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THE STATE EDUCATION DEPARTMENT  
THE UNIVERSITY OF THE STATE OF NEW YORK

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In the Matter of  
NEW YORK CITY DEPARTMENT OF EDUCATION  
v.  
BOUBAKAR FOFANA  
Section 3020-a Education Law Proceeding (File #8,234)

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DATE: February 12, 2008  
TIME: 10:25 a.m. to 12:56 p.m.  
LOCATION: NYC Department of Education  
Office of Legal Services  
49-51 Chambers Street  
New York, New York 10004

BEFORE: JAY SIEGEL, ESQ.  
Hearing Officer  
12 Rock Street  
Cold Springs, NY 10516

1 APPEARANCES:  
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1 THE HEARING OFFICER: Good  
 2 morning. My name is Jay Siegel, and I have  
 3 been appointed as hearing officer in an  
 4 Education Law Section 3020-A proceeding between  
 5 the New York City Department of Education and  
 6 Boubakar Fofana.  
 7 Today is February 12, 2008.  
 8 And, this is the first official day of this  
 9 hearing.  
 10 May I have appearances for  
 11 the record please?  
 12 MS. BRANTLEY: Laura  
 13 Hemans-Brantley on behalf of the New York City  
 14 Department of Education.  
 15 MR. CAVALLARO: And for the  
 16 Respondent -- James R. Sandner, General  
 17 Counsel, New York State United Teachers,  
 18 Antonio M. Cavallaro as Counsel.  
 19 THE HEARING OFFICER: I'd  
 20 like to note for the record that the parties  
 21 actually began this -- work on this proceeding  
 22 off the record on February 5, 2008 handling  
 23 discovery issues and some other matters  
 24 pertinent to the case to get the case off the

1 ground in as efficient way as possible. The  
 2 parties essentially spent the afternoon of  
 3 February 5, 2008 working on those matters. The  
 4 parties also have premarked three exhibits that  
 5 I am going to read into the record. Joint  
 6 Exhibit One is a copy of the specifications,  
 7 and I'd note for the record that there are  
 8 eight specifications, and that it's a three  
 9 page document.  
 10 Joint -- Department of  
 11 Education Exhibit One is a observation of Mr.  
 12 Fofana by Assistant Principal Yvonne Adonai,  
 13 that's A-D-O-N-A-I, and that's dated again  
 14 September 30, 2004.  
 15 D.O.E. Number Two is a letter  
 16 from Ms. Adonai to Mr. Fofana, dated October 4,  
 17 2004.  
 18 And D.O.E. Number Three is a  
 19 letter dated October 26, 2004.  
 20 The parties in this  
 21 proceeding have a number of discovery issues  
 22 that remain unresolved to the extent that THERE  
 23 just needs to be further document review and  
 24 possibly some in-camera review by the hearing

1 officer. In addition, Mr. Fofana has not yet  
 2 arrived at the hearing at this time, so what  
 3 the parties are going to do is go on pause at  
 4 this time. Work on some discovery issues and  
 5 see if Mr. Fofana arrives. And if he does, we  
 6 will be prepared to commence the proceedings.  
 7 Thank you.  
 8 (Off-the-record)  
 9 THE HEARING OFFICER: Good  
 10 afternoon -- good morning. We are now all  
 11 convened. There was some confusion in the  
 12 communication with Mr. Fofana about the start  
 13 time today, but now he is present in this room,  
 14 along with the representatives of both parties  
 15 and we, obviously, just for the benefit of Mr.  
 16 Fofana, have admitted officially Joint Exhibit  
 17 One, which is a copy of the charges. And,  
 18 there's a Department of Ed. Exhibits One, Two  
 19 and Three which will be presented through the  
 20 testimony of the Department's first witness  
 21 today.  
 22 At this time, unless there is  
 23 anything further, I'd be prepared for opening  
 24 statements. Ms. Brantley?

1 OPENING STATEMENT  
 2 MS. BRANTLEY: Good morning.  
 3 For the record, again my name  
 4 is Laura Brantley, and I am the attorney for  
 5 the Complainant in this case. We are here  
 6 today because the Respondent in this matter,  
 7 Boubakar Fofana, in 2004-2005 -- 2004 to 2005  
 8 and 2005 to 2006 school year, provided  
 9 incompetent service, engaged in verbal abuse,  
 10 insubordination, and disclosed confidential  
 11 student information.  
 12 This occurred -- all of these  
 13 allegations occurred while Mr. Fofana was a  
 14 teacher at Middle College High School, which is  
 15 also known as -- Medgar -- Medgar Evers High  
 16 School in Brooklyn.  
 17 You will hear from live  
 18 testimony that Mr. Fofana was assigned to this  
 19 particular school as a math teacher. And  
 20 during the years in question, was constantly  
 21 remise in his teaching duties.  
 22 With regards to the  
 23 allegations of incompetence against Mr. Fofana,  
 24 you will hear and learn, realize in documentary

1 testimony and evidence that the Respondent  
 2 routinely failed to teach his students  
 3 according to the curriculum model in place at  
 4 the school.  
 5 You will learn that the  
 6 Respondent did not properly plan his course  
 7 work, and would not have a lesson plan  
 8 available or in use while teaching.  
 9 In addition, you will learn  
 10 that the Respondent did not engage his students  
 11 in the lessons. You will hear that he was also  
 12 deficient in classroom management, and that he  
 13 failed to include students in the lesson, and  
 14 did not motivate his students to participate in  
 15 the lesson. Instead of hands-on modeling and  
 16 teaching for the students, the Respondent most  
 17 often than not would give students work without  
 18 introducing the material or subject matter or  
 19 reinforcing what students had previously  
 20 learned.  
 21 Another large part of the  
 22 Respondent's incompetence was his failure to  
 23 properly manage his class and his students.  
 24 You will learn that he had major issues with

1 employing appropriate disciplinary techniques  
 2 as well as classroom management techniques.  
 3 You will hear that the  
 4 Respondent's method of discipline was to yell  
 5 and scream at his students. You will also hear  
 6 that in addition to yelling and screaming, the  
 7 Respondent would often argue with his students  
 8 and call them names. Instead of behaving like  
 9 an adult, and employing appropriate  
 10 disciplinary techniques, the Respondent would  
 11 often go toe-to-toe with the students, often  
 12 belittling his students in the process.  
 13 You will hear that the  
 14 Respondent told one student in particular that  
 15 he was stupid and confused. Another, to get  
 16 the hell out of the classroom. And a third, he  
 17 threw a piece of paper at that student. On  
 18 another occasion, Mr. Fofana directly  
 19 confronted a parent during a meeting with the  
 20 parent to discuss a child in which he stated to  
 21 the parent, Now I see why your daughter behaves  
 22 the way she does, you raised her. And that it  
 23 would be best if the mother removed her  
 24 daughter from Respondent's classroom.

1 So not only did the  
 2 Respondent not appropriately deal with  
 3 students, he did not conduct himself in a  
 4 professional manner with parents of the  
 5 students either.  
 6 You will also learn that with  
 7 regards to certain comments made by the  
 8 Respondent that O.S.I. conducted an  
 9 investigation into the matter, regarding the  
 10 Respondent's behavior toward students. And,  
 11 that they substantiated two of the allegations  
 12 that Respondent directed derogatory comments  
 13 towards two of his students.  
 14 In addition, you will hear  
 15 that -- you will hear about the Respondent's  
 16 failure to heed two warnings that his behavior,  
 17 with regards to his disciplinary tactics and  
 18 classroom management, violated the Chancellor's  
 19 regulations, as well as school policies.  
 20 You will come to learn that  
 21 the Respondent repeatedly refused any  
 22 assistance to help him, especially in areas in  
 23 which he was deficient.  
 24 You will hear the Respondent

1 found any assistance offered to him as an  
 2 affront to his capabilities. His direct  
 3 refusal often touting his own credentials as  
 4 being superior to those who could possibly  
 5 offer him any assistance.  
 6 You will hear that he  
 7 frequently told his supervisors that he was  
 8 more qualified than any other teacher and,  
 9 therefore, there was nothing that another  
 10 teacher could possibly help him with.  
 11 You will hear that the  
 12 Respondent refused to visit another teacher's  
 13 classroom to observe how that teacher  
 14 successfully engages students and exhibited  
 15 control of his particular classroom.  
 16 You will hear that the  
 17 Respondent refused to acknowledge his  
 18 deficiencies and, therefore, did nothing to  
 19 improve his teaching skills.  
 20 This teacher, the Respondent,  
 21 while espousing a moral code of conduct, failed  
 22 to comport himself with same sense -- same  
 23 sense of responsibility and maturity that he  
 24 expected from his students.

