

Jeff Leardini Is the Accused

It's a teacher's worst nightmare: being accused by a student of improper physical conduct

TED REED

Author's Note

I met Jeff Leardini when he was a teacher at Barringer Academic Center. For a period, Barringer was a bright light in Charlotte education, a magnet school that managed to successfully serve both gifted students from around the city and less-advantaged students from the local neighborhood. Jeff was a big part of that. He was the kind of teacher you seek out: energetic, devoted to his students, and possessed of an obvious passion for his job. In 2000, when Barringer was honored by Governor Hunt at the Governor's Entrepreneurial Schools Awards dinner, I went to Cary for the dinner where Jeff accepted the award on behalf of the school. My three children, who thrived at Barringer, knew and respected Mr. Leardini. Gabriela, now at East Meck, was in his writing club in the fourth grade. Like many Barringer parents, I was surprised to hear that Jeff had been accused of inappropriately touching his students, so I decided to look into his case. This story reveals what I found out. —Ted Reed

On the morning of April 27, Jeff Leardini, a highly regarded sixth-grade language arts teacher at Community House Middle School near Ballantyne, was summoned to the principal's office. When he arrived, the principal was not there, but two other people were: a school counselor and Kay Cunningham, an employee relations specialist from Charlotte Mecklenburg Schools. What Cunningham told Leardini floored him: a number of female students had accused him of improperly touching them. She did not tell him the students' names or the details of the alleged incidents.

In the meeting, Cunningham mentioned Jimmie Grubbs, a Huntersville teacher accused of molesting children and arrested several weeks earlier. Grubbs' case led to charges that the school system had mishandled the initial accusations, resulting in a delayed criminal investigation. Leardini says Cunningham told him that his case would be used "as an example" of the school system acting more decisively. She gave him the choice to be suspended with pay, with termination likely, or to resign immediately and be paid through June. Leardini says he initially agreed in writing to his resignation because he thought he had no other option, but he subsequently tried unsuccessfully to rescind it (once in the meeting, and twice on the phone over the next few days).

It all lasted no more than ninety minutes.

After the meeting, he went home. "I just sat there, dumbfounded," he says. He was never again interviewed by anyone involved in investigating the case. According to Emily Powell, a spokeswoman for Charlotte Mecklenburg Schools, Leardini resigned from the school system. Powell declined to answer questions about the case, saying it is a personnel matter, and declined to make Cunningham available.

Committed to teaching, recently married, and frequently singled out for praise by administrators, students, and parents during his eight-year career, Leardini found himself suddenly caught up in a Kafkaesque spiral triggered by the accusations of twelve-year-old children. Jeff Leardini's unlikely story has drawn the attention of dozens of parents of former students, who cannot imagine that such a gifted teacher would be involved in such a controversy.

Leardini says that none of the incidents described by his accusers ever happened. The first time he had any idea that such charges existed was in the principal's office meeting. "I was stunned," he says. "They told me 'we want you to admit to anything you may have done,' but I hadn't done anything. I couldn't have been more shocked if you had smacked me in the face with a

brick.”

Eight days after the initial meeting, a warrant was issued for Leardini’s arrest, and he turned himself in at the downtown police station. He was shown a copy of the warrant, from which he learned—for the first time—the nature of his alleged crimes and the names of his accusers. Then, at age thirty-two, for the first time in his life, he was charged by police and arrested. He spent the night in jail before being released. It was, he says, “the worst experience of my life, sitting in a cell with common criminals when I hadn’t done anything wrong.”

Still, he also felt a sense of relief. Once he saw the warrant, he finally was able to learn the nature of the accusations. On September 2, Leardini was tried on two misdemeanor charges in Mecklenburg County District Court. Four former students testified that he inappropriately touched them. One says he popped her bra strap, one says he rubbed her stomach, and two say he rubbed against them as they drank at a water fountain. A fifth student says she was a witness to some of the events, which were described as happening in public areas, either a classroom or a hallway. Three other students say they had been in the classroom at the time of the alleged incidents and had not seen them occur.

Judge Rickye McKoy-Mitchell found Leardini guilty of two counts of assault (he admitted in open court that he had rubbed a student’s back) but acquitted him of two counts of sexual battery. The judge gave Leardini a sixty-day suspended sentence, placed him on probation for two years, and ordered him to undergo a mental health evaluation.

