the paramedic arrived, the NYPD, the FDNY, and the FDNY EMTs arrived. The FDNY EMTs placed a tube in Noelia’s throat and performed chest compressions. Polanco said that the EMTs worked on Noelia for approximately three minutes before removing her to the hospital. Polanco returned to the Williamsburg Community Center and prepared a statement as she was directed to do. The other St. Nicks staff members, who were at PS 250, also prepared statements.

Joshua Pichardo

Pichardo said that he and the other St. Nicks staff members arrived at the PS 250 cafeteria on October 21, 2015, at approximately 2:10 p.m. Pichardo confirmed the account provided by Polanco.

Desarie Torres

Torres’s description of the incident comported with the accounts given by Polanco and Pichardo.

On October 21, 2015, at approximately 2:30 p.m., when the students were stopped in the hallway directly outside of the cafeteria, Noelia approached Torres and she was holding her throat. Polanco came over and it appeared that Noelia had to vomit. Polanco leaned Noelia forward as Torres and Polanco rubbed Noelia's back, and she vomited. To Torres, it appeared that Noelia vomited a piece of cake, but Polanco said it was a piece of bread. Polanco noticed Noelia was choking and attempted to remove her backpack. When Polanco was unable to remove Noelia's backpack, Polanco attempted the Heimlich maneuver on Student A.

Torres started yelling for help, ran to the security desk, and told the SSA that a student was choking. Torres saw four female PS 250 staff members, whom she could not name, run down the hall by the main office, but stopped and looked at Torres. In response, Torres pointed in their direction, yelled at them to call 9-1-1, and also to get the nurse. Torres and the SSA headed to the area where Noelia was choking; Torres was gone from the scene between one and two minutes.

When Torres noticed that the other students were still on the scene, she and Kenny moved the students to the auditorium. Kenny stayed with the students and Torres returned to Noelia. Torres found approximately five PS 250 staff members present, but she was unable to name them. Noelia was on the floor and Torres held her head while a female, identified by others as Principal LaCioppa, conducted chest compressions. According to Torres, the female performed the chest compressions for less than a minute before she stopped and began to cry. Torres added that, because Noelia was foaming and bleeding from her mouth, Polanco turned the girl on her side.

According to Torres, when the male paramedic arrived, he cleared the area and directed everyone to step back. The paramedic then checked Noelia's neck for a pulse. Torres returned to the auditorium, but Pichardo and Polanco remained at the scene. When Torres later returned to Noelia, additional EMTs and the NYPD were there. Noelia had tubes in her mouth, but because there were so many people surrounding the girl, Torres could not see what the EMTs were doing.

Amanda Kenny

Kenny's description of the daily procedure followed and arriving at PS 250 on October 21, 2015, was consistent with the accounts given by her colleagues.

According to Kenny, the students were stopped in the hallway directly outside of the cafeteria when a female student began to cry because she wanted to go home. Kenny tended to the student and, when the girl calmed down, Kenny looked up and saw that Polanco was performing the Heimlich maneuver on Noelia. Kenny confirmed that Torres ran to the security desk and started yelling: "Help! A student's choking."

Kenny contacted the Williamsburg Community Center and notified the St. Nicks program about the incident. Torres returned with the SSA; Kenny and Torres moved the other students from the scene to the auditorium. Kenny stayed in the auditorium with the students and never returned to the scene where Noelia was choking. Kenny added that, sometime later, she escorted the students to the Williamsburg Community Center.

Ingrid Jaquez

On October 21, 2015, Jaquez was on the second floor of PS 250, in Room #207, when the incident occurred. When Jaquez went downstairs to speak with Principal LaCioppa in the main office, she learned that a student was choking.

When Jaquez arrived at the scene, LaCioppa and other PS 250 staff members, whom she was not able to name, as well as Polanco, Torres, and Pichardo, were present, but no one was performing CPR. Jaquez added that Teacher Ortega arrived at the scene at the same time as Jaquez, and had an AED. Ortega ran over to Noelia, who was on her back, and attempted to use the AED, but it did not work.

Jaquez said that a male paramedic from a private ambulance company arrived approximately two minutes after she did. Jaquez added that the paramedic left the scene, but returned approximately two minutes later with oxygen. The paramedic then performed chest compressions on Student A.

According to Jaquez, approximately three to five minutes after the paramedic arrived, the FDNY EMTs arrived and performed CPR on Noelia. Jaquez returned to the Williamsburg Community Center.

