

December 3, 2008

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 Contemporary Arts
Ruth Ralston
SCI Case #2008-3330

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that tampering occurred on the June 2008 Integrated Algebra Regents Examination at the High School for Contemporary Arts (“Contemporary Arts”) in the Bronx.¹ The evidence showed that Contemporary Arts Assistant Principal Ruth Ralston, who had control of the examinations during the relevant time period and lied to investigators about certain important facts, caused student answers to be changed from incorrect to correct.

This investigation began on August 13, 2008, when the office of the Special Commissioner of Investigation (“SCI”) processed a written complaint made by New York State Education Department (“NYSED”) Assistant Commissioner David Abrams who requested an investigation into the administration and scoring of the June 2008 Integrated Algebra Regents Examination at Contemporary Arts. Assistant Commissioner Abrams explained that NYSED’s contractor had scanned the multiple choice answer sheets for the 91 student test takers at Contemporary Arts and discovered a high rate of erasures and a considerable inconsistency between the performance on the multiple choice section and the performance on the nine constructed-response questions.² Assistant Commissioner Abrams added that students who did well on the multiple choice section generally did well on the constructed-response questions and vice versa. However, the students who took the Integrated Algebra Regents exam at Contemporary Arts and were credited with answering 66% or more of the 30 multiple choice questions

¹ No one was reassigned as a result of this investigation.

² NYSED subsequently forwarded the multiple choice answer sheets to SCI.

correctly earned fewer than 27% of the 27 credits attainable in the constructed response section. In addition, Assistant Commissioner Abrams reported that the student answer sheets for the multiple choice questions showed a pattern of significantly more changes from incorrect to correct than could be explained by ordinary student test-taking behavior. There were a total of 1,013 changes with 954 – 94% – altering the response from incorrect to correct.

SCI investigators met with some of the students (“Student A” through “Student G”) who took the Integrated Algebra Regents exam at Contemporary Arts and learned the following:

- Student A, a 15-year-old female, said that the first part of the test – the multiple choice section – was easy, but the second part was difficult. Student A reported that she may have erased and changed answers approximately two times. Student A was shown a copy of her answer sheet, which contained 19 erasures and changed answers, and responded that she probably made those erasures and changes. Student A asserted that she always erased and did not know how many she actually made. According to Student A, she was afraid that she would get in trouble because she changed her answers. Student A added that her teacher did not give any answers to the test.
- Student B, an 18-year-old male, had difficulty speaking English and could not understand the questions posed by investigators. Student B was shown his answer sheet, which contained 17 changes, but he could not respond to inquiries about it beyond identifying it as his answer sheet.
- Student C, a 14-year-old female, said that she felt that she knew the answers, but at the end of the test, she went back and made changes. Student C added that she initially skipped and then filled in about three and then changed about another four. Student C was shown her answer sheet, which contained 19 changes, and responded that she made the changes. According to Student C, no one told her the answers to the questions.
- Student D, a 17-year-old male, said that if he did not know the answer, then he took a guess, but after finishing all the questions, he reviewed his answers and changed those for which he had entered guesses. Student D thought he changed about seven answers. Student D was shown a copy of his answer sheet, which contained 22 changes, and responded that he made the changes after reviewing what he originally put down. According to Student D, no one told him to change his answers.

- Student, E, a 16-year-old female, said that she felt prepared for the Regents exam. Student E explained that she completed the entire Regents exam and did not skip any questions or go back to any questions. Student E said that she was not sure how many changes she made on the Regents exam. Student E was shown a copy of her answer sheet, which contained 18 changes, and responded that she did not believe she made 18 changes on the Integrated Algebra Regents exam answer sheet.
- Student, F, a 16-year-old female, said that she received a week of practice tests prior to taking the Regents exam. Student F added that she read the entire test and then went back and completed it. Student F reported that she made between five and 10 changes on the Integrated Algebra Regents exam. Student F was shown a copy of her answer sheet, which contained 18 changes, and responded that it was possible that she made 18 changes on her answer sheet.
- Student G, a 15-year-old female, said that she felt prepared for the test and had attended the preparation sessions held the week before the Integrated Algebra Regents exam. Student G believed that she had made less than five changes on the multiple choice section of the exam. Student G was shown a copy of her answer sheet, which contained 18 changes, and responded that the large number of erasures resulted because she marked answer number six twice and that mistake threw off the rest of the answer sheet. Student G explained that she had to go back and correct her answers when she realized her mistake.

SCI investigators spoke with Principal Francisco Sanchez who said that Assistant Principal Ruth Ralston and Assistant Principal Kent Hoffman would have relevant information regarding the Integrated Algebra Regents exam. Sanchez added that, for two weeks prior to the administration of the Regents examinations, he had his teachers constantly review material for the upcoming tests. According to Sanchez, his staff was paid a lot of money and he expected them to work hard and be good teachers.

