

December 21, 2006

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

Re: High School for Youth and
Community Development
SCI Case #2005-2038

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Marie Prendergast, principal at the High School for Youth and Community Development (“YCD”) located in Brooklyn, failed to ensure that students at the school were eligible to sit for the 2005 Living Environment Regents Exam (“Regents”).¹ In addition, school personnel provided students with the written answers to the laboratory reports that were a prerequisite for taking the Regents.² A number of New York City Department of Education (“DOE”) employees, and at least two Community Counseling & Mediation (“CCM”) workers were aware of or participated in this scheme to aid students in their fraudulent completion of the required labs.³ Because all the YCD students failed to complete a section of a mandated lab, the New York State Department of Education (“NYSED”) invalidated the Regents scores of all the YCD students who took the test in June 2005.⁴ NYSED did not directly address the misconduct that occurred at YCD.

¹ Prendergast was not reassigned during the course of this investigation.

² Students were required to complete 1200 minutes of actual hands-on laboratory experience with satisfactory documented laboratory reports.

³ These DOE employees included staff members of YCD and the School of Humanities and Performing Arts (“Humanities”). Both schools are located within the Erasmus Hall Educational Campus (“Campus”). Several other schools, not involved in this investigation, are also located on the Campus. CCM is a community-based organization.

⁴ This lab was called “Making Connections.” Although Prendergast stated there were attempts by the school to inform students who had transferred from the school of the test scores’ invalidation, this investigation revealed that not all former YCD students had been properly notified.

Under a New Visions for Public Schools (“New Visions”) program, called New Century High Schools Initiative, the expectation is that New Century high school students will maintain a 92% attendance rate and that at least 80% of the students will pass all the Regents exams required for graduation.⁵ According to Prendergast, she wrote a proposal to New Visions to start YCD and she was assigned there as principal when the school opened in September 2004.⁶ Prendergast explained that under this program she was required to “partner” with a community-based organization which would provide in-school services to students.⁷ Prendergast stated that CCM was YCD’s partner when the school opened in September 2004.⁸ CCM is a community-based social service organization that provides a wide range of services.

This investigation began in July 2005, when Jennifer Bell-Ellwanger, then Deputy Senior Instructional Manager for the Division of Assessment and Accountability (“DAA”) for the DOE, forwarded to the Office of the Special Commissioner of Investigation for the New York City School District (“SCI”) a letter from NYSED which referenced an anonymous complaint. The anonymous complainant (“AC”) claimed that the school administration was involved in questionable actions surrounding the labs and scoring of the Regents which was given at YCD.⁹

Investigators learned the identity of the AC. The AC reported that Monday, June 20, 2005, and Tuesday, June 21, 2005, were designated “Finish Your Lab Days” also known as the Living Environment Institute (“Institute”) and the Regents was held on Wednesday, June 22, 2005.¹⁰ The AC informed investigators that students were given blank lab worksheets and the corresponding answer keys and instructed to complete the essential paperwork. Moreover, the AC added that the students were permitted to finish copying the required labs in the CCM room.

At the request of NYSED representatives, Lori Mei, then the Senior Instructional Manager of DAA, had the labs and the Regents tests reviewed by an independent panel. The panel found that all YCD students were missing a section of a mandated lab.¹¹ As a result of that determination, the grades for all students who took the June 2005 Regents at YCD were invalidated by NYSED. The panel noted that a large number of the labs were not graded by the school, and found that many of the labs had identical or almost identical wording to the Teacher Answer Keys produced by NYSED. The panel also

⁵ Information obtained from the New Century High Schools website.

⁶ Prendergast stated that she participated in the New York City Leadership Academy.

⁷ Information obtained from the New Century High Schools website indicates that schools in this program are co-led by a community partner connected to the theme-focus or career-focus of a particular school.

⁸ According to Prendergast, this partnership is in the process of dissolving.

⁹ The NYSED’s Office for Standards, Assessment and Reporting received this complaint by e-mail.

¹⁰ According to the AC, “Finish Your Lab Day” sessions were held for students to copy the requisite lab reports.