Natalie Castro

On October 21, 2015, Castro was at the Williamsburg Community Center when she received a telephone call from Kenny who reported that Noelia was choking. Castro was directed to call Noelia's mother who was in Puerto Rico. Castro called and left Noelia's mother a voicemail message. Noelia's mother returned Castro's call and Castro informed her about the incident.

**Students**

Principal LaCioppa contacted the parents of the 22 children who attended the St. Nicks program with Noelia, to seek permission for SCI investigators to speak with the students.<sup>8</sup> LaCioppa received six approvals, 11 refusals, and four parents did not respond; the remaining student was absent on the day in question. LaCioppa said that she would make another attempt to contact the four parents who had not responded.

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<sup>8</sup> In the case file, Noelia is identified as Student A.

Principal LaCioppa subsequently reported that the four remaining parents would not allow their children to be interviewed.

#### Student B

On October 21, 2015, Student B, a five-year-old female, saw Noelia eating a sandwich inside of the cafeteria, before lining up for dismissal.<sup>9</sup> Student B said that Noelia finished the sandwich inside the cafeteria. Student B did not know what kind of sandwich Noelia ate, but the bread was brown, and the sandwich was wrapped in plastic. The investigators questioned whether Student B knew the difference between plastic and aluminum and she responded: “Plastic is clear and see through and aluminum is silver.”

When the class lined up in the hallway outside of the cafeteria, Noelia was about seven people behind Student B, because the class lined up with the smaller students in the front of the line and the bigger students in the back of the line. Student B did not know who was standing near Noelia when she began to choke. Student B knew that Noelia was choking because she heard “Ms. Desarie” – referring to Torres – say Noelia was choking. Student B saw only Polanco perform CPR on Noelia.

According to Student B, the only adults at the scene were SSA Gilyard and St. Nicks Alliance counselors: Torres, Polanco, and Pichardo. Student B did not hear anyone tell Noelia to hurry up and finish eating.

#### Student C

Student C, a 10-year-old female, said that she stood four people behind Noelia on line.<sup>10</sup> On October 21, 2015, inside of the cafeteria before dismissal, Student C saw Noelia eating something, but could not identify what she was eating. As the class was exiting the cafeteria, Student C saw Noelia running with food in her mouth. When Noelia attempted to get in line, she fell, and was choking on the food she was eating. Student C said that, when Noelia fell, it looked like there was a piece of bread sticking out of her mouth.

Student C saw that SSA Gilyard and Torres, Polanco, and Pichardo were present and she observed Polanco perform the Heimlich maneuver on Noelia. Student C did not hear anyone tell Noelia to hurry up and finish eating.

#### Student D

Student D, a 10-year-old female, said that she was in the back of the line. On October 21, 2015, she saw Noelia walking quickly out of the cafeteria to the hallway.

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<sup>9</sup> Student B has turned six.

<sup>10</sup> Student C has turned 11.

Student D did not see Noelia eating in the cafeteria or in the hallway. Student D saw Noelia choking and something white came out of her mouth; it looked like a sandwich.

Student D saw that SSA Gilyard, Torres, Polanco, and Pichardo were present and she observed Polanco performing the Heimlich maneuver as Pichardo held Noelia. Student D did not hear anyone tell Noelia to hurry up and finish eating.

#### Student E

Student E, an eight-year-old male, did not see Noelia choking because his mother picked him up at 2:00 p.m. on October 21, 2015.

#### Student F

Student F, an eight-year-old female, did not see Noelia eating, but saw her choking.<sup>11</sup> Student F said that SSA Gilyard, Torres, Polanco, and Pichardo were present and she observed the SSA performing the Heimlich maneuver on Noelia. Student F did not hear anyone tell Noelia to hurry up and finish eating.

#### Student G

Student G, a 10-year-old female, did not see Noelia eating, but saw her choking. Student G said that Torres, Polanco, Pichardo, and SSA Gilyard were present and she observed Polanco performing the Heimlich maneuver as Torres and SSA Gilyard held Noelia. Student G observed Noelia turn blue as she fell on the floor and vomited. Student G could not see what Noelia vomited. Student G did not hear anyone tell Noelia to hurry up and finish eating.

### **FDNY**

#### Diana Boone

SCI investigators interviewed FDNY EMT Diana Boone who said that, on October 21, 2015, she responded to a 9-1-1 call of a female choking at PS 250 in Brooklyn. When she arrived, EMT Boone observed Assist Ambulance Paramedic Reid running from his ambulance to the school with equipment. Upon entering the school, EMT Boone was directed to Noelia who was on the floor with her shirt cut open.