SCI investigators interviewed Assistant Principal of Supervision Ruth Ralston who said that she had been the exam organizer for Contemporary Arts for about two years. Ralston explained that when the Regents examinations were received from the State, they went directly into the vault at the Evander Childs Campus where Contemporary Arts and five other schools were located. Ralston added that, on the morning of the Integrated Algebra Regents exam, June 17, 2008, either she or Assistant Principal Hoffman picked up the tests from the vault and brought them to the room known as the "Black Box Theater." Ralston informed investigators that the proctoring schedules had been drawn up ahead of time and the proctors knew their assigned rooms.

Ralston continued that, after completing the Integrated Algebra Regents exam, the student brought it to the proctor who checked that it was fully answered and signed. Ralston said that the proctors then brought the exam booklets and answer sheets to the Black Box Theater. Ralston added that, from there, the Integrated Algebra Regents exam packages were brought to Guidance Counselor Max Petrus who locked the material in his closet. According to Ralston, Petrus had the only key.

Ralston reported that she, Hoffman, and the teachers from the Math Department graded the Integrated Algebra Regents exam on Wednesday, June 18, 2008. Ralston was not sure of the time when the scoring began, but believed it was mid-morning. According to Ralston, they were running late and she did not remember who picked up the test documents from Petrus. Ralston explained that Petrus was not involved with the scoring. Ralston added that the tests usually were not logged in or out of Petrus's office. Ralston reported that, after scoring, the answer sheets were copied and packed and she thought that Hoffman took them to the Post Office. Ralston said that all the scorers were together in one room and that Hoffman made the copies which were kept in Petrus's office.

Investigators asked Ralston for a timeline of events regarding the Integrated Algebra Regents exam. She responded:

- Either she or Hoffman picked up the tests from the school vault on the morning of June 17, 2008;
- The tests were brought to the Black Box Theater;
- The tests were broken down into packages for each room according to the number of students in that room;
- The proctors picked up the tests from and, after the exams were completed, returned the tests to the Black Box Theater. The tests were brought back in the same envelopes with the student's signature on the envelope;
- Ralston collected the tests when they were returned;
- Ralston did not recall who brought the tests to Petrus to be secured in Petrus's office;
- The next morning someone, Ralston could not recall who, picked up the tests from Petrus and brought them to the room to be scored;
- After scoring, the answer sheets were copied and the packages were made and taken from the room. Ralston said that Hoffman copied the sheets, but she was not sure who took the packages from the room.

SCI investigators spoke with Assistant Principal Kent Hoffman who said that, along with Ralston, he was an exam organizer at Contemporary Arts. Hoffman added that Ralston was in charge of the scheduling and he was in charge of organizing. Hoffman explained that Petrus handled exam security and secured the tests overnight. Hoffman was not sure who retrieved the Regents exams from the vault and delivered the material to the Black Box Theater. Hoffman believed that Ralston made up the packages.

Hoffman did not remember bringing the testing material to the classrooms and asserted that he was performing other duties, such as getting needed supplies. Hoffman said that he went around to the classrooms while the Integrated Algebra Regents exam was being given and the students appeared to be taking this test seriously and he did not receive any complaints from the proctors.

Hoffman continued that, when the Integrated Algebra Regents exam was completed, the teachers gathered the material together and delivered it to the Black Box Theater. Hoffman assumed that Ralston followed normal procedure and brought the exams to Petrus and had him lock them in his room. Hoffman reported that he was sure that he did not bring the exams to Petrus. According to Hoffman, around mid-morning on the day after it was administered, Ralston brought the Integrated Algebra Regents exam to one of the Math rooms.³ Hoffman was sure that all of the Math teachers scored the exam, as did Ralston. Hoffman said that he did not score, but he made copies. Hoffman added that the teachers were impressed by the scores achieved by the students and that they were surprised that the students had done so well. According to Hoffman, after the tests were scored, Petrus copied them, Hoffman packed and labeled the material, and UPS picked up the packages. Hoffman added that normally there was not such a time crunch and he did not know why the exams were not scored earlier.

SCI investigators met with Guidance Counselor Max Petrus who explained that he ordered all of the Regents examinations from the State and, upon delivery, they were locked in the vault of the Evander Childs Campus by the building principal. Petrus said that Assistant Principal Hoffman went to the vault to pick up the Integrated Algebra Regents exam. Petrus was not sure, but thought that the scorers stayed late to finish grading the Integrated Algebra Regents exam. Petrus remembered Ralston talking about needing something from the State and about the "raw scores." Petrus added that, after the test was graded, Assistant Principal Ralston brought the exam packages to Petrus and he locked them in the closet in his room. Petrus confirmed that he had the only key to that closet. According to Petrus, he saw the Integrated Algebra Regents exam after scoring and he then entered the scores into the computer program.

