

July 6, 2006

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

Re: Shari Lovenheim
SCI Case #2006-0938

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Shari Lovenheim, a school psychologist at Public School 276 ("PS 276") in Brooklyn, failed to perform the Individual Education Program ("IEP") evaluations for which she was responsible and, instead, forged the authorizing signatures on the IEP documents for more than 20 Special Education students.¹

The investigation began on March 13, 2006, when PS 276 Principal Jonathan Straughn called the Office of the Special Commissioner of Investigation for the New York City School District ("SCI") to report the alleged forgeries by Lovenheim. Straughn stated that he had been informed by Assistant Principal ("AP") for Special Education Lynda Abramson that Lovenheim had forged the signatures of two PS 276 teachers on the IEP of an 11-year-old fifth grade student ("Student A") at the school.²

SCI investigators spoke to Straughn in March 2006. Straughn told investigators that Abramson had alerted him to the situation after a Special Education teacher, Pamela Fofana, had reported to her program coordinator that someone had signed Fofana's name to Student A's IEP without her permission. Straughn stated that when he confronted

¹ Lovenheim was reassigned to the Regional Operations Center pending the outcome of this investigation.

² Student A has since turned 12-years-old.

Lovenheim about the situation, she confessed to falsifying that document as well as approximately 20 others IEPs.³

SCI investigators spoke to Eileen Fisher, the Coordinator of IEP for PS 276, in March 2006. Fisher stated that, on March 10, 2006, Myra Chesner, the Clerical Family Worker for the PS 276 Special Education Program, informed Fisher that she believed some of the information that Lovenheim had given her to input into the school's IEP data base was incorrect. According to Chesner, some of the students whom Lovenheim had allegedly tested had never come to the office to be tested. In addition, Chesner informed Fisher that Lovenheim had not worked on several of the days that she allegedly tested students.⁴ Fisher stated that, on March 13, 2006, Fofana informed her that someone had falsified her signature, as well as the signature of a second teacher, Guerlene Pierre-Louis, on Student A's IEP. Fisher then informed Abramson of the situation telling her that she had spoken to Fofana and Pierre-Louis, both of whom stated that they had not signed Student A's IEP, nor had they taken part in the IEP conference for Student A.

In March 2006, investigators spoke to Abramson, who stated that on March 13, 2006, Fisher informed her of the allegation that signatures had been forged on Student A's IEP. Abramson stated that she was present, along with Straughn and Fisher, when Lovenheim was confronted with the allegations of falsifying the IEP signatures. According to Abramson, Lovenheim admitted that she had not only falsified Student A's IEP, but also the IEPs of approximately 20 other Special Education students as well. Lovenheim told them that she used the data collected for previous IEPs, added some information collected three years earlier, and entered it into the students' current IEPs. When asked for an explanation, Abramson said Lovenheim merely told them that she was "overwhelmed" with the workload.⁵

³ Straughn also informed investigators that, in addition to her work at PS 276, Lovenheim worked one day a week at Intermediate School 68 ("IS 68") in Brooklyn. SCI investigators contacted the Principal of IS 68, Alex Fralin, however he was unable to find any IEPs produced by Lovenheim.

⁴ SCI investigators spoke to Chesner in June 2006. Chesner told investigators that, in March 2006, while inputting test information into the school's computer for Lovenheim, she discovered that certain testing dates were wrong. Chesner stated that at least three students, alleged by Lovenheim to have been tested, had not been present in the office on the testing date. Chesner further stated that when she questioned Lovenheim on the incorrect test information, Lovenheim responded "it doesn't really matter." Chesner stated that, after that encounter with Lovenheim, she informed Eileen Fisher who stated that she would inform Abramson.

⁵ SCI investigators spoke to Dr. Eva Goikuria, the supervising psychologist for the Region 6 Committee on Special Education, who was Lovenheim's immediate supervisor. Goikuria stated that, after being notified about this incident by Straughn, she interviewed Lovenheim to discuss the allegations. Lovenheim told Goikuria that she was overwhelmed by the workload and did not want to appear incompetent so she intentionally falsified Student A's IEP. Goikuria stated that, after inspecting all of the student IEPs from PS 276 which had been prepared by Lovenheim, she determined that approximately 20 additional IEPs had been falsified by Lovenheim.

Investigators spoke to Pamella Fofana in March 2006. Fofana stated that, during October or November 2005, she examined an IEP that Lovenheim had allegedly recently prepared for Student A. Fofana observed that the IEP conference purportedly took place on October 26, 2005, and that her name was signed to the IEP as having attended the conference. Fofana informed investigators that she was not present at any conference regarding Student A on that date, nor had she signed the student's IEP.⁶ In addition to her own name, Fofana noticed that the IEP also contained the name and signature of Pierre-Louis as well as an indication that Student A's mother ("Mother A") was present via telephone conference call. Fofana informed investigators that she showed Student A's IEP to Pierre-Louis who also stated that she was neither present at the conference nor did she sign the IEP. In addition, Fofana spoke directly to Mother A who told her that she had never spoken to Lovenheim regarding Student A and had not participated in a telephone conference call regarding her child's IEP.

SCI investigators spoke to Pierre-Louis in March 2006. Pierre-Louis stated that she had been alerted to the fraudulent IEP by Fofana who showed her a copy of the document bearing both her own and Fofana's signature. Pierre-Louis told investigators that she had not signed the IEP for Student A, nor had she authorized anyone to sign for her, and that she had not attended an IEP conference for Student A.

Investigators attempted to speak to Lovenheim, however, on the advice of counsel, she declined the opportunity. On May 17, 2006, Lovenheim submitted a letter of resignation to the New York City Department of Education, effective September 1, 2006.

Shari Lovenheim admitted to forging the required signatures on the IEPs of more than 20 Special Education students. Her actions were unethical, unprofessional, and criminal, and we urge the District Attorney's Office to prosecute this serious matter. It is also the recommendation of this office that, no matter the outcome of any criminal proceeding, and despite her intended resignation, that Lovenheim's employment be terminated immediately, and that she be barred from future employment with the New York City school system, or any of its facilities, in the future.

Finally, it is noted that Fofana originally reported to Eileen Fisher that her signature had been forged on an IEP, in October 2005. Although Fisher ultimately reported the incident in a professional manner, she should have brought this matter to the attention of her superiors at that time, rather than waiting for a second reporting from

⁶ Fofana stated that she originally reported this incident to Fisher in late October or early November 2005. When asked about this earlier reporting, Fisher stated that, although she recalled the event, she did not think it was a "big deal" at the time. She merely believed that Fofana was present at the conference but had forgotten to sign the IEP and that Lovenheim had signed for her.

Fofana. It should be obvious that an allegation of forgery, on an official document, by a school employee, is not a matter to be taken lightly.

We are sending a copy of this letter and of our report concerning this investigation to the Office of Legal Services. In addition, we also are forwarding our findings to both the Kings County District Attorney's Office and the State Education Department for whatever action they may deem appropriate. Should you have any inquiries regarding the above, please contact Special Counsel Daniel Schlachet, the attorney assigned to the case. He can be reached at (212) 510-1418. Please notify Mr. Schlachet within thirty days of receipt of this letter of what, if any, action has been taken or is contemplated concerning this investigation. Thank you for your attention to this matter.

Sincerely,

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

By: _____

Regina A. Loughran
First Deputy Commissioner

RJC:RAL:DIS:gm

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