

July 3, 2007

Hon. Joel I. Klein  
Chancellor  
New York City Public Schools  
Department of Education  
52 Chambers Street, Room 314  
New York, NY 10007

Re: Richard Dulberg  
SCI Case # 2007-1035

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Richard Dulberg, a non-tenured teacher assigned to School for the Physical City in Manhattan, made inappropriate sexual and harassing comments toward several 14-year-old female students.<sup>1</sup>

This investigation began on March 8, 2007, when Principal Junior Miller contacted the Office of the Special Commissioner of Investigation for the New York City School District (“SCI”) and reported multiple allegations of inappropriate conduct against Dulberg. Miller stated that the allegations were initially conveyed to school Social Worker Eugene Harding.

Harding gave further details to SCI investigators. Harding stated that two fourteen-year-old female students (“Student A” and “Student B”) had approached him around lunchtime on March 8, 2007, with allegations of inappropriate comments made to them by Dulberg.<sup>2</sup> Student A was crying and “too upset to speak” when the two students arrived in Harding’s office, so Student B told Harding that Dulberg had asked Student A if she would “go out with him.” Student A then told Harding that, on the evening before, March 7, 2007, Dulberg had told her that he had to “talk to her tomorrow.” The next day,

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<sup>1</sup> On March 9, 2007, pending the outcome of this investigation, Richard Dulberg was reassigned to the Regional Operation Center located at 333 7<sup>th</sup> Avenue.

<sup>2</sup> Student A and Student B have since turned fifteen-years-old.

Student A recalled that she went to Dulberg's classroom where he whispered to her, asking her if she would go out with him. Harding stated that, after running into Student B, the two students went to his office to tell him what had transpired. Harding had the two students write statements, which he turned over to SCI investigators.

During an interview with SCI investigators, Principal Miller revealed that another fourteen-year-old female student ("Student E") had notified him about three different instances in which Dulberg had made sexual or harassing comments to her that made her feel "uncomfortable." Miller told investigators about Student E's three allegations. First, on February 28, 2007, Dulberg asked Student E to "hook him up with someone pretty." Second, on March 1, 2007, Dulberg again asked to be set up, and requested that it be "a fifteen or sixteen-year-old girl who was into older guys." Finally, on March 5, 2007, Dulberg made his request for a third time, but added that he would "hook her up with her average" – referring to her grades – if she complied with his request. In addition, Miller confirmed that Harding conveyed Student A and Student B's allegations on the afternoon of March 8, 2007.

Student A provided additional details regarding the allegations against Dulberg.<sup>3</sup> Student A told investigators from this office that she was leaving school on March 7, 2007, when Dulberg approached her while she stood with two other fourteen-year-old female students ("Student C" and "Student D"), stating "I have something to say to you, see me tomorrow." When she took the "N" train home, she noticed that Dulberg was also taking her train. Student A stated that, the next day, she ran into Dulberg after 4<sup>th</sup> period and asked him what he wanted to say. According to Student A, he replied that he would "tell her at the 6<sup>th</sup> period." When she finally spoke with him at that time, Dulberg waited for the hallway to clear of students and Principal Miller before he made her "pinky promise" that what he told her would remain "a secret." Then, he whispered to Student A, "Will you go out with me?" Student A explained that she felt very uncomfortable, and received a "late" pass from Dulberg to return to class.

Shortly thereafter, Student A ran into Student B. After she told Student B about what had happened, Student B made her go see Harding to report the incident. During an interview with SCI investigators, Student B confirmed Student A's account, and also stated that about a week earlier Dulberg had asked her if she could "hook him up with someone in her family," telling Student B that it was between "me and you." However, Student B stated that she never reported this incident.

Investigators also interviewed Student C and Student D. Both students confirmed that they had witnessed Dulberg approach Student A after school on March 7, 2007. Neither student observed a conversation between Dulberg and Student A on the "N" train home.

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<sup>3</sup> All students were interviewed by SCI in the presence of Social Worker Harding.

Student E informed investigators that on three occasions Dulberg made inappropriate comments to her. Student E stated that when she was first transferred into Dulberg's class, in late February 2007, Dulberg was "staring" at her during class, making her "feel very uncomfortable." The first incident with Dulberg occurred on February 28, 2007, when Dulberg asked her to stay after class, closed the door, and seemed very nervous. He then asked Student E if she could hook him up with either a family member or friend. Another fourteen-year-old female student ("Student F") was present for this conversation. Student F confirmed this fact during an interview with SCI investigators.

Student E told investigators that the second incident occurred a few days later, on March 1, 2007, when Dulberg approached her during class to ask if she had "hooked him up with anyone yet." When Student E asked Dulberg for clarification, he stated that he wanted someone "pretty," that he was "29-years-old and would like a 15 or 16-year-old."

Student E stated that on March 5, 2007, Dulberg asked her again if she had found anyone, adding that he would give her good grades if she "hooked him up." According to Student E, Dulberg stated that "If I don't give you good grades, you can report me." Student F confirmed that she overheard this conversation between Student E and Dulberg as well.

In an interview with SCI investigators conducted in the presence of his attorney, Richard Dulberg stated that he had been a teacher at School for the Physical City since September 2006.<sup>4</sup> Dulberg denied all allegations made against him, and denied any wrongdoing whatsoever. He claimed to have never asked a student out, nor promised a good grade if she were to "hook him up."

Despite his denials, we credit the accounts provided by the six students who were interviewed by SCI investigators. His behavior clearly indicates that Dulberg has no place in the New York City public school system. It is the recommendation of this office that Dulberg's employment be terminated, that he be placed on the ineligible list, and that this matter be considered should he apply for any type of employment with the New York City school system in the future.

We are referring our findings to the New York County District Attorney, Robert M. Morgenthau, for whatever action he deems appropriate.

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<sup>4</sup> In September 2006, SCI received an allegation made by another female student at School for the Physical City who reported that Dulberg asked her to "hook him up with one of her girlfriends." We referred the complaint to the Office of Special Investigations ("OSI") which opened an investigation. OSI interviewed the student who confirmed the complaint was "true" and interviewed Dulberg who denied any wrongdoing. OSI closed the case unsubstantiated.

We are also forwarding a copy of this letter to the DOE Office of Legal Services and the New York State Education Department. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina A. Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within thirty days of the receipt of this letter as to what, if any, action has been taken or is contemplated regarding Richard Dulberg. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON  
Special Commissioner  
of Investigation for the  
New York City School District

By:

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Regina A. Loughran  
First Deputy Commissioner

RJC:RAL:LMD:gm

c: Michael Best, Esq.  
Theresa Europe, Esq.