

# More Sexual Allegations Emerge Against Teacher in Bronx

By EDWARD WYATT

At least five students have now come forward to accuse a second-grade teacher in the Bronx of sexual assaults or other sexual advances in recent months, police officials said yesterday. The latest accusations emerged as school officials admitted that they had never informed the police of similar allegations against the teacher three years ago.

In 1998, the teacher, Milton G. McFarlane, 38, of Poughkeepsie, N.Y., was accused of sexually approaching a student at the same school, Public School 78 in Baychester, a neighborhood in the Bronx. Those allegations were investigated by Board of Education officials, but no action was taken, school officials said, because witnesses gave conflicting accounts.

But during that investigation, police officials were never informed about the allegations, either by the office of Edward F.

Stancik, the special commissioner of investigation for the school district, or by Board of Education officials, to whom Mr. Stancik passed on the investigation. Board of Education regulations require that police officials be informed of a possible crime on school property.

Mr. McFarlane was arraigned in State Supreme Court in the Bronx yesterday on charges of first-degree sodomy, endangering the welfare of a child and engaging in a course of sexual conduct with a child, a 9-year-old boy. He was also charged with first-degree sexual abuse and endangering the welfare of a child, an 8-year-old boy. He was ordered held without bail.

Police officials said later that at least three other students had come forward to describe sexual advances by Mr. McFar-



Milton G.  
McFarlane

lane.

Police officials said that when Mr. McFarlane was arrested on Wednesday, he told them that he was infected with H.I.V., the virus that causes AIDS. The officials said that they would seek court approval to conduct a blood test of Mr. McFarlane, and that if the result was positive, he could be charged with other crimes, including attempted murder.

School, police and hospital officials held a public meeting for parents at the school last night.

About 400 people attended, and it quickly grew noisy as angry parents shouted down the speakers, who included the school principal, district superintendent and chief of the Board of Education's office of school safety, Raymond Diaz.

Outside, about 60 people, including chil-

dren, protested. One demonstrator carried a placard saying, "Stop blaming the parents, start blaming the system," and some chanted, "It's a cover-up."

Many parents left the meeting early. "It's not the people on the stage this happened to," said Novlette Johnson, 42, the mother of a fifth-grade boy.

"It's we who have the pain. We should have had a chance to speak," she said. "This wouldn't have happened in a rich neighborhood. They would have gotten answers. But in a poor neighborhood we don't get any answers."

Another parent at the school, Lorna Liddie, said that when Mr. McFarlane's picture was flashed on the television news Wednesday night, her daughter, Imani, shouted, "That's my teacher! That's my teacher!" Ms. Liddie said her heart sank. "It was scary," she said. "I have to look at the

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Board of Education. I have to look at the city. They're to blame."

Mr. McFarlane has taught second grade at P.S. 78, also known as the Anne Hutchinson School, on Needham Avenue. Board officials said they would seek to have him fired.

Deputy Chief Joseph J. Reznick said that the assaults that Mr. McFarlane was charged with yesterday occurred in his classroom between classes, during recesses or during lunch periods. He said that Mr. McFarlane asked the students to stay behind to wipe down the blackboard and arrange the desks and chairs in neat rows.

Those descriptions appeared to coincide with those in the 1998 allegations. Though the investigation of those accounts was inconclusive, Mr. McFarlane was admonished, with a letter placed in his file instructing him not to be alone with a child outside the hours of instruction, police and Board of Education officials said. Mr. McFarlane did not have tenure, however, and could have been dismissed with minimal notice.

Police and city officials objected vehemently to the failure to inform the Police Department of the 1998 allegations. Mayor Rudolph W. Giuliani called those actions incompetent yesterday. He said he had contacted the City Council speaker, Peter F. Vallone, to propose legislation requiring school officials to report information about a crime in the schools to the Police Department and to the district attorney.

"I read the report of the prior incident, and that incident should never have been concealed from the

Police Department," Mr. Giuliani said at a news conference. "The incident alleges a crime, and I don't know where the Board of Education, a principal or anyone working for the board has the idea that they have the authority, the ability or the competence to investigate crimes."

Schools Chancellor Harold O. Levy issued a memorandum to principals last June reminding them that criminal incidents, including sexual mis-

## *The police were not told of accusations made in 1998.*

conduct involving a Board of Education employee and a student, must be reported to the police. He said in an interview yesterday that he would ask district superintendents to review teacher files to search for evidence of similar allegations of sexual misconduct with students that were not investigated by the police.

Mr. Giuliani said that the current cases might have been avoided if the 1998 allegations "had been turned over to a competent investigator."

"This culture of not reporting crimes that go on in the schools is such a strong one that I don't believe that just a memo from the chancellor is going to have the effect that it should have," Mr. Giuliani said. "They handle these allegations incompetently. And that should not be allowed."

Mr. Stancik was notified of the

1998 allegations involving Mr. McFarlane. But rather than investigate the allegations himself, as often occurs, Mr. Stancik said he referred the allegations to the Board of Education's own office of special investigations because the initial description of the incident did not imply that a crime had occurred.

In an interview, Mr. Stancik said that the report received by his office said simply that the teacher had touched a boy's zipper. He said his office received several hundred such allegations each year, roughly three for each school day, so it seemed appropriate to refer the investigation to the Board of Education for follow-up.

"I did not have an obligation to report the incident to the police at that time," Mr. Stancik said. "Obviously, now I wish we had," given the subsequent allegations, he said.

School officials said yesterday that students had accused the teacher of unzipping the boy's pants and pulling down his own pants, but that they could not substantiate the accusations because of conflicting accounts by witnesses.

Sexual abuse allegations account for a large share of the cases in which criminal or administrative charges are brought against Board of Education employees after an investigation by Mr. Stancik's office.

Last year, for example, Mr. Stancik's office received 600 reports of sexual misconduct in the schools. His office investigated about 100 of those, and the rest were referred to the board's investigators. Sexual misconduct charges were the basis of 61 of the 95 written reports issued by Mr. Stancik after investigations by his office.