A person convicted of a misdemeanor has an automatic right to a jury trial, and that is the course that Noell Tin, Leardini’s attorney, has chosen to pursue. Tin has filed an appeal, and awaits the setting of a trial date. It could happen as soon as this month. Meanwhile, Leardini works as assistant manager in a sports apparel store at SouthPark Mall and earns \$10.50 an hour. His life, he says, is on hold until he can return to court, clear his name and, perhaps, resume his career.

From the time he entered St. Bonaventure University in western New York, Leardini, a native of Niagara Falls, wanted to be a teacher. “I loved helping kids, loved the idea that I could develop young minds into a position where they could make decisions,” he says. “A textbook will teach you how to drive a car, but what you have to know is how to react in different situations, what to do when a deer runs out in front of your car.” He graduated with a teaching degree and, in 1998, moved to Charlotte—where jobs were plentiful—and quickly went to work at Reed Park Elementary.

Leardini began the 1998-1999 school year at Barringer Academic Center, a frequently honored magnet school. A 2000 article in the *Charlotte Leader* newspaper praised Barringer and discussed Principal Linda Morris’ decision to “play a hunch” and appoint Leardini to run the school’s fourth grade reading program. An unexpectedly high number of the students in his class earned a perfect score on end-of-grade writing tests, says the newspaper, which gushed: “Leardini managed to rocket over the canyon of inexperience.”

After five years at Barringer, Leardini moved in 2003 to Ballantyne’s Endhaven Elementary, a newly created school closer to his home. When the fifth and sixth grade classes were moved to Community House, he moved with them. His career seemed on track, he was a popular teacher, and his salary had risen from about \$24,000 initially to about \$40,000 after he earned a master’s degree in teaching from UNC Charlotte in 2004.

Kathryn Clary, now fourteen, was taught by Leardini as a fourth grader at Barringer and as a fifth grader at Endhaven. Her sister Margot, now twelve, was in Leardini’s math class at Endhaven. Their mother, Katie Clary, calls Leardini “a premier educator and an unbelievably inspiring individual who is a role model to my kids.

“Kathryn writes at a college level and to this day says it goes back to what Mr. Leardini taught her in fourth grade,” Clary says. “When she was preparing for the state writing test, he did a writing academy, and took extra time in the morning for anybody who was interested and taught kids how to write. My girls have been writing ever since, and they give him credit over and over again.”

From her knowledge of Leardini’s interaction with her daughters, Clary says, it seems inconceivable that he might have acted inappropriately with other girls. She described one of the accusers, once Margot’s close friend, as “a very nice little girl who is not

always truthful, who told white lies ... such as 'I have three iPods' or 'A boy kissed me in a closet at a party.' " Additionally, Clary says she was appalled at how Leardini was treated by the school and legal systems. "All of us are vulnerable to an adolescent's charge that is unsubstantiated," she says. "As parents, if you look at how this was handled, it doesn't incent any of us to engage with children."

It was, he says, "the worst experience of my life, sitting in a cell with common criminals when I hadn't done anything wrong."

Clary became a leader of a group of parents of Leardini's former students. On June 1, the group held a rally in front of Community House. About 100 people showed up, even after the school's principal wrote a letter saying the rally would be divisive and should not be held. That night, Leardini watched the TV coverage. "I thought 'this is so gratifying,'" he says. "They have no reason, no incentive, to do this for me. Yet here they all are, in front of my old school, standing up for me." Later, about two dozen Leardini supporters, primarily mothers, attended the trial, which stretched into two days due to the abundance of witnesses. (Children testified with only the attorneys and judge in attendance.)

Clary, who has a law degree from Wake Forest University, says the judge "split the baby in half," dismissing all of the sexual charges, but keeping the assault charge because assault is loosely defined as touching without permission, and Leardini says that he had rubbed a student's back.

Cases involving student accusations of improper conduct by a teacher are never simple. In general, when the school system deals with allegations against a teacher, the teacher is brought in for questioning and then suspended with pay while the charges are investigated, says Kathleen Bell, a system spokeswoman. "We have to do an investigation, and before that the person has to be released from their duties," Bell says. In some cases, the state department of social services or the police department is brought in to handle the investigation, she noted. In Leardini's case, the children were questioned by a school counselor and a police officer assigned to the school, but no one else was interviewed, Tin says. Assistant District Attorney Madelaine Colbert, who is prosecuting the case, said she could not comment because a jury trial is pending. Additionally, *Charlotte* magazine was able to reach the mothers of two of Leardini's accusers; both declined to comment.