¹¹ This lab was entitled “Making Connections.”

discovered a group of lab folders labeled, “Students did not finish their labs but took the test.”¹² As a result of rescoring the tests, this team determined that, of the approximately 100 tests scored, 20 tests were wrongly graded as passing when the actual scores fell in the failure range.¹³

Reports from the Students

A 16-year-old female 10th grade student at YCD (“Student A”) informed investigators that she received a 73 on the Regents that she took in June 2005. Student A stated that she was later notified by a school official that she would have to retake the exam because she had not completed one of the required labs.¹⁴ According to Student A, in the days before the June 2005 Regents, YCD held makeup sessions after school and on Saturday.¹⁵ Student A remembered that she completed labs on the morning of the Regents. She stated that during prior makeup sessions, Michael Sweringen, then a substitute Science teacher at YCD, gave her a lab folder that contained a checklist indicating the labs which she needed to complete prior to the Regents.¹⁶ According to Student A, Sweringen told her, “do as many labs as you can.” She added that Sweringen handed her blank lab assignment worksheets and the answer keys to the laboratory assignments that she had completed with Rajendra Persaud, a former Science teacher at YCD.¹⁷

A 16-year-old male 10th grade student at YCD (“Student C”) informed SCI investigators that he received a 56 on the Regents which he took in June 2005.¹⁸ He stated that school officials later notified him that he would have to retake the exam because he had not completed one of the required labs.¹⁹ According to Student C, prior to the Regents, YCD held after school and Saturday sessions for students to make up their lab assignments.²⁰ Student C could not recall how many lab assignments he needed to

¹² In addition to all students failing to complete part two of a required lab, the panel determined that 11 students who took the exam had several missing labs and were clearly ineligible to take the exam.

¹³ Moreover, despite NYSED regulations which state that each examination must be scored by a committee of Science teachers and that it is the recommendation of NYSED that the committee scoring each of the Science Regents examinations be composed of teachers of that area of Science, at YCD non-Science teachers were permitted to score the results of the Regents.

¹⁴ Student A stated she was informed that all YCD students who took the June 2005 Regents had to take the test over because of a missing lab. Student A was uncertain who provided this information to her.

¹⁵ According to Student A, the makeup sessions were for students to conduct laboratory experiments and to complete lab reports.

¹⁶ Sweringen was assigned to YCD from the NYC Teaching Fellows Program after Rajendra Persaud, a former Science teacher at YCD, was removed from the school in April 2005, as a result of the findings in SCI Case # 2005-1016.

¹⁷ According to Student A, she used these answer keys to check the labs she had previously completed.

¹⁸ Student C has since turned 17-years-old.

¹⁹ Student C was uncertain who provided him with this information.

²⁰ Student C stated that he did not make up labs on the morning of the Regents.

make up, but reported that Sweringen gave out blank lab assignment worksheets and answer keys to him and others so the students could complete the required paperwork.

A 15-year-old female 10th grade student at YCD (“Student E”) stated that during a lab makeup session, Sweringen gave out lab folders and answer keys.²¹ Student E explained that the students shared the answer keys because there were not enough papers to go around. In addition, Student E reported that during this session, Douglas Graham, then an Assistant Principal for the School of Humanities and Performing Arts (“Humanities”) located on the Erasmus Hall Educational Campus (“Campus”), delivered additional blank lab worksheets and the corresponding answer keys.

A 16-year-old male 10th grade student at YCD (“Student H”) stated that lab makeup sessions were held after school and on Saturdays.²² Student H informed investigators that he took the Regents and completed the requisite labs thereafter. Student H explained that after he completed the Regents, he went to the main office and Chantel Desdunes, the YCD Parent Coordinator and former CCM worker, told him to go to the CCM room to finish his labs. According to Student H, Naphtali Aiken, a CCM coordinator assigned to work at YCD, was present in the CCM room and told him which labs he needed to complete. Student H reported that he took the blank lab sheets and copied the answers from the answers keys that were provided by Aiken.

A 15-year-old male 9th grade student at YCD (“Student I”) stated that lab sessions were held after school and on Saturdays three weeks before the Regents exam.²³ Student I reported that Sweringen provided lab folders that contained checklists for each student.²⁴ Student I stated that Sweringen also passed out blank lab worksheets and answer keys. In addition, Student I informed investigators that he attended a lab session with Melissa Liwanag, an English teacher at YCD, and during this session she passed out blank lab worksheets and the answer keys.

A 16-year-old female 10th grade student at YCD (“Student J”) told investigators that a few days before the Regents exam she copied labs in a room under the supervision of Samuel Jackson, then a Math teacher at YCD.²⁵ Student J explained that Sweringen brought the labs to Jackson and that there was a table in the front of the room with blank lab worksheets and answer keys.²⁶ She added that Sweringen told the students to get what they needed from the front of Jackson’s room. According to Student J, if Jackson

²¹ Student E has since turned 16-years-old.

²² Student H has since turned 17-years-old. Student H reported that he attended a makeup session on a Saturday which was supervised by Graham. According to Student H, during that session, he completed the Making Connections lab and did not receive the answers.