EMT Boone said that two unidentified adult females and Reid were present. FDNY and NYPD personnel arrived at the same time as EMT Boone. EMT Boone saw Reid attaching a Bag Valve Mask, known as a BVM, to an oxygen tank. EMT Boone began chest compressions as FDNY EMT Pierre Louis prepared the AED. EMT Louis took over the chest compressions as EMT Boone interviewed PS 250 staff members.

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<sup>11</sup> Student F has turned nine.



EMT Boone did not observe remnants of food on the floor near Noelia, but observed blood, and what appeared to be vomit. EMT Boone did not observe anyone, other than Reid, performing CPR.

Pierre Louis

SCI investigators interviewed FDNY EMT Pierre Louis who confirmed EMT Boone's account.

**CPR Certification**

SCI received an anonymous letter, forwarded by DOE Office of the Auditor General External Audit Administrator Samilda Villanueva, which alleged that Noelia was not helped or provided lifesaving CPR by PS 250 staff members because they were not properly trained in CPR by DOE vendor Emergency Skills, Inc. The author alleged that Emergency Skills, Inc. gave passing grades to staff members who failed the CPR course and supplied certifications to staff members who did not participate in the course. The letter added that, after Noelia's death, Emergency Skills, Inc. – in a panic – began to recall certification cards which should not have been issued.

SCI subsequently received the same letter forwarded by the law firm representing Noelia's mother.

Emergency Skills, Inc.

By e-mail, Sarah Gillen of Emergency Skills, Inc. forwarded to the assigned SCI investigator a list of PS 250 employees who were trained in CPR by Emergency Skills, Inc. in March 2014. Gillen also supplied copies of a sign in sheet to the training session, training course evaluation forms, and copies of the CPR AED cards issued to the participants, including Mauricio Ortega, Rosecindy Siegel, Jaclyn Carboni, and Concetta Valek.

RoseAnn LaCioppa

SCI investigators re-interviewed Principal LaCioppa in the presence of her union representative. LaCioppa was CPR AED certified by Emergency Skills, Inc. in February of 2014, at a course held at PS 84 in Brooklyn where she was an assistant principal; that certification expired in February 2016. LaCioppa had no information about any PS 250 staff member being given CPR AED certification without taking the course or having failed it.

Waleska Ramos

SCI investigators re-interviewed School Aide Ramos in the presence of her attorney. Ramos was CPR AED certified by Emergency Skills Inc., in February 2013, at

a training course given at PS 184 in Brooklyn; that certification expired in February 2015. Ramos was recertified at her residence by Richmond University Medical Center on November 11, 2015. That certification expires in November 2017. Ramos was not present for the CPR AED training course given at PS 250 in March 2014. Ramos had no information about any PS 250 staff member who received CPR AED certification without being present for the training or having failed it. Ramos supplied SCI with copies of her CPR AED certification cards.

Mauricio Ortega

SCI investigators re-interviewed Teacher Ortega in the presence of his attorney. Ortega attended the Emergency Skills, Inc. CPR AED training course at PS 250 in March 2014, and was certified through March 2016. Ortega had no information about any PS 250 staff member who received CPR AED certification without being present for the training or having failed the course.

Rosecindy Siegel

SCI investigators re-interviewed Assistant Principal Siegel in the presence of her union representative. Siegel was CPR AED certified by Emergency Skills Inc., at a course held at PS 250 in March 2014; that certification expired in March 2016. Siegel had no information about any PS 250 staff member who received CPR AED certification without taking the course or having failed it.

Jaclyn Carboni

SCI investigators interviewed PS 250 Teacher Carboni in the presence of her attorney. Carboni had been CPR certified since she was a lifeguard in high school. Carboni was not certified by Emergency Skills, Inc. in March 2014, because she had received training from and was certified by a representative of the American Heart Association. Carboni's certification expired in November 2015, but she was re-certified by Emergency Skills, Inc. at the CPR AED training held in March 2016. Carboni had no information about any PS 250 staff member receiving CPR certification without actually taking the course or having failed it. Carboni supplied SCI with a copy of her most recent CPR AED certification card.

Concetta Valek

SCI investigators interviewed School Aide Valek who was CPR AED certified by Emergency Skills, Inc., at a course held at PS 250 in March 2014; that certification expired in March 2016. Valek had no information about any PS 250 staff member who did not take the course or who failed it, but received certification.

**Referral**

We refer our findings for your information and any action you deem appropriate.

Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding 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:ss

c: Howard Friedman, Esq.