Petrus reiterated that the Integrated Algebra Regents exam was locked in his closet only once and that was after it was graded. Petrus informed investigators that whatever Ralston gave him was still locked in his closet. Petrus then turned over four envelopes containing 91 test booklets with copied answer sheets. Each envelope had a room number, the name of the proctor, and a list of students who took the test in that particular room. The envelopes were: Room 102, Mr. Reichman, 21 tests; Room 103, Mr. Garrett, 23 tests; Room 106, Mr. Kelly, 25 tests; and Room 110, Ms. Lorenzo, 22 tests.

SCI investigators met with those who scored the Integrated Algebra Regents exam. Math Teacher Joseph Garrett remembered having to rush the scoring of the exam

³ Hoffman could not remember which room.

and thought it was because of the conversion chart. Garrett said that the tests were already there and scoring was taking place when he arrived at the room. Garrett added that he scored the second part of the test – the constructed response questions – and may have scored some multiple choice questions. Garrett reviewed some of the answer sheets and expressed surprise about six particular students who did well on the multiple choice raw score. He also remembered that another scorer was surprised about a student doing so well; Garrett looked at that student's answer sheet and, he too, was surprised by the score. Garrett thought that the number of erasures on the multiple choice section was unusual. Garrett said that he did not know Sanchez to get involved with the tests; rather, Ralston and Hoffman were in charge.

Math Teacher Dean Kelly reported that he proctored and scored the Integrated Algebra Regents exam. According to Kelly, nothing unusual occurred during the administration of the test. Kelly said that, upon completing the exam, the student brought it to Kelly who looked it over to make sure that all 30 questions were answered. Kelly did not recall many erasures on the answer sheets and felt that he would have noticed that fact because he was "pretty good with that." Kelly did not remember to whom he gave the completed exams at the Black Box Theater or whether the material was placed in a collection box.

The following day at the scoring room, Kelly graded the second part of the Integrated Algebra Regents exam. Kelly did not recall anything unusual occurring during the scoring of the tests and said that there were no remarks about the amount of erasures. Kelly explained that, when the scoring was complete, the answer sheets were copied, the booklets were put back into the envelopes, and original score sheets were mailed out. Kelly reported that the conversion scores did not come in until the last day of school and he received an e-mail message from Teacher Reichman who was surprised at the passing rate.

Math Teacher Michael Reichman was not sure that he proctored the Integrated Algebra Regents exam, but acknowledged that he had done so upon being shown the declaration sheet with his name on it. Reichman said that he would have remembered anything unusual going on or the students making a lot of erasures, but he had no such recollection.

Reichman remembered that, the next morning, when he was to score the Integrated Algebra Regents exam, there was a delay because Ralston could not be located until mid-morning. Reichman said that the scorers were concerned about the time frame because they started scoring the tests late. Reichman explained that, because they were running late, the multiple choice part of the exam was scored by teachers who were not Math teachers and the Math teachers scored the second part of the exam. Reichman added that each constructed response scorer graded the entire section.

According to Reichman, more than three erasures would have sent up a flag for him and he did not recall a lot of erasures. Reichman also said that he would have looked at the raw scores and not noticed erasures. Reichman added that they were rushed, so he did not look at the multiple choice section that closely. Reichman reviewed Student G's score sheet and noted that all of Student G's multiple choice answers were correct, but she had received a zero on the second part of the exam. Reichman acknowledged that was unusual and reported that Student G was not the type of student who would go back over the test to check her answers.

Math Teacher Maria Lorenzo proctored and scored the Integrated Algebra Regents exam. Lorenzo said that she did not notice anything unusual during the administration of the test. Lorenzo added that, when she was reviewing the completed exams to check for the student's signature and pedigree, she noticed that some students had made some erasures. Lorenzo estimated that some students may have made about five to eight changes. Upon completion of the exam, Lorenzo put the booklets and score sheets into their envelope and brought the material to the Black Box Theater. Lorenzo thought that only Ralston was there to check in the envelopes.

According to Lorenzo, between 11:00 a.m. and noon the next day, she went to a classroom to grade the Integrated Algebra Regents exam. Lorenzo thought that the tests were there already. Lorenzo scored the second part of the exam. Lorenzo reviewed Student G's score sheet, she was surprised that all of Student G's answers were correct, and also was surprised that the girl had 18 changes from wrong to right.

Math Teacher Eliu Lara did not proctor the Integrated Algebra Regents exam, but helped score it. Lara said that the scoring had already begun when he went to the classroom and he did not stay to the end of the scoring session. Lara explained that he finished what he was given and then left. Lara confirmed that other teachers scored the multiple choice part of the test and the Math department scored the second part of the test. Lara reported that he helped with some of the multiple choice scoring and he graded the constructive response questions as well. Lara added that the "general movement" in the room was to get the exam done and mailed out.

Guidance Counselor Jacqueline Cruz