²³ Student I has since turned 16-years-old.

²⁴ The checklist indicated the labs the students needed to complete.

²⁵ Student J has since turned 17-years-old.

²⁶ Although Jackson claimed that no one ever asked him to assist students in completing their labs, others, including Student J, place him in the room where the students were copying the lab answers.

did not have the labs that the students needed, they were instructed by Jackson to get the documentation from Sweringen. Student J informed investigators that Jackson sat at his desk which was next to the labs and answer keys. Student J stated that on the day of the Regents, students were permitted to complete their required lab paperwork both before and after the test. Student J added that on the morning of the Regents exam, while she was seated in the cafeteria, Aiken made an announcement directing students who needed to finish lab paperwork to report to YCD classrooms in order to do so.²⁷ Student J reported that she was informed by YCD Principal Prendergast that she would have to retake the Regents because she failed to complete one part of a required lab.

A 17-year-old female 10th grade student at YCD (“Student K”) stated that she needed to complete two labs in order to be eligible to sit for the Regents.²⁸ According to Student K, Sweringen handed out students’ lab folders and instructed students to get lab assignment worksheets and answer keys from the front of the class. Student K reported that on the morning of the Regents, Aiken entered the cafeteria and made an announcement that whoever needed to finish the lab paperwork should go to YCD classrooms.

Investigators spoke to a number of other students who confirmed that they too were given the lab answer keys. However, these students were unable to identify, with certainty, who provided them with the documentation.

Claims of the Staff Regarding the Labs

Melissa Liwanag, an English teacher assigned to YCD, informed investigators that in June 2005, YCD Principal Prendergast held a meeting at which the Regents was discussed.²⁹ According to Liwanag, also present at this meeting were Eric Ragot, then a Social Studies teacher assigned to YCD, Samuel Jackson, then a Math teacher assigned to YCD, Juanito Hingpis, a Special Education teacher, Nicole Creary, a licensed substitute teacher and then a CCM employee assigned to YCD, Sudipti Gupta, then a Math teacher assigned to YCD, and Emily Sindelar, an English teacher. Liwanag explained that Prendergast told her to report to a classroom with Creary.³⁰ According to Liwanag, Prendergast advised those present at the meeting that the two days prior to the Regents would be makeup lab days. Liwanag stated that she thought that makeup lab days meant that the students would be working on laboratory experiments. Liwanag explained that on the first of the two lab makeup days a male, whose identity she does not know, arrived at her classroom with a cart and proceeded to hand out blank lab worksheets and

²⁷ Aiken claimed he did not recall making this announcement.

²⁸ Student K has since turned 18-years-old.

²⁹ Liwanag stated that she began her employment with the DOE in August 2004 and was assigned to YCD. Liwanag, who was interviewed at SCI offices in the presence of her attorney, invoked her 5th Amendment privilege against self incrimination. She then was granted use immunity in connection with her testimony and advised that her statements would not be used against her in any subsequent criminal prosecution other than for perjury or contempt arising from her testimony.

³⁰ Prendergast denied partnering teachers or assigning them to classrooms.

lab answer keys to students. According to Liwanag, Aiken had previously advised her that someone would bring the documents to her room. Liwanag stated that she spoke to a number of teachers about her concerns pertaining to the students being given the answers.³¹ Moreover, according to Liwanag, on the day of the Regents, before the exam was administered, she observed students completing blank lab worksheets by copying the answer keys.³² Liwanag added that while the students were copying the answer keys, Prendergast was present in the room for at least 5 minutes.³³

In an interview with investigators, Juanito Hingpis, a Special Education teacher at YCD, stated that at a meeting held by Prendergast, which was attended by staff members, the YCD Principal announced that the students had not completed all the prerequisite labs and therefore were not eligible to sit for the exam.³⁴ According to Hingpis, Prendergast devised a plan to assist the students.³⁵ Thereafter, at Prendergast's direction, Hingpis participated in a lab makeup session. Hingpis explained that he was present in a classroom with students when a Humanities Science teacher came to the room, pushing a cart, and announced to the students that they should check their handouts and tell him which labs they needed.³⁶ Hingpis stated that he observed this teacher provide students with the blank lab worksheets and the corresponding answer keys from the documents contained on the cart.³⁷

Sudipti Gupta, then a Math teacher at YCD, informed investigators that in May or June of 2005, YCD Principal Prendergast asked her to assist in tutoring students taking the Living Environment class.³⁸ Gupta stated that she did not recall if Prendergast asked her to help students with their completion of the labs, but she also assisted the students with that task.³⁹ According to Gupta, Aiken requested that she and other teachers report to school early on the day of the Regents to help students.⁴⁰ Gupta explained that Aiken informed her that Prendergast wanted students to come to school early to complete labs. Gupta stated that on the day of the Regents, she reported to a classroom, where Aiken, who appeared to be in-charge, directed her to give the students the documents that they needed. Gupta added that she complied with Aiken's instruction and gave students the blank lab worksheets and the answer keys. Gupta reported that she saw Aiken, Liwanag,

³¹ She could not recall all the teachers to whom she expressed her concerns.