1 He failed to provide these  
 2 students with an example of how a  
 3 responsible -- of how a responsible person  
 4 should act. He failed to think about the  
 5 results his actions would have on a group of  
 6 children who looked to him for guidance and  
 7 instruction. It goes without saying that  
 8 teachers are role models for our children and  
 9 play a critical role in their development and  
 10 well-being. A teacher who engages in  
 11 incompetence, insubordination, and verbal abuse  
 12 is clearly not the positive role model our  
 13 students need or deserve. In addition, a  
 14 teacher who can not control his actions or  
 15 learn from his mistakes is clearly again, not  
 16 the type of teacher students in the New York  
 17 City School System deserve or want.  
 18 The D.O.E. is confident that  
 19 after hearing all of the evidence, you will as  
 20 the arbitrator, Mr. Siegel, see that the D.O.E.  
 21 has met its burden of proving the charges  
 22 against the Respondent by a preponderance of  
 23 the evidence.  
 24 Additionally, we are

1 confident that you will that there is no other  
 2 recourse in this case, but to immediately  
 3 terminate the Respondent.  
 4 THE HEARING OFFICER: Thank  
 5 you, very much, Ms. Brantley.  
 6 Mr. Cavallaro do you wish to  
 7 make an opening at this point or are you going  
 8 to reserve?  
 9 MR. CAVALLARO: The  
 10 Respondent reserves until the beginning of his  
 11 opening -- the beginning of his case-in-chief.  
 12 THE HEARING OFFICER: Okay.  
 13 Well thank you very much then. Then at this  
 14 time does the Department have its first  
 15 witness?  
 16 MS. BRANTLEY: I do.  
 17 THE HEARING OFFICER: Great.  
 18 Shall we go off the record for a moment?  
 19 MS. BRANTLEY: Yes.  
 20 MR. CAVALLARO: Can we take a  
 21 fifteen-minute break for restroom and --.  
 22 THE HEARING OFFICER: Sure.  
 23 (Off-the-record)  
 24 THE HEARING OFFICER: Ms.

1 Brantley, do you have your first witness here?  
 2 MS. BRANTLEY: Yes, I do. I  
 3 have Ms. Yvonne Adonai present. And we are  
 4 ready to proceed with her testimony.  
 5 THE HEARING OFFICER: Ms.  
 6 Adonai before you testify, we need to swear you  
 7 in.  
 8 Would you please raise your  
 9 right hand? Do you swear or affirm that the  
 10 testimony you are about to give will be the  
 11 truth, the whole truth, and nothing but the  
 12 truth?  
 13 MR. ADONAI: I do.  
 14 YVONNE ADONAI; Sworn  
 15 THE HEARING OFFICER: Okay.  
 16 Ms. Brantley you may begin.  
 17 MS. BRANTLEY: Thank you.  
 18 DIRECT EXAMINATION  
 19 BY MS. BRANTLEY:  
 20 Q. What is your current  
 21 position?  
 22 A. I'm an assistant principal of  
 23 Medgar Evers College Preparatory School.  
 24 Q. And how long -- I'm sorry

1 just to go back. Medgar Evers is that also  
 2 known as Middle College High School?  
 3 A. Yes it is.  
 4 Q. How long have you been an  
 5 assistant principal at that school?  
 6 A. Since 1999, September.  
 7 Q. And prior to -- when you came  
 8 to that school, did you come in as an A.P.?  
 9 A. Yes, I did.  
 10 Q. Where were you coming from?  
 11 What was your position outside of the school?  
 12 A. I was a teacher at Banana  
 13 Kelly High School in the Bronx.  
 14 Q. I'm sorry which high school?  
 15 A. I was a math teacher at  
 16 Banana Kelly High School in the Bronx.  
 17 Q. How long were you a math  
 18 teacher there?  
 19 A. Two years. It was a  
 20 brand-new school and I went to that school to  
 21 help to start the school.  
 22 Q. And prior to that, those two  
 23 years at that school, where were you?  
 24 A. I was at Health Opportunities

1 High School.  
 2 Q. Where -- is that -- is that a  
 3 New York City High School?  
 4 A. Yes. A New York City High  
 5 School.  
 6 Q. And what was your job duty  
 7 there?  
 8 A. I was a teacher/co-director  
 9 and then I left there, and I went to Bank  
 10 Street College to do the administration course,  
 11 and then I went to Health Opportunities after  
 12 that.  
 13 THE REPORTER: Witness needs  
 14 to keep her voice up at the end of her  
 15 sentences please.  
 16 MS. BRANTLEY: If you can  
 17 just keep your voice up so that it's --.  
 18 THE WITNESS: Okay, I'm  
 19 sorry.  
 20 A. (Cont'g.) I was at Health  
 21 Opportunities High School as a teacher and  
 22 Co-director, but I left Health Opportunities  
 23 High School and I went to Bank Street College  
 24 of Education in the Principals Institute. At

1 **the end of that I went to Banana Kelly High**  
 2 **School.**  
 3 BY MS. BRANTLEY: (Cont'g.)  
 4 Q. What is your educational  
 5 background?  
 6 **A. My educational background, I**  
 7 **am a trained teacher in Guiana, teacher of**  
 8 **mathematics. I have a degree in mathematics,**  
 9 **pure mathematics. I did a degree in special**  
 10 **education, and I did another degree in school**  
 11 **leadership.**  
 12 Q. And do you also -- what --  
 13 like do you hold the same licenses in those  
 14 subjects as well?  
 15 **A. Yes, I do I have State --**  
 16 **permanent State certification in all of those**  
 17 **areas.**  
 18 Q. Do you know the Respondent in  
 19 this case, Mr. Boubakar Fofana?  
 20 **A. Yes, I do.**  
 21 Q. How do you know him?  
 22 **A. He came to -- at that time it**  
 23 **was still Middle College High School, I was**  
 24 **called on by the secretary because the**

1 **principal was not there and I was told I have a**  
 2 **new math teacher. And I told her I don't have**  
 3 **a position for a new math teacher. This is the**  
 4 **first time that I met Mr. Fofana. The**  
 5 **secretary called the superintendent's office, I**  
 6 **was present, Mr. Fofana was present, and we**  
 7 **were told that he was an A.T.R., he was only**  
 8 **there temporarily.**  
 9 **She told Mr. Fofana and he**  
 10 **called -- he took his phone and he called**  
 11 **someone. I left and I don't know what happened**  
 12 **after that. He remained until the principal**  
 13 **came. I don't know what the decision was after**  
 14 **that, but he was there and I was told he was an**  
 15 **A.T.R. for that year and, therefore, he covered**  
 16 **classes.**  
 17 Q. What year are you referring?  
 18 What school year are you referring to?  
 19 **A. Just -- the school year -- it**  
 20 **was in 2003 -- 2002-2003. He came in March of**  
 21 **that year 2003.**  
 22 Q. And did there come a time  
 23 without going into specifics at this time, but  
 24 did there come a time when Mr. Fofana left your

1 school and then came back?  
 2 **A. Yes.**  
 3 Q. When was it that he came back  
 4 to your school?  
 5 **A. He came back in September**  
 6 **2004.**  
 7 Q. And in what capacity did he  
 8 come back to your school?  
 9 **A. He came back as a math**  
 10 **teacher.**  
 11 Q. So, in September of 2004,  
 12 there -- you were -- there was a vacancy being  
 13 filled at your school for a math teacher?  
 14 **A. Yes. I would say.**  
 15 Q. Was that the only subject he  
 16 was going to teach that school year. Math?  
 17 **A. Yes.**  
 18 Q. Do you know what licenses, if  
 19 any, Mr. Fofana holds?  
 20 **A. Well, I did not get a copy,**  
 21 **but I assume that he had a math license since**  
 22 **he was sent by the District as a math teacher.**  
 23 MR. CAVALLARO: Objection.  
 24 If we could just have an

1 instruction from the hearing officer that keep  
 2 assumptions off the record?  
 3 THE HEARING OFFICER: Right.  
 4 I think the way this process works is to try to  
 5 stick to what you know and if you're not sure  
 6 just say I'm not sure.  
 7 THE WITNESS: I'm not sure.  
 8 THE HEARING OFFICER: Okay,  
 9 thank you very much.  
 10 BY MS. BLANTLEY: (Cont'g.)  
 11 Q. How many classes was the  
 12 Respondent to teach? How many math classes was  
 13 he to teach?  
 14 **A. Five classes.**  
 15 Q. Who assigned him the five  
 16 classes he was to teach?  
 17 **A. Because he came in after all**  
 18 **other teachers were given their assignment, he**  
 19 **was assigned those classes that needed a**  
 20 **teacher. That did not have an assigned**  
 21 **teacher.**  
 22 Q. And how many classes?  
 23 **A. Five classes.**  
 24 Q. Where you his direct

1 supervisor?  
 2 **A. Yes, I was.**  
 3 Q. Did you supervise all of the  
 4 other math teachers as well?  
 5 **A. Yes, I did.**  
 6 Q. As -- well -- what are you  
 7 duties and responsibilities as an assistant  
 8 principal?  
 9 **A. As an assistant principal I**  
 10 **work with both students and teachers. It is my**  
 11 **job to make sure that the teachers are given**  
 12 **the instruction that they need, that the kids**  
 13 **need, they're teaching the kids. It is also my**  
 14 **job to make sure that they are teaching them**  
 15 **the prescribed -- it is also my job to assist**  
 16 **teachers if they need help with pedagogy or any**  
 17 **other matter that's related to their job.**  
 18 Q. And in your duties as an  
 19 assistant principal -- was part of your duties  
 20 to observe teachers in the classroom?  
 21 **A. Yes, it is.**  
 22 Q. With regard to Mr. Fofana,  
 23 did you conduct observations of him in his  
 24 classroom?

1 **A. Yes, I did.**  
 2 Q. Were the observations both  
 3 formal and informal?  
 4 **A. Yes, they were.**  
 5 Q. Do you recall approximately  
 6 how many times you informally observed?  
 7 **A. No, I don't -- I just**  
 8 **everyday I visit teachers' classrooms. I just**  
 9 **look in the door informally or I just pass the**  
 10 **room. But I can not say exactly how many times**  
 11 **I did that.**  
 12 Q. Do you recall conducting a  
 13 formal observation of the Respondent on  
 14 September 30th, 2004?  
 15 **A. Yes, I do.**  
 16 Q. Do you recall whether that  
 17 observation was formal or informal?  
 18 **A. It was formal.**  
 19 Q. Prior to the said formal  
 20 observation, did you conduct a pre-observation  
 21 conference?  
 22 **A. Not a formal pre-observation**  
 23 **conference.**  
 24 Q. Can you tell us why?

1 **A. Mr. Fofana came in, when I**  
 2 **checked he was a tenured teacher, he was**  
 3 **experienced. He was not a new teacher. I met**  
 4 **with him and informed him of what we expect as**  
 5 **I did with every other teacher in a group, but**  
 6 **no informal specific to Mr. Fofana.**  
 7 Q. When did the September -- I'm  
 8 sorry -- when did the 2004-2005 semester begin?  
 9 **A. It began with -- the teachers**  
 10 **came in the Thursday before Labor Day. I don't**  
 11 **remember the specific date that Labor Day was.**  
 12 Q. When did you begin  
 13 observations of teachers that school term?  
 14 **A. From the first day of the**  
 15 **semester I started making informal**  
 16 **observations, going around and seeing what's**  
 17 **happening in the classrooms, what the teachers**  
 18 **needed. And basically that is what I did.**  
 19 Q. What, if any, deficiencies  
 20 did you notice in the September 30th, 2004  
 21 lesson?  
 22 **A. Mr. Fofana did not have a**  
 23 **good rapport with the students. Mr. Fofana**  
 24 **seemed not pre -- Mr. Fofana was not prepared.**

1 **He did not have a lesson plan. When I asked**  
 2 **him for the lesson plan, he said it was in his**  
 3 **other bag somewhere. I don't know where the**  
 4 **bag was. But he did not have one with him.**  
 5 **When I entered the room, Mr.**  
 6 **Fofana told the kids they were going to review**  
 7 **a test. The kids started protesting. One kid**  
 8 **said, Do you have the test back? And I**  
 9 **remember him saying the test was given the day**  
 10 **before. Then the next thing he did was say**  
 11 **okay, I'll leave it until I grade the test and**  
 12 **then he wrote something on the board. I think**  
 13 **what's a function and what's a relation? So**  
 14 **there was a complete switch.**  
 15 **He wrote that on the board**  
 16 **and then next the kid -- one kid asked him is**  
 17 **that the Aim, more than once. And he did not**  
 18 **respond to the kid. Then he wrote do-now,**  
 19 **what's a function?**  
 20 **And, it was a few minutes**  
 21 **that lapsed with the kids there. And then some**  
 22 **of the kids did not know, so Mr. Fofana I -- if**  
 23 **I remember tried to use a real life situation.**  
 24 **He tried to use their siblings. A relation**

1 between the student and the siblings, and to  
 2 help the kids to see that was not a function  
 3 because one student can have several siblings.  
 4 Then he went on to define a function with the  
 5 kids and then he gave an example. I remember  
 6 it. It was X -- the relationship between X and  
 7 X squared, the square root of X. And some of  
 8 the kids started arguing. At that point there  
 9 was an argument that's not a function. And one  
 10 of the kids told him if X is equal to sixteen,  
 11 then the square root of X could be positive  
 12 four or negative four. And for a function, the  
 13 output, the kids used input and output, they  
 14 didn't use the way they said there's only one  
 15 output you can have for it to be a function.  
 16 And they were arguing whether  
 17 it was a relation or a function. And this  
 18 little thing took up most of the period and it  
 19 ended without a decision being made. What's  
 20 the answer to that question. The student  
 21 decided he was going to come up ask Mr. Fofana  
 22 to allow him to come up and demonstrate on the  
 23 board. Which he came up and did. It wasn't  
 24 resolved.

1 I think Mr. Fofana started  
 2 drawing a graph on the board. He started  
 3 drawing a graph at that point on the board, but  
 4 then the kids where agitated because they were  
 5 arguing that they were right and he was  
 6 standing there and it was back and forth with  
 7 the kids. Then everyone got into it, the whole  
 8 class, saying this was not right and we agree  
 9 with the other kid who had written the thing on  
 10 the board. And the period ended before  
 11 anything was resolved.

12 So, as I see it that whole  
 13 period was wasted. And the kids did not really  
 14 gain anything. At the end of the class, if I  
 15 remember, there was something about points. He  
 16 was giving them class participation points and  
 17 so some of the kids stayed back to get their  
 18 points from him, the class participation  
 19 points. And that was the end of it.

20 Q. After you observed the lesson  
 21 on September 30th, did you meet with Mr. Fofana  
 22 to conduct a post-observation conference?

23 A. Yes, I did meet with Mr.  
 24 Fofana, but it was not productive because

1 whatever I told Mr. Fofana he reminded me that  
 2 he was more qualified than I was. And I was in  
 3 no way qualified to tell him what to do or to  
 4 observe his lesson.  
 5 All the suggestions that  
 6 where made to Mr. Fofana, he was not interested  
 7 in listening. He just went on with his own --  
 8 whatever he needed to say. He just continued  
 9 talking about -- telling me all about his  
 10 qualifications and he was better trained  
 11 because he went to France to study and  
 12 everything else that he needed to say, he kept  
 13 saying all the time so.

14 Q. Let me just go back.  
 15 A. I told him what I --  
 16 MR. CAVALLARO: Objection.  
 17 THE WITNESS: Excuse me?  
 18 MR. CAVALLARO: I'm sorry.  
 19 I'm just objection -- objecting to that there  
 20 was another question to be posed, and you kept  
 21 on --

22 THE HEARING OFFICER: Yeah,  
 23 he's just --

24 THE WITNESS: I'm sorry.

1 THE HEARING OFFICER: --  
 2 That's okay. You're doing fine in terms of the  
 3 protocols here.

4 MR. CAVALLARO: Yeah. If I  
 5 could just explain. There may be times when I  
 6 object to questions and it's -- it's just an  
 7 objection as to form or something that is  
 8 testified to. The hearing officer will make a  
 9 ruling as to what should be happening -- what  
 10 should happen with that.

11 THE WITNESS: Okay.  
 12 THE HEARING OFFICER: All  
 13 right. Ms. Brantley you may continue.  
 14 BY MS. BLANTLEY: (Cont'g.)

15 Q. Okay. I was just going to  
 16 ask you, Ms. Adonai, do you recall when you  
 17 conducted the post-observation conference with  
 18 Mr. Fofana?

19 A. I think it was the same day  
 20 after the -- the same day Mr. Fofana came. The  
 21 same day after the observation.

22 Q. And if you could tell us what  
 23 where some of the suggestions you made in the  
 24 post-observation conference?

1 **A. I spoke to Mr. Fofana about**  
 2 **having a lesson plan. That he must have a**  
 3 **written lesson plan with him, and also if he**  
 4 **had a lesson plan -- a written lesson plan then**  
 5 **the sequence of events that took place in the**  
 6 **class would have been different because he**  
 7 **would have demonstrated, if he had planned his**  
 8 **lesson. But, based on what I saw it was not**  
 9 **planned. It was more ad hoc.**

10 **And he probably would have**  
 11 **anticipated some of the questions that students**  
 12 **would ask, because normally when you plan a**  
 13 **lesson you anticipate questions that students**  
 14 **will ask. And there was no evidence that he**  
 15 **anticipated that.**

16 Q. Did you -- were there any  
 17 other suggestions made to Mr. Fofana during the  
 18 post-observation conference?

19 **A. Yes. We spoke about a lesson**  
 20 **plan. I also told him about -- about the point**  
 21 **system that he was giving the kids because**  
 22 **there is a contract given to all teachers in**  
 23 **the math department and all students have that.**  
 24 **And it says the percentage**

1 **for tests and quiz, percentage for homework,**  
 2 **and percentage for class participation. And,**  
 3 **therefore, if a kids participates in the class**  
 4 **you do not take the points and add it on to the**  
 5 **quiz because that's basically what Mr. Fofana**  
 6 **was telling the kids, that it will increase**  
 7 **their test scores. That's not what class**  
 8 **participation does. It's a percentage and not**  
 9 **the points that you give them that day for the**  
 10 **class participation.**

11 Q. Do you recall any other  
 12 suggestions that you may have made during that  
 13 observation?

14 **A. I also told Mr. Fofana if he**  
 15 **needed help with lesson planning he could come**  
 16 **to the office and I will help him. But again**  
 17 **Mr. Fofana based on what he said I could not**  
 18 **help him because he was more qualified than me.**  
 19 **I also suggested, which I**  
 20 **later gave him in writing, that he should visit**  
 21 **another teacher's class and he said that was**  
 22 **ludicrous. He was better qualified and more**  
 23 **experienced than all of the teachers in the**  
 24 **department. Why did I want him to visit other**

1 **teachers' class. And, I gave him that in a**  
 2 **separate communication to visit the class.**

3 MR. CAVALLARO: Can we just  
 4 take a one-minute break please?

5 THE HEARING OFFICER: Oh,  
 6 sure. We're going to go off the record for the  
 7 moment.

8 THE REPORTER: Yes sir.  
 9 (Off the record)

10 THE HEARING OFFICER: Ms.  
 11 Brantley you may continue with the direct  
 12 examination.

13 MS. BRANTLEY: Thank you.  
 14 BY MS. BRANTLEY: (Cont'g.)

15 Q. Ms. Adonai, after you  
 16 conducted your observation and conducted the  
 17 post-observation, did you prepare a report with  
 18 regards to both of those -- well with regards  
 19 to the observation and with regard to the  
 20 post-observation conference?

21 **A. Yes, I did.**

22 Q. Okay. I'm going to show  
 23 what's been previously marked as D.O.E. Exhibit  
 24 Number One for identification. If you could

1 just please just review that document and tell  
 2 me if you recognize it?

3 Do you recognize it? Okay.  
 4 **A. Yes, I do.**

5 THE HEARING OFFICER: Thank  
 6 you.  
 7 BY MS. BRANTLEY: (Cont'g.)

8 Q. And what do you recognize it  
 9 to be?

10 **A. It's an observation report**  
 11 **that I wrote. It was signed by Mr. Fofana.**

12 Q. Now, just for the record  
 13 D.O.E. is a five-page document, correct?

14 **A. Yes.**

15 Q. Okay. With regards to D.O.E.  
 16 One, which other page did you prepare? Did you  
 17 prepare -- I'm sorry.

18 **A. Mr. Fofana prepared the last**  
 19 **two pages. I prepared the first three.**

20 Q. And the first three pages,  
 21 did you present those to Mr. Fofana?

22 **A. Yes, I did.**

23 Q. Do you recall when you did  
 24 that? When you presented him with the three

1 pages?  
 2 **A. I don't remember the exact**  
 3 **date when I gave it to him.**  
 4 Q. And is your signature on this  
 5 document?  
 6 **A. Yes, it is.**  
 7 Q. And is Mr. Fofana's signature  
 8 on the document?  
 9 **A. Yes, it is.**  
 10 Q. When you -- I have another  
 11 series of questions for you. When you -- going  
 12 back to the actual observation on September 30,  
 13 2004, when you were in the classroom, did you  
 14 take notes?  
 15 **A. Yes, I did.**  
 16 Q. What did you do with those  
 17 notes?  
 18 **A. I used the notes to prepare**  
 19 **this document. And, then I don't normally keep**  
 20 **the notes after I prepare the documents. I**  
 21 **just keep a copy of the report on the computer,**  
 22 **and I print a copy which is given to the**  
 23 **teacher.**  
 24 MS. BLANTLEY: At this time I

1 wish to move what's been previously marked as  
 2 D.O.E. Exhibit One into evidence.  
 3 THE HEARING OFFICER: Any  
 4 objection?  
 5 MR. CAVALLARO: A brief voir  
 6 dire?  
 7 THE HEARING OFFICER: Sure.  
 8 VOIR DIRE EXAMINATION  
 9 BY MR. CAVALLARO:  
 10 Q. Ms. Adonai, am I pronouncing  
 11 that right? Or--  
 12 **A. That's okay.**  
 13 Q. -- Okay. Just some quick  
 14 questions about the document. You actually  
 15 typed the document up yourself?  
 16 **A. Yes, I did.**  
 17 Q. So, and with regard to when  
 18 it was typed up, do you recall whether it was  
 19 typed up on that same day, September 30th or on  
 20 another day?  
 21 **A. After I met with Mr. Fofana I**  
 22 **started typing it up on the same day.**  
 23 Q. Okay. Now your signature  
 24 on the document is dated October 8, 2004. Is

1 that the date that you completed I guess  
 2 preparing the document or --  
 3 **A. I think that's the day I gave**  
 4 **it to him, normally when I am finished**  
 5 **preparing the document I sign it.**  
 6 Q. Okay.  
 7 **A. When it's complete, I print**  
 8 **it, I sign and then I give it to the teacher --**  
 9 Q. Okay.  
 10 **A. -- If I don't see the teacher**  
 11 **the same day, I give it to them the next day,**  
 12 **but I give it to them.**  
 13 Q. Okay. Okay. So that's what  
 14 that October 8th. And with regard to the  
 15 documents attached that you say were presented  
 16 to you by Mr. Fofana, do you remember when it  
 17 was that they were given to you?  
 18 **A. Actually, I think I saw it**  
 19 **under my door. In the classroom he did not**  
 20 **have a -- he did not have any lesson plan, he**  
 21 **said it was in another bag.**  
 22 Q. Right, you saw it under your  
 23 door, but do you remember what day, what time  
 24 of the day?

1 **A. I don't know what time he put**  
 2 **it, but I saw it there in the afternoon.**  
 3 Q. Of the 30th?  
 4 **A. Yes.**  
 5 MR. CAVALLARO: Okay, okay.  
 6 No objection.  
 7 THE HEARING OFFICER: Great.  
 8 D.O.E. Number One is in evidence.  
 9 MS. BRANTLEY: Thank you.  
 10 DIRECT EXAMINATION  
 11 BY MS. BRANTLEY: (Cont'g.)  
 12 Q. Now, Ms. Adonai I'd like to  
 13 ask you if you recall a meeting occurring with  
 14 Mr. Fofana on or about October 1st, 2004?  
 15 **A. Yes, I do.**  
 16 Q. Could you please tell us what  
 17 that meeting was about?  
 18 **A. Mr. Fofana was having**  
 19 **difficulties in his class with a student. I**  
 20 **was called and asked to be in a meeting. A**  
 21 **parent was there and she wanted me to be in the**  
 22 **meeting because she was going to meet with Mr.**  
 23 **Fofana.**  
 24 Q. Okay. And if I could just

1 stop you there. Could you please identify the  
2 parties? You mentioned a parent, can you tell  
3 us who the parent is?

4 **A. The parent is -- the child is**  
5 **Ls.Tr. When I came down -- when I was called I**  
6 **came down, I saw the parent and the parent**  
7 **coordinator and the parent said she would also**  
8 **like -- she wants the parent coordinator to be**  
9 **with her, but she would also like me to be in**  
10 **the meeting. So, Mr. Fofana was called down**  
11 **and we had a meeting.**

12 Q. Can you tell us who, if  
13 anyone was present at the meeting?

14 **A. It was the child, Ls.Tr., her**  
15 **mother, the parent coordinator, Ms. Lowe, Mr.**  
16 **Fofana, and I. I think that's it.**

17 Q. Do you know the parent's  
18 name?

19 **A. I normally call her**  
20 **Ms.Ls.Tr., but I think she has a different last**  
21 **name to the child.**

22 **And she responds to Ms.Ls.Tr.**

23 Q. And is that how you referred  
24 to her on October 1, 2004?

1 **A. Yes.**

2 Q. Okay. I'm sorry. So, go  
3 ahead and continue.

4 **A. Normally, when I'm in a**  
5 **meeting with parents and teachers, I ask the**  
6 **teacher, which I did ask Mr. Fofana to let the**  
7 **parent know what the problem was. Mr. Fofana**  
8 **started explaining. Ms.Ls.Tr. said she had**  
9 **never had to come to school for any problem for**  
10 **Ls. Ls. has been in the school from ninth**  
11 **grade and I think she was in eleventh at that**  
12 **time. She had never come to the school because**  
13 **of Lisa misbehaving.**

14 **Mr. Fofana continued saying**  
15 **well you're here now and he continued telling**  
16 **her what had happened. And she said you're**  
17 **lying. I believe you're lying on my child.**

18 Q. I'm sorry to interrupt. Do  
19 you recall what the problem was that was being  
20 discussed at that meeting?

21 **A. Mr. Fofana had started**  
22 **telling the parent that Ls. was disrupting his**  
23 **class.**

24 Q. Was there an indication as to

1 how or what this disruptive behavior was?

2 **A. Well, he started but he**  
3 **didn't complete it because the parent came --**  
4 **she cut in and said that her -- she had never**  
5 **had a report about her child before. The child**  
6 **has been in the school from ninth grade and**  
7 **this is the first time she has come up because**  
8 **the child had been disrupting a class.**

9 **Mr. Fofana started again**  
10 **continuing to say -- attempting to say what she**  
11 **has done. The parent told him she believed he**  
12 **was lying on the child. And then -- at that**  
13 **point it became heated, and the two of them**  
14 **started arguing. Now, I am not responsible for**  
15 **the parent, so I tried to speak to Mr. Fofana.**  
16 **I said, Mr. Fofana just don't respond. Don't**  
17 **say anything, just listen to the parent. But**  
18 **he continued arguing. The two of them were in**  
19 **a heated argument across the table. She -- he**  
20 **ended telling the parent I see why she is like**  
21 **that because you raised her. The parent told**  
22 **him she wanted the child out of his class. I**  
23 **think he responded, That would be good for both**  
24 **of them.**

1 **She said, That if I don't get**  
2 **the child, I'm going to go the Chancellor. He**  
3 **said, You can go to Bloomberg. And that's how**  
4 **the meeting -- it was not -- the matter was not**  
5 **resolved because Mr. Fofana -- he responded to**  
6 **everything the parent said. The parent got**  
7 **angry, and he got angry, and it was a shouting**  
8 **match with the two of them. I tried to calm**  
9 **him down, but he saw it as me being on the**  
10 **parent -- he said I am being on the parent**  
11 **side.**

12 **But as an assistant principal**  
13 **I am responsible for what happens in the**  
14 **school. If a parent comes, and that parent is**  
15 **belligerent or that parent is upset, it's our**  
16 **job to try and to be the ones who are rational**  
17 **and calm. And that is why I tried to stop Mr.**  
18 **Fofana from responding to the parent.**

19 Q. Do you recall how the meeting  
20 came to a conclusion on that day October 1st?

21 **A. There was not really a**  
22 **conclusion because at that point they decided**  
23 **that nothing is going to happen. The parent is**  
24 **going to go forward and complain and we left.**

1 **And I met with Mr. Fofana**  
 2 **after the meeting.**  
 3 Q. Do you recall when you met  
 4 with him after the meeting?  
 5 **A. Not the same day. I don't**  
 6 **remember the exact day, but after that meeting.**  
 7 **I think it was like about two days after I met**  
 8 **with Mr. Fofana and I told him exactly what I**  
 9 **said. That it is our duty as professionals to**  
 10 **act in a professional manner even if the parent**  
 11 **is not. Or the parent is acting in a manner**  
 12 **that we don't expect them to. And I wrote him**  
 13 **a letter, subsequently, and I gave it to him.**  
 14 Q. I'm going to ask you to look  
 15 at what has been previously marked as  
 16 Department of Education Exhibit Two for  
 17 identification.  
 18 Do you recognize that  
 19 document?  
 20 **A. Yes, I do.**  
 21 Q. What is it?  
 22 **A. This is a letter summary of**  
 23 **the meeting with Mr. Fofana and the parent of**  
 24 **Ms.Tr. I gave it to Mr. Fofana. He did not**

1 **return it. So, I gave it to the princ --**  
 2 **Miss -- the principal's secretary, Ms. Cowell,**  
 3 **and I asked her to give it to him, and she gave**  
 4 **it to him. She said he did not return it. So**  
 5 **she signed at the bottom that he had not**  
 6 **returned it to her.**  
 7 Q. Can you just go back, I'm  
 8 sorry. When you were in the meeting on October  
 9 1st, did you take notes during the meeting?  
 10 **A. Yes, I did.**  
 11 Q. What if anything did you do  
 12 with the notes you took during that meeting?  
 13 **A. Whenever I take notes as long**  
 14 **as I type it up on the computer, I do not keep**  
 15 **it.**  
 16 Q. Do you recall -- well, D.O.E.  
 17 is dated October 4th, is that correct?  
 18 **A. Yes.**  
 19 Q. Did you type that document  
 20 that same -- this document that same day?  
 21 **A. Yes, after meeting with Mr.**  
 22 **Fofana. I typed it after. I typed it up. The**  
 23 **first copy I gave it to Mr. Fofana, which he**  
 24 **did not return. The second copy I gave it to**

1 **the secretary to give it to him. He did not**  
 2 **return the original.**  
 3 **Mr. Fofana did not return the**  
 4 **original, so I gave a copy to the secretary to**  
 5 **give it to him.**  
 6 Q. And the D.O.E. Exhibit Two,  
 7 there appears writing on the bottom of the  
 8 document. Do you know whose handwriting --  
 9 well first of all is that your handwriting?  
 10 **A. I did not write this.**  
 11 Q. Okay. Do you now who wrote  
 12 that?  
 13 **A. This is Ms. Cowell.**  
 14 Q. Spell that?  
 15 **A. Ms. Cowell. Ms. Cowell,**  
 16 **C-O-W-E-L-L. She is a secretary. The one**  
 17 **who gave him -- gave it to him.**  
 18 MS. BRANTLEY: At this time I  
 19 wish to move what has been previously marked as  
 20 D.O.E. Exhibit Two for identification into  
 21 evidence --.  
 22 THE HEARING OFFICER: Any  
 23 objection?  
 24 MR. CAVALLARO: A brief voir

1 dire?  
 2 THE HEARING OFFICER: Yes.  
 3 VOIR DIRE EXAMINATION  
 4 BY MR. CAVALLARO:  
 5 Q. Assistant Principal Adonai,  
 6 at the bottom of the document next to your  
 7 signature there is a date 10/26/04?  
 8 **A. Yes.**  
 9 Q. Is that the date that you  
 10 completed and presented the letter to the --  
 11 given to Mr. Fofana?  
 12 **A. No, that is the date of the**  
 13 **second notice.**  
 14 Q. Do you recall what the date  
 15 of the first letter was?  
 16 **A. No. I don't think so.**  
 17 Q. Was it a few days before the  
 18 26th?  
 19 **A. No, it was just a few days --**  
 20 **after I wrote the letter I typed the letter up**  
 21 **and think it's like a day after I gave it to**  
 22 **him.**  
 23 Q. So you are saying sometime  
 24 around October 4th?

1 **A. Yeah, after like the 5th or**  
 2 **something.**  
 3 Q. Okay.  
 4 **A. After October 4th, I gave it**  
 5 **to him.**  
 6 Q. Okay so --  
 7 **A. But I normally give it to the**  
 8 **teacher as soon as possible because Mr. Fofana**  
 9 **does not -- sometimes the teachers do not come**  
 10 **into the math department. So, when I see them**  
 11 **I give it to them or I take it to the**  
 12 **classroom. Sometimes I put it in an envelope**  
 13 **and take it to the classroom and leave it and**  
 14 **leave.**  
 15 Q. Just because my copy is  
 16 unclear, do you know what -- what it is that  
 17 that says at the bottom?  
 18 **A. The teacher has not returned**  
 19 **a signed copy.**  
 20 MR. CAVALLARO: Okay. No  
 21 objection.  
 22 THE HEARING OFFICER: All  
 23 right D.O.E. Number Two is in evidence.  
 24 THE HEARING OFFICER: Thank

1 you.  
 2 DIRECT EXAMINATION  
 3 BY MS. BRANTLEY:  
 4 Q. I'd like for you to take a  
 5 look at what has been previously marked as  
 6 D.O.E. Exhibit Three for identification.  
 7 Can you please take a look at  
 8 this document and tell me if you recognize it?  
 9 **A. Yes, I do.**  
 10 Q. What is it then?  
 11 **A. This is a letter to Mr.**  
 12 **Fofana asking him to visit another teacher's**  
 13 **class.**  
 14 Q. And did you prepare this  
 15 document?  
 16 **A. Yes, I did.**  
 17 Q. Do you recall when you  
 18 prepared it?  
 19 **A. On the same date?**  
 20 Q. Which is?  
 21 **A. The 26th of October, and I**  
 22 **gave it to Mr. Fofana on the same day that I**  
 23 **prepared it. This is a result of asking to**  
 24 **visit another teacher's class --.**

1 MR. CAVALLARO: Objection.  
 2 Beyond the scope.  
 3 THE HEARING OFFICER: Beyond  
 4 the scope of what?  
 5 MR. CAVALLARO: Of the  
 6 question that --.  
 7 THE HEARING OFFICER: All  
 8 right.  
 9 MS. BRANTLEY: Well, my  
 10 question was when did you prepare it.  
 11 THE HEARING OFFICER: All  
 12 right.  
 13 BY MS. BRANTLEY: (Cont'g.)  
 14 Q. When you -- after you  
 15 prepared this document, did you meet  
 16 with Mr. Fofana?  
 17 **A. Yes. And I gave it to him.**  
 18 Q. Where -- did you meet with  
 19 him in your office and actually discuss the  
 20 document?  
 21 **A. Yeah, I met with Mr. Fofana**  
 22 **in my office, and Mr. Fofana said why do I have**  
 23 **to visit another teacher's class and he went on**  
 24 **again about being more qualified and**

1 **immediately he just signed it and -- he**  
 2 **said --.**  
 3 MS. BRANTLEY: Wait. Wait.  
 4 Wait. Let me get my questions --.  
 5 THE WITNESS: -- if I could  
 6 finish.  
 7 MR. CAVALLARO: No. No. No.  
 8 THE HEARING OFFICER: No,  
 9 wait. Wait.  
 10 BY MS. BRANTLEY: (Cont'g.)  
 11 Q. I'm going to allow you to  
 12 finish all right let me just keep on track with  
 13 just my questions.  
 14 **A. Yes.**  
 15 Q. And your signature appears on  
 16 the document, correct?  
 17 **A. Yes.**  
 18 Q. And Mr. Fofana's signature  
 19 appears on the document?  
 20 **A. Yes.**  
 21 Q. Okay. At this time I wish to  
 22 move with what has been previously marked as  
 23 D.O.E. Exhibit Three into evidence.  
 24 THE HEARING OFFICER: Mr.

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1 Cavallaro?  
 2 MR. CAVALLARO: Just a brief  
 3 voir dire if I may?  
 4 THE HEARING OFFICER: Yes.  
 5 VOIR DIRE EXAMINATION  
 6 BY MR. CAVALLARO:  
 7 Q. Now do you recall what date  
 8 it is that you met with Mr. Fofana to discuss  
 9 the document?  
 10 **A. On the same day that I had**  
 11 **the document Mr. Fofana -- I met with Mr.**  
 12 **Fofana.**  
 13 Q. So that would be the 26th --  
 14 **A. Yeah.**  
 15 Q. -- The date that he signed  
 16 and the date?  
 17 Okay. And -- well okay --.  
 18 **A. Okay.**  
 19 Q. Just the writing at the  
 20 bottom of the document, do you know whose  
 21 writing that is?  
 22 **A. That's Mr. Fofana's.**  
 23 MR. CAVALLARO: Okay, okay.  
 24 No objection.

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1 **And, also, I said to Mr.**  
 2 **Fofana he's questioning techniques he could**  
 3 **look at Mr. Husbands, observe his questioning**  
 4 **techniques, so that he can incorporate some of**  
 5 **these into his class.**  
 6 Q. And during the meeting with  
 7 Mr. Fofana on October 26th, 2004, what if any  
 8 reaction did Mr. Fofana have to your  
 9 suggestion?  
 10 **A. Again Mr. Fofana said that**  
 11 **was further rubbish. He took the paper and he**  
 12 **signed it. And, then, he said -- he took it**  
 13 **back and then he said I have to -- I'll give it**  
 14 **back to you later and he left. And then he**  
 15 **gave it back some time after. A few days**  
 16 **after, quite a few days. And he had this**  
 17 **written. He did not write this in the office.**  
 18 **He got it back with the writing at the bottom.**  
 19 Q. When it was returned to you,  
 20 was it hand delivered to you or what was the  
 21 means of the return to you of this letter?  
 22 **A. He came in the office and**  
 23 **gave it to me.**  
 24 Q. And when he returned the

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1 THE HEARING OFFICER: All  
 2 right. D.O.E. Three is in evidence.  
 3 DIRECT EXAMINATION  
 4 BY MS. BRANTLEY:  
 5 Q. Now with regards to the --  
 6 hold on for just a second. With  
 7 regards to that -- during that meeting on  
 8 October 26, 2004 you -- in D.O.E. Three a  
 9 particular teacher is referenced Mr. Husbands.  
 10 Who is Mr. Husbands?  
 11 **A. Mr. Husbands is another math**  
 12 **teacher who is also teaching a similar course**  
 13 **as -- who was teaching a similar course as Mr.**  
 14 **Fofana.**  
 15 Q. And why was it that you  
 16 recommended Mr. Fofana visit this particular  
 17 teacher?  
 18 **A. I recommended that because**  
 19 **Mr. Husbands has a good relationship with his**  
 20 **students, and he is able to get them to do**  
 21 **things. So, I thought it would be good for Mr.**  
 22 **Fofana to visit Mr. Husbands and observe some**  
 23 **of the things that he's doing since he was**  
 24 **there for a while.**

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1 letter did he discuss with you his response to  
 2 your suggestion?  
 3 **A. When he came in the office he**  
 4 **took a seat in the chair -- in one of the**  
 5 **chairs and then he started saying the same**  
 6 **things that he has written here. That he's**  
 7 **more experienced and more qualified than Mr.**  
 8 **Husbands, and why should he visit Mr. Husbands'**  
 9 **class? Basically, that is what he said.**  
 10 Q. Do you know whether or not  
 11 Mr. Fofana did visit Mr. Husbands' class as  
 12 directed by you?  
 13 **A. No, he did not.**  
 14 Q. Ms. Adonai, I'd like to ask  
 15 you whether or not -- or ask you about a web  
 16 site -- or whether or not you came to learn  
 17 that the Respondent maintained a web site?  
 18 **A. I think it's the principal --**  
 19 **a parent -- I think some parent informed him**  
 20 **that a child was on -- the child's picture was**  
 21 **on the internet. And, that's when I was told**  
 22 **Mr. Fofana had a web site and he had children's**  
 23 **pictures on the web site. So, I went down and**  
 24 **I looked at the web site.**

14 (Pages 50 to 53)

1 Q. And when you say you went  
 2 down and looked at the web site, can you  
 3 explain exactly what it is you did?  
 4 **A. I went down and went to the**  
 5 **computer and I was told the -- I was given the**  
 6 **U.R.L. for the site and I put it in and --.**  
 7 Q. What computer did you go to?  
 8 **A. I used the principal's**  
 9 **computer.**  
 10 Q. Do you recall when you went  
 11 to the -- when you went to the principal's  
 12 computer, do you recall when?  
 13 **A. I don't know. I don't**  
 14 **remember the date, but I was just called in and**  
 15 **I looked at it and I saw there were kids on**  
 16 **the -- pictures of students and those are**  
 17 **active students in the school whose pictures**  
 18 **were on the web site. I think he said student**  
 19 **of the month or --?**  
 20 Q. You say that you were given  
 21 an U.R.L. Who gave you that U.R.L.?  
 22 **A. When I went down the**  
 23 **principal said this is what he was told.**  
 24 **I think the children knew the U.R.L. I don't**

1 **know if Mr. Fofana had given them the**  
 2 **information, where they got it from, but that**  
 3 **is how we got it.**  
 4 Q. When you went to the  
 5 principal's office who if anyone was  
 6 present?  
 7 **A. The principal was present.**  
 8 Q. So, please tell us what if  
 9 anything you did?  
 10 **A. I went to the computer, went**  
 11 **to the web site --**  
 12 Q. Do you recall what the web  
 13 site was?  
 14 **A. -- I think it was Mathspell.**  
 15 **I think that was the name Mathspell and there**  
 16 **were children -- I saw the children's pictures**  
 17 **there.**  
 18 **And then there was a link**  
 19 **from the web site to the Oswego site that has**  
 20 **regents prep.**  
 21 Q. Going back to the web site,  
 22 what if any indications do you have that the  
 23 Respondent was responsible for this web site?  
 24 **A. Because there was an**

1 **introduction, his name on the top of**  
 2 **the page -- his name, his job affiliation, and**  
 3 **then he had the classes that he taught.**  
 4 Q. Now, with regards to -- what  
 5 if any information did you see with regards to  
 6 students?  
 7 **A. The students' pictures and**  
 8 **their names were there.**  
 9 Q. Do you recall how many  
 10 pictures were there of students?  
 11 **A. I think there were three, two**  
 12 **boys and one girl.**  
 13 Q. Do you recall who the  
 14 students were?  
 15 **A. I think, Mh.Ys., Ni.Ae. and**  
 16 **there was another boy, Lk.Jm..**  
 17 Q. I'm sorry?  
 18 **A. Lk.Jm.**  
 19 Q. If it's possible if you could  
 20 provide us with the spelling for the students?  
 21 **A. (Spelling Lk.Jm.)**  
 22 Q. Is that? Okay.  
 23 **A. That's one boy whose picture**  
 24 **was there.**

1 Q. Who were the other students  
 2 you mentioned, can you spell the names?  
 3 **A. I think it's (MYSpelling).**  
 4 **And (NA Spelling).**  
 5 Q. Do you recall what the  
 6 pictures of the students -- what they  
 7 looked like -- in other words was it -- tell me  
 8 with regards to the pictures what was it that  
 9 you actually saw in the picture?  
 10 **A. I remember the girl. She had**  
 11 **on -- she was leaning on something, but she was**  
 12 **dressed. I think she had on a t-shirt or a**  
 13 **tank top, something like that, but --**  
 14 **underwear --.**  
 15 Q. What about with regards to  
 16 the boys?  
 17 **A. The boys were just dressed**  
 18 **normal in their shirts and pants. They were**  
 19 **dressed normal, decent.**  
 20 Q. What parts of the body could  
 21 see with the regards to the pictures?  
 22 **A. The face --**  
 23 MR. CAVALLARO: Objection.  
 24 **A. (Cont'g.) -- face and the**

1 **arms. They were covered. Dressed**  
 2 **decently.**  
 3 BY MS. BRANTLEY: (Cont'g.)  
 4 Q. Now, other than the -- with  
 5 regards to I guess just these three students,  
 6 was there any other information on the web site  
 7 other than the pictures and the names of the  
 8 students?  
 9 **A. And it said they were**  
 10 **students of the month.**  
 11 Q. Were there any other students  
 12 mentioned on the web site that you observed?  
 13 **A. On that web site. No.**  
 14 Q. Now, you mentioned that there  
 15 was a link from this particular web site, can  
 16 you tell us what the link was?  
 17 **A. It was a link to the Oswego**  
 18 **Public School site where they offered regents**  
 19 **prep to students in various subject areas.**  
 20 Q. Now, can you tell us what, if  
 21 anything, you did after you observed the  
 22 information on the web site?  
 23 **A. I looked at it and I think**  
 24 **the principal made a report to the regional**

1 **office about it. And no one else ever asked me**  
 2 **anything about it. I don't know what they did**  
 3 **at the region.**  
 4 Q. Did you yourself prepare any  
 5 report with regard to what you observed?  
 6 **A. The principal and I observed**  
 7 **it, he prepared -- he called the region to ask**  
 8 **them what to do. And I guess -- I don't know**  
 9 **what he did. He followed their instructions.**  
 10 Q. Did you prepare any witness  
 11 statements to which -- is there anything  
 12 memorialized -- anything in writing?  
 13 **A. No one asked me.**  
 14 Q. Okay. Did you -- were you a  
 15 part of any investigation with regards to this  
 16 particular web site or what you observed?  
 17 **A. No.**  
 18 Q. After viewing the web site  
 19 did you conduct a meeting or ask for a meeting  
 20 with Mr. Fofana?  
 21 **A. No.**  
 22 MS. BRANTLEY: Okay. I have  
 23 no further questions.  
 24 THE HEARING OFFICER: Thank

1 you.  
 2 MS. BRANTLEY: Wait, wait let  
 3 me just make sure. Give me one second. I  
 4 believe I have covered everything I can think  
 5 of.  
 6 THE HEARING OFFICER: Do you  
 7 want me to go off the record for a moment?  
 8 MS. BRANTLEY: No, I think  
 9 I'm okay.  
 10 Before I officially say --  
 11 can I just take one moment --.  
 12 THE HEARING OFFICER: Sure,  
 13 sure. We're going to go off the record for a  
 14 moment.  
 15 (Off the record)  
 16 THE HEARING OFFICER: All  
 17 right. Ms. Blantley have another question I  
 18 understand?  
 19 BY MS. BRANTLEY: (Cont'g.)  
 20 Q. Ms. Adonai, did there come a  
 21 time in 2006 when you were alerted to another  
 22 web site maintained by the Respondent?  
 23 **A. Yes, I did.**  
 24 Q. Can you tell us about that,

1 please?  
 2 **A. I was told about that web**  
 3 **site -- a student told me. She got**  
 4 **it from a teacher, and I told the student to go**  
 5 **on the computer. She did that, and on the web**  
 6 **site I saw my picture, I saw the principal's**  
 7 **picture, and other derogatory information.**  
 8 **There was students'**  
 9 **information. Copies of the grade sheets that**  
 10 **were given to Mr. Fofana where he wrote the**  
 11 **students' grades. There were the students'**  
 12 **names clearly on these sheets and the students'**  
 13 **grades were bubbled in. It was there on the**  
 14 **web site clear to see. Again, Mr. Fofana**  
 15 **identified himself by saying that his name, and**  
 16 **that he was a teacher at the school. At that**  
 17 **time Middle College High School.**  
 18 Q. Do you recall what the web  
 19 site was?  
 20 **A. It was teacherabuse.com I**  
 21 **think it was.**  
 22 **A. Do you remember the student**  
 23 **whom you just indicated -- who you just**  
 24 **indicated who brought the web site to your**

1 attention? Do you recall who the student was?  
 2 **A. The student's name was JI.Jn.**  
 3 Q. Can you spell that please for  
 4 the record?  
 5 **A. I think it's (Spelling**  
 6 **JI.Jn.).**  
 7 Q. And do you recall at the time  
 8 what grade she was in?  
 9 **A. At the time she was -- I**  
 10 **think she was -- yeah she was a senior. I**  
 11 **don't -- she was -- Jalissa, she was a**  
 12 **senior --.**  
 13 Q. I'm sorry you have to keep  
 14 your voice up.  
 15 **A. I'm just trying to remember**  
 16 **whether she was a senior or a junior at the**  
 17 **time.**  
 18 THE HEARING OFFICER: Are you  
 19 not sure?  
 20 THE WITNESS: I'm not sure.  
 21 THE HEARING OFFICER: But you  
 22 think she's either a senior or a junior, at the  
 23 time.  
 24 **A. She was a junior -- she was a**

1 **junior, because she graduated in 2007. She was**  
 2 **a junior.**  
 3 BY MS. BRANTLEY: (Cont'g.)  
 4 Q. What if anything did you do  
 5 after observing the information on the web  
 6 site?  
 7 **A. I called the principal and I**  
 8 **notified him that there was a web site owned by**  
 9 **Mr. Fofana, and there was student information**  
 10 **on the web site.**  
 11 Q. After you notified the  
 12 principal did you -- were you part of -- in  
 13 part of any investigation with regards to the  
 14 teacherabuse.com web site?  
 15 **A. No.**  
 16 Q. Did you -- or was there any  
 17 documentation being either a letter or written  
 18 statement or anything in writing with regard to  
 19 what you observed on the teacherabuse.com web  
 20 site?  
 21 **A. No. Mr. Fofana was not in**  
 22 **the school at that time.**  
 23 Q. Not withstanding that, still  
 24 did you do anything in writing with your

1 statement or anything?  
 2 **A. No. I did not.**  
 3 Q. Okay. Did you speak to any  
 4 of the students whose information  
 5 you observed on the web site?  
 6 **A. On that web site,**  
 7 **teacherabuse.com, I did not speak to any of**  
 8 **the students.**  
 9 Q. Other than speaking with the  
 10 principal, did you speak to -- WAS there anyone  
 11 else you spoke to with regards to this web  
 12 site?  
 13 **A. Yes. Ms. Smith was there**  
 14 **with me at the time because the student said**  
 15 **there was information about her on the web**  
 16 **site.**  
 17 Q. Who is Ms. Smith?  
 18 **A. Ms. Smith is the Assistant**  
 19 **Principal to Gil Percibal.**  
 20 Q. And other than Ms. Smith was  
 21 there anyone else you spoke to about that web  
 22 site?  
 23 **A. No, Ms. Smith and the**  
 24 **principal.**

1 Q. Okay. Do recall  
 2 approximately how many students were listed --  
 3 how many students and information about those  
 4 students were listed on the teacherabuse.com  
 5 web site?  
 6 **A. I'm not sure, but I know on**  
 7 **one page there were about ten students.**  
 8 Q. And do you know whether or  
 9 not the students who were listed on the web  
 10 site were all students who were in one of Mr.  
 11 Fofana's classes?  
 12 MR. CAVALLARO: Objection.  
 13 **A. Yes they were.**  
 14 MR. CAVALLARO: Withdrawn.  
 15 THE HEARING OFFICER: Okay.  
 16 Thank you.  
 17 MS. BRANTLEY: Okay, I'm done  
 18 with Ms. Adonai now.  
 19 THE HEARING OFFICER: All  
 20 right. Why don't we go off the record for a  
 21 moment.  
 22 (Off the record)  
 23 THE HEARING OFFICER: All  
 24 right. The parties have been discussing the

1 protocol for the rest of today, and just in  
 2 terms of scheduling, it should be noted for the  
 3 record that Ms. Brantley had anticipated  
 4 calling a different witness than this witness.  
 5 And as a result of that, Mr.  
 6 Cavallaro was prepared for a cross examination  
 7 focused on the principal as opposed to the  
 8 assistant principal.  
 9 So, Mr. Cavallaro would need  
 10 a significant amount of time to prepare his  
 11 cross examination and receive some input from  
 12 Mr. Fofana. So, because of that, the parties  
 13 have decided that they're going to hold -- stop  
 14 today's hearing at this point. This will allow  
 15 Mr. Cavallaro to prepare his cross examination  
 16 between now and the next day. And Ms. Adonai  
 17 has indicated that she can, and will make  
 18 herself available for ten o'clock on February  
 19 26th, 2008 which is the next day of this  
 20 hearing.  
 21 MR. CAVALLARO: Yeah, I was  
 22 going to mention that.  
 23 THE HEARING OFFICER: And I  
 24 should note that the parties are going to

1 continue to work on some discovery issues that  
 2 are related to some of the other witnesses, and  
 3 some other items that may or may not be  
 4 relevant to this proceeding. So they will  
 5 continue with that off the record this  
 6 afternoon.  
 7 Thank you very much.  
 8 MR. CAVALLARO: Thank you.  
 9 THE HEARING OFFICER: So,  
 10 Laurie --  
 11 THE REPORTER: Yes sir?  
 12 THE HEARING OFFICER: --  
 13 That's it for today on the record for us.  
 14 THE REPORTER: Okay. We're  
 15 done for the day and you're on again at ten  
 16 o'clock on the 26th?  
 17 THE HEARING OFFICER: Yes,  
 18 correct.  
 19 MR. CAVALLARO: Yes ten a.m.  
 20 on the 26th.  
 21 THE REPORTER: Okay. Very  
 22 good.  
 23 THE HEARING OFFICER: Great.  
 24 Thanks very much.

1 THE REPORTER: Have a nice  
 2 day.  
 3 THE HEARING OFFICER: You  
 4 too.  
 5 MR. CAVALLARO: Okay.  
 6 (The hearing adjourned)  
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1 STATE OF NEW YORK  
 2 I, Laurie Lowenstein, do hereby certify that  
 3 the foregoing was reported by me, in the cause,  
 4 at the time and place, and in the presence of  
 5 counsel, as stated in the caption hereto, at  
 6 Page 1 hereof; that the foregoing typewritten  
 7 transcription, consisting of pages number 1  
 8 through 68, inclusive, was prepared under my  
 9 supervision and is a true record of all  
 10 proceedings had at the hearing.  
 11 IN WITNESS WHEREOF, I have  
 12 hereunto subscribed my name, this the 26th day  
 13 of February, 2008.  
 14  
 15 \_\_\_\_\_  
 16 Laurie Lowenstein, Reporter  
 17  
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1 ERRATA SHEET  
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 2 Date: February 12, 2008  
 CORRECTIONS:  
 3 Page\_-line\_  
 \_\_\_\_\_  
 4 \_\_\_\_\_  
 \_\_\_\_\_ Word or phrase: \_\_\_\_\_  
 5 Corrected to: \_\_\_\_\_  
 6 \_\_\_\_\_ Word or phrase: \_\_\_\_\_  
 Corrected to: \_\_\_\_\_  
 7 \_\_\_\_\_  
 \_\_\_\_\_ Word or phrase: \_\_\_\_\_  
 8 Corrected to: \_\_\_\_\_  
 9 \_\_\_\_\_ Word or phrase: \_\_\_\_\_  
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 18 \_\_\_\_\_ Word or phrase: \_\_\_\_\_  
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 20 Corrected to: \_\_\_\_\_  
 21 \_\_\_\_\_ Word or phrase: \_\_\_\_\_  
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 22 \_\_\_\_\_  
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 23 Corrected to: \_\_\_\_\_  
 24 \_\_\_\_\_

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 3 Jalissa Jones Jl. Jn.  
 Lisa-Marie Trotman Ls. Tr.  
 4 Ms. Trotman Ms. Ls. Tr.  
 Mohammed Yusuf Mh. Ys.  
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