It is always a balancing act when children make allegations of inappropriate conduct, says Sherryll Kraizer, executive director of the Denver-based Coalition for Children, which provides child abuse case training for schools and administrators. "My experience is that kids are pretty truthful about this," she says. "And often, when one comes forward, more will come forward, because typically these perpetrators are involved with multiple victims.

"Teachers are often encouraged to resign in such cases, Kraizer says: "What happens is that there is an accusation, there is an investigation, and there is not enough information to take action, but the decision is made that a person should not be in contact with children, and the teacher will choose to resign."

Thorough investigations are the key, says Mary Sawicki, senior attorney at the National Center for the Prosecution of Child Abuse, part of the National District Attorneys Association. Sawicki, who trains law enforcement personnel and prosecutors for such cases, notes that "alleged child abusers come in many shapes and sizes, from all walks of life," and "they have to be vigorously investigated and prosecuted." A former prosecutor, Sawicki adds that all prosecutors must follow ethical guidelines and "would not bring a complaint unless there is sufficient evidence."

At the same time, because the crime of sexual abuse of children is such a heinous one, an accusation alone can result in an assumption of guilt, even though the accusers are usually children. Yale Law School Professor Steven Duke, who teaches and writes on criminal procedure and evidence, recalled that in the 1980s, allegations of sexual abuse at the McMartin Preschool in Manhattan Beach, California, made national news; it later became clear that many of the children were pressured to recall incidents that may not have occurred. While there are sharp distinctions between the preschoolers in the McMartin case and the twelve-year-old Community House students, "There is always a concern where the witnesses are children, particularly with respect to these types of complaints," Duke says. "A twelve-year-old is much more subject to suggestions than an adult."

Duke says the methodology of questioning the victims in such crimes is critical. "If you're told, for example, that somebody is a

certain type of wrongdoer, and you've had a previous relationship with that person, you then start reconstructing that relationship," he says. "You may very well remember it in a different way than you experienced it."

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In this case, Leardini suspects that the primary victim made the original accusation because she wanted attention and that the other children, who were mostly the primary victim's friends, were convinced to go along, perhaps because they reinterpreted events.

Ohio State University professor Joshua Dressler, also an expert on criminal law and procedure, says attorney Tin may face problems if he takes Leardini's appeal to a jury. "If you single out a particular crime of all the crimes out there, in which jurors have the most difficulty providing a fair trial to the defendant, the crime that would clearly be number one would be anything that involves child molestation or child abuse.

"These cases are equal to, or worse, than (defending) a case about terrorism with a Muslim defendant," Dressler says. "Jurors find it hard to accept the presumption of innocence, even though they understand it. . . . And judges are not immune to emotions. The same winds that blow the jury blow the judge as well."

Tin, an attorney for twelve years and the husband of a judge, says he took the case for a reduced fee because he is impressed by the high levels of regard for Leardini's teaching skills and of support from parents. "It's unusual," he says. "I've represented all kinds of professionals in the past, including teachers, and it's not typical for people to rally around somebody with that kind of charge against them."

Tin says he rejects Dressler's suggestion that a jury trial is riskier than going before a judge. "It's no disrespect to the judiciary, but my experience is that a jury is more likely to be open to the notion that someone could be charged with a crime and have done nothing wrong," he says. "In this case, they will hear that Jeff is a really good teacher, and they will hear testimony from kids talking about things that they claimed happened in a class or a hallway, and then they will hear from a lot of kids who were in the very same places at the very same time, saying that nothing at all happened, and then they will decide."

Leardini says he is confident about the eventual outcome of the case, but the incident has altered his view of the world and of his chosen profession. "The original charge has already been dismissed, so the judge thinks the testimony is less than halfway credible," he says. Soon, it will be in the hands of a jury.

"When I was in teaching, I knew that what I was doing with kids was the most beneficial thing that I could do," he adds. "But now, I am more skeptical. I have seen that a teacher can work as hard as he or she can, and if someone wants to make wild accusations, there's nothing you can do to defend yourself because teachers are at the bottom of the pecking order."