³² According to Liwanag, Desdunes had contacted students' parents the night before and directed the students to come to school early to complete the requisite labs.

³³ Liwanag did not question or discuss the students' copying with Prendergast.

³⁴ He recalled that Liwanag, Gupta, Ragot, and Aiken, as well as others, were present at the meeting.

³⁵ Prendergast denied devising a plan and stated it was the teachers who decided how the students would be tutored.

³⁶ Hingpis observed Prendergast looking in the classroom while the students were copying the labs. Hingpis did not question or discuss the students' copying with Prendergast.

³⁷ He did not question the teacher because he assumed his actions were properly authorized. This Humanities Science teacher declined the opportunity to speak with investigators from this office.

³⁸ According to Gupta, Prendergast asked her to help the students with graphs.

³⁹ She recalled that Prendergast told her that students needed to complete their lab reports.

⁴⁰ Aiken also made this request of Liwanag and Jackson.

and Jackson also providing the written answers to the students.⁴¹ According to Gupta, she observed between 10 and 15 students engaged in the copying of the lab answers. Gupta stated that she believed Prendergast was aware of how the labs were being completed because Prendergast entered the room where the students were copying the answers. Despite concerns about the method used to complete the labs, Gupta stated that she never had any conversations with Prendergast about the copying.⁴²

Chantel Desdunes reported that when she, Liwanag, and Sweringen were in the main office sometime in the beginning of May 2006, Sweringen confided to them that he had given students answers to the labs. According to Desdunes, after this statement by Sweringen, Liwanag surmised that the investigation probably pertained to lab answers being given to students.⁴³ Desdunes stated that she did not discuss the information provided by Sweringen or Liwanag with Prendergast.

Nicole Creary, a substitute teacher and then a CCM worker assigned to YCD, stated that she observed students copying the answers to the labs on two occasions. Although she could not recall from where the students had obtained the answer keys, she reported that one time Mohammed Haque, a lab technician assigned to Humanities, was in the room while the copying occurred. Creary added that on the second occasion, two school employees, Haque and Graham were present while the copying occurred. Creary explained that she thought that the students' copying of the lab answers was "weird" so she went to the main office to inquire about it.⁴⁴ Despite the fact that she claimed that she could not recall who was present in the office or who directly answered her, Creary stated that the response she received from an unnamed YCD employee was that, "the students just needed to catch up" and "it was not a big deal."⁴⁵ In Creary's opinion, it was not a secret that the students were copying the labs and everyone working at YCD knew or should have known that the students were falsifying the documents.

Rachel Lerner, then a Teacher Mentor working at YCD, stated that, on the day of the Regents, she entered the main office at the school at approximately 10 a.m. and observed six or seven students lined up at the office counter. According to Lerner, Prendergast explained that the students were completing their lab paperwork and then would take the exam.⁴⁶ Because the test was supposed to begin at 10 a.m., Lerner

⁴¹ Gupta stated that Liwanag and Jackson advised her that similar copying had occurred the day before.

⁴² Gupta stated that she discussed the copying with Liwanag, Jackson, and Ragot and all the teachers found it troubling.

⁴³ According to Desdunes, Liwanag informed her that she saw a small man with peppered hair giving out the lab answer keys.

⁴⁴ According to Creary, Prendergast, Desdunes and Shanise Cardona, a paraprofessional at YCD, all maintained work areas in the main office.

⁴⁵ Creary stated that after she received this response she did not inquire further about the copying. Creary stated that she was unaware of the importance of the completed labs when she made her inquiry at the main office.

⁴⁶ Lerner reported that Gupta and Cardona were also present in the office.

advised Prendergast to permit the students to sit for the Regents and thereafter complete the required lab worksheets. Lerner said that Prendergast acted on her advice.

Michael Sweringen, then a substitute Science teacher, informed investigators that he was assigned to YCD from May 3, 2005, until June 17, 2005.⁴⁷ According to Sweringen, when he arrived at the school in May, Prendergast told him that the students had not completed the requisite labs to sit for the Regents.⁴⁸ Sweringen explained that Aiken stepped in to help with the labs when Persaud, the prior class instructor, was removed from the school.⁴⁹ Sweringen confirmed that Aiken created a list detailing the labs that each student needed to complete. Although Sweringen claimed to have a failing memory, he acknowledged that students were in a classroom on one to three days when he reviewed the lab worksheets for lab work that had been completed prior to his arrival at the school. He also said that he gave students blank lab sheets for the students to complete this required paperwork.⁵⁰ Sweringen admitted that he did not grade these student lab worksheets. Sweringen claimed that he never used any lab answer keys although he believed Haque maintained a set.⁵¹ Sweringen acknowledged that there were lab worksheets that the students completed without benefit of doing the actual required lab work.⁵² Sweringen stated that he left YCD approximately one week before the Regents was administered to students and, at that time, all of the students had not completed the requisite labs. According to Sweringen, when he advised Prendergast of the unfinished status of the students' labs, she told him that she would make certain that the labs were completed. Sweringen stated that Prendergast informed him that she would have Graham assist the students in their completion of the labs. Sweringen again claimed that he did not believe that he ever gave the students written lab answers nor was he aware of anyone else given the written answers to students.⁵³ Sweringen denied ever telling anyone that he thought this investigation was as a result of him giving the lab answers to the students.⁵⁴

Investigators spoke to Aiken on three occasions. In the first interview, Aiken stated that Prendergast asked him to locate the students' lab folders which he then delivered to the YCD Principal. Aiken stated that he received blank lab worksheets and

⁴⁷ Sweringen was a member of the NYC Teaching Fellows Program. He stated that he left the school on June 17, 2005, to begin his training in that program. He returned to YCD in September 2005, and taught Living Environment for the 2005-2006 school year. He remains at the school.

⁴⁸ According to Sweringen, he was responsible for the oversight of labs to some degree. Sweringen stated that Prendergast told him that the students were required to complete a certain number of labs and he was responsible to help the students do so.

⁴⁹ Persaud, who was the YCD Living Environment teacher at the beginning of the 2004-2005 school year, was removed from the school in April 2005.

⁵⁰ Sweringen stated that he may have given the students verbal answers to these labs.

⁵¹ Haque declined the opportunity to speak with investigators from this office.

⁵² Sweringen claimed that he did not communicate this information to Prendergast.

⁵³ Sweringen maintained that he never used written answer keys in conducting his classes or the lab makeup sessions.

⁵⁴ However, Desdunes claimed that Sweringen told her and Liwanag that he thought the investigation was as a result of him giving lab answers to students.

their corresponding answer keys from Haque and placed the documents in Prendergast's mailbox. Additionally, Aiken explained that he participated in after school and Saturday lab makeup sessions, although he failed to recall providing the students with any answers to the labs.⁵⁵ In his second interview with investigators, Aiken reiterated the statements he made in his first interview.⁵⁶ He added that Prendergast asked him to compile a list of students' completed and missing labs.⁵⁷ Aiken stated he complied with her request.

According to Aiken, he advised Prendergast that the labs were in "shambles."⁵⁸ Although Aiken admitted that he provided documents to the students for them to complete their labs, he claimed he did not remember providing the lab answers to students. Aiken then acknowledged that the students must have been copying the answers to the labs, because the lab makeup sessions occurred in classrooms, not in the laboratory room, and the students were completing the labs quickly.⁵⁹ Aiken claimed he could not remember giving the lab answers to the students, but added that if teachers reported that he had provided them then he must have done so.

In the weeks following his second interview with investigators, an attorney, acting on Aiken's behalf, contacted SCI and requested that Aiken be given an opportunity to again speak with investigators. This request was granted.⁶⁰ Aiken acknowledged that the lab answers were given to students. Aiken claimed that Prendergast asked him to develop a lab book containing blank lab sheets and the corresponding answer keys.⁶¹ Aiken stated that he complied with this request. Aiken stated that when it was clear that the students would be unable to complete the requisite labs, Prendergast directed him to give the answer keys to the students. Accordingly, Aiken made photocopies of the answer keys and provided the paperwork to the teachers and the students who were divided into groups to perform the copying onto the lab worksheets. Aiken stated that the students knew that they had to complete the labs in order to take the Regents. Aiken stated that he observed Prendergast enter a classroom where students were copying the lab answers. Aiken repeatedly asserted that Prendergast instructed him to give the students the answers to the labs.

⁵⁵ According to Aiken, Prendergast held these sessions to help students complete missing labs.

⁵⁶ This second interview was conducted at SCI offices and Aiken was under oath.

⁵⁷ Prendergast confirmed that she asked Aiken to gather this information.

⁵⁸ Aiken stated that he did not grade any of the labs, but instead just checked to see which labs were present in each student's folder. Prendergast claimed that the Science teachers from Humanities were supposed to be grading the YCD students' labs. She did not recall specifically who she asked to ensure that this was done.

⁵⁹ Later in this same interview, Aiken claimed that around June 2005, unnamed students informed him that they had the answers to the labs.

⁶⁰ This interview was conducted under oath and in the presence of Aiken's attorney. Aiken invoked his 5th Amendment privilege against self incrimination. He then was granted use immunity in connection with his testimony and advised that his statements would not be used against him in any subsequent criminal prosecution other than for perjury or contempt arising from his testimony.

⁶¹ Prendergast denied asking anyone to produce answer keys for the labs.

Investigators spoke to Humanities Assistant Principal Douglas Graham.⁶² According to Graham, Prendergast frequently questioned the general policy and eligibility pertaining to the Living Environment labs and Regents.⁶³ Graham stated that around the time when he learned that Persaud was leaving YCD, both Persaud and Prendergast informed him that the students may not have completed all their lab reports. According to Graham, Prendergast requested his assistance and specifically asked him to provide the answer keys for the Spring term labs.⁶⁴ Graham stated that he compiled the information while being paid per session by Prendergast.⁶⁵ According to Graham, Prendergast informed him that she intended to give the answer keys to Sweringen for him to use as a guide. Graham stated that he filled in for Sweringen and, during that time, the students were told to compose a lab report for lab work that they had previously completed. Graham claimed he did not provide any written answers to the students. Graham denied being present in a room where students were completing lab reports without an actual lab experiment previously being conducted. Moreover, Graham denied being present where students were copying the lab answers onto blank lab sheets.

In an interview with Marie Prendergast, she stated that she was assigned as principal of YCD in September 2004. Prendergast claimed that after Persaud was removed, she became concerned about the students completing the labs required for them to be eligible to sit for the Regents.⁶⁶ She believed that one of the first things the school was going to be judged on was the Regents. Prendergast stated that in May 2005, she instructed Aiken to review the students' lab folders to determine the status of the completion of the necessary labs.⁶⁷ Prendergast acknowledged that when Sweringen was assigned to the school, she told him that he needed to ensure that the students completed

⁶² Graham stated that he had a teaching license in Biology and General Science in the High Schools. Graham stated that in the Fall of 2005, he learned that the YCD students' Regents grades were disqualified. He heard that the lab answers had been copied by the students. Graham stated that he did not question Prendergast regarding the students copying the lab answers.

⁶³ He added that frequently either Persaud or Sweringen were present for those discussions.

⁶⁴ Prendergast denied asking anyone to produce the answers for the Spring 2005 labs or any labs. She stated that if anyone reported that she made this request that person would be lying. Graham was uncertain if Prendergast asked him to compile the answers for the Fall 2004 labs and he did not remember providing her with that information.

⁶⁵ Graham stated this was the only per session work he did for YCD, however, relevant records revealed that Graham was paid per session funds by YCD for hours on the day of the Regents as well as several days before and after the test was administered. Graham stated that he gathered the NYSED lab answer keys and created additional lab answer keys based upon his familiarity with the subject matter. Graham added that the students were required to complete approximately 15 labs sessions during the Spring 2005 semester.

⁶⁶ Prendergast stated that although she knew that the students had to complete a certain number of labs in order to qualify to sit for the Regents, she had not received specific training as it related to the labs prior to the start of the 2004-2005 school year.

⁶⁷ Prendergast stated that once she learned that the students had not completed all their requisite labs, she requested that Aiken compile a spreadsheet which indicated the status of students' labs. She instructed the CCM coordinator to inform the students of the status of their labs. She claimed that she did not ask Aiken to do anything else relating to the Living Environment class other than to box the students' lab worksheets.

the labs.⁶⁸ According to Prendergast, she informed Sweringen that it was his responsibility to conduct the lab sessions for the Spring 2005 semester and to offer Saturday or after school lab classes if the students had failed to participate in laboratory experiments during the period when there was not a permanent Science teacher at the school.⁶⁹

Prendergast stated that she asked Sweringen to prepare documents prior to his departure from YCD.⁷⁰ Prendergast explained that she held Regents review sessions from June 16 until June 21, 2005, which consisted of Regents preparatory work, including the making up of labs.⁷¹ She confirmed that YCD was a small school and generally everyone knew or should have known that the students had not completed the labs.⁷² She stated that everyone at the school was working as a team to determine which students qualified for the Regents.⁷³ Prendergast admitted that during the Institute there were no lab experiments conducted. She claimed that due to her lack of understanding, she assumed that students had already completed the actual experiments but had only failed to complete the lab paperwork and that was what the students were doing during the Institute.⁷⁴ Prendergast acknowledged that the students were permitted to complete the lab worksheets on the day of the Regents.⁷⁵ Prendergast stated that at no point in time

⁶⁸ According to Prendergast, she gave Sweringen a great deal of latitude and trust. She stated that upon Sweringen's arrival at the school, she contacted Graham and Haque and informed them that Sweringen needed assistance. She claimed that she only asked that assistance be provided in completion of the labs, but that she did not make specific requests. She stated that she did not recall asking Graham for any assistance prior to Sweringen's arrival at the school.

⁶⁹ Prendergast stated that when Sweringen arrived at the school she let him know that the students were behind on their labs, but she claimed she did not know to what extent.

⁷⁰ Sweringen was required to report to the NYC Teaching Fellows Program for training in June 2005. Prendergast stated that Sweringen may have given the lab answer sheets to teachers in order to enable them to help the students after Sweringen had left the school. Prendergast remembered that, at that time, there were many students, approximately 30 to 40, who were still not eligible to sit for the exam. Prendergast claimed she did not examine the paperwork that Sweringen had compiled for the teachers.

⁷¹ Prendergast called these sessions the Institute. Prendergast claimed that she asked non-Science teachers to develop ways to engage students in review classes. Prendergast acknowledged that she was in charge of the Institute which offered students four components, three parts for Regents exam preparation and one part for "extended lab." According to Prendergast, for extended lab, students were told to use their notes, from previously performed laboratory experiments, to complete their lab worksheets.

⁷² Prendergast stated that she may have directed Desdunes to advise students, who were missing the requisite labs, to arrive early on the date of the Regents to complete the required paperwork. According to Prendergast, on the morning of the Regents exam, a separate room was set up for students to complete lab worksheets.

⁷³ Prendergast claimed that much scrutiny was paid to which students were eligible to sit for the Regents. She stated that Persaud and later Sweringen were supposed to determine that the students completing the lab worksheets had actually sat through the lab experiments.

⁷⁴ She acknowledged that she repeatedly informed students that they needed to complete their labs.

⁷⁵ Lerner admitted that she advised Prendergast to allow students to take the Regents and complete the requisite labs thereafter. According to Mei, students are not permitted to complete lab reports on the day of the Regents and, as the completed documents are a prerequisite for taking the exam, the students are not allowed to finish this paperwork after taking the test.

did she ask her teachers to cheat.⁷⁶ She claimed that she was not aware that students were copying answers to the labs.⁷⁷ She did not remember asking anyone to produce lab answer keys.⁷⁸ According to Prendergast, she did not know that when she asked teachers to make sure that the students completed the labs, that the task was not possible.⁷⁹

Grading of the Regents

The AC stated that many educators participated in the grading of the Regents including Ragot, then a Social Studies teacher assigned to YCD, Liwanag, an English teacher, Jackson, a Math teacher, Sindelar, an English teacher, Gupta, a Math teacher, and Graham.⁸⁰ The AC explained that the exams that generally fell into the range of 60 to 64, 50 to 53 were regraded. According to the AC, Graham instructed the teachers that an answer which had erroneously been marked correct should be left alone.⁸¹

Prendergast stated that YCD teachers graded the Regents under the supervision of Graham.⁸² Although Prendergast maintained that she did not want her non-Science teachers grading the Regents, she was aware that they were doing so.⁸³ She claimed that shortly after the grading of the Regents she knew there were issues with the grading of the exam. According to Prendergast, Jackson and Hingpis complained about the way Ragot was grading the test.⁸⁴ Prendergast stated that she instructed the teachers to review the tests graded by Ragot and discuss perceived errors with Graham before changing any grades.

⁷⁶ Prendergast added that she never gave permission for anyone to use answer sheets to enable the students to complete the lab worksheets and thus qualify to sit for the exam. She claimed she has never seen an answer sheet for a lab.

⁷⁷ According to Prendergast, no present or former Campus staff member has ever advised her that they observed students cheating on the labs or copying lab answers.

⁷⁸ She denied asking anyone to create the answers for all the 2004-2005 school year labs. She was not aware of anyone putting answers to labs in her mailbox. She did not instruct anyone to photocopy answers to the labs. She stated that if anyone reported that she made this request that person would be lying.

⁷⁹ Prendergast stated that her staff proceeded without giving her any details or information as to how the students were completing the lab worksheets. Prendergast stated that the DOE reviewed the labs and determined that all of the YCD students failed to complete the second part of a State mandated lab and as a result all students' grades were invalidated and the students were required to retake the exam.

⁸⁰ All those named by the AC acknowledged participating in the grading of the Regents. Hingpis stated that he was also involved in the grading of the Regents.

⁸¹ The AC said that, at one point during the regrading, a teacher conferred with Graham about the answer "fish" which had been given by a student when the scoring key indicated that the correct response was "dead fish." According to the AC, Graham said to give the student credit.

⁸² Graham acknowledged that he was involved with the grading of the YCD administered Regents.

⁸³ According to NYSED regulations, only Science teachers are permitted to grade the Living Environment Regents.

⁸⁴ Although both acknowledged that they participated in the grading of the Regents, both denied complaining to Prendergast about Ragot.

Conclusions and Recommendations

At YCD, students were not merely permitted but were openly encouraged to cheat by copying relevant information from answer keys onto blank lab worksheets. A review of the students' paperwork revealed that many of their lab reports were replicas of the improperly provided answer keys. Although this wrongdoing was ultimately brought to the attention of authorities, the test scores were invalidated because those involved in this dishonest undertaking to produce the requisite labs, failed to ensure that this wrongdoing was successfully completed. As a result, all students, including those who had received a passing grade, were required to retake the exam.

We credit the accounts of students who reported that Graham, Sweringen, and Aiken provided them with the written lab answers. It was discovered that Douglas Graham generated the lab answer keys which Michael Sweringen and Naphtali Aiken directly provided to students on repeated occasions. However, these individuals were less than truthful during interviews with representatives of this office.⁸⁵ Douglas Graham admitted producing the answer keys, but denied providing the materials to students. Sweringen claimed that he did not believe that he gave the students the written lab answers, but he reluctantly acknowledged that students had completed lab answer sheets without the benefit of doing the actual lab work. At first, Aiken claimed that he did not remember giving students the lab answers; however, he added that if teachers reported that he had done so then he must have done so. In a subsequent interview, under a grant of immunity, Aiken admitted giving written lab answers to students.

Sudipti Gupta admitted that she provided students with the written answers to the required laboratory worksheet reports while other personnel working on YCD premises including Samuel Jackson, Melissa Liwanag, Juanito Hingpis, and Nicole Creary acknowledged that they observed the answers being given to the students by YCD and CCM personnel. All these educators recognized that providing the lab answer keys to students, in this fashion, appeared improper. Many spoke among themselves about their misgivings; however, all claimed that they did not bring their concerns to Prendergast. None reported the wrongdoing to this office.

Graham claimed that he produced the answer keys at Prendergast's direction and Aiken asserted that Prendergast instructed him to distribute the materials to the students. The overall credibility of Graham and Aiken was in question and their statements were not corroborated. Prendergast denied the ir accusations and maintained that she was not aware that the students were copying answers to the labs. By her own admissions, however, Prendergast knew that the school would be judged by the Regents and she acknowledged that shortly before the Regents was administered, generally everyone at the school knew or should have known that all students had not completed the requisite labs. Nevertheless, Prendergast admitted that because of her lack of understanding, she

⁸⁵ These interviews were conducted under oath.

did not realize that when she asked teachers to make sure that the students completed the labs, that the task was not possible.

Viewing the evidence in a light most favorable to Prendergast, she failed in her role as principal of the school. She did not make sure that the students had completed their labs and allowed them to take the Regents anyway. She did not supervise her staff after giving them the assignment to make the students eligible to take the Regents. That impossible task led to the copying of the answers. Then, despite the Herculean and dishonest efforts to get the job done, the students did not complete one section of one of the required labs. Her failures ultimately caused the 2005 Living Environment students at YCD to suffer. All these students were required to retake the Regents in order to attempt to receive a valid test score in that subject.

Rachel Lerner improperly advised Prendergast that the students could complete the prerequisite labs after taking the Regents.

It is therefore the recommendation of this office that all DOE personnel named in these conclusions be subject to appropriate disciplinary action which may include termination. It is further recommended that all terminated personnel be placed on the ineligible list and that this matter be considered should any terminated individual ever apply for any type of position with the New York City public school system. In addition, should any CCM employee named in this report seek a position with the DOE, it is recommended that this matter be considered before hiring.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We are also sending our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact Eileen Daly, the attorney assigned to this case. She may be reached at (212) 510-1407. Please notify Ms. Daly within thirty days of the receipt of this letter of what, if any, action has been taken or is contemplated. 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:ECD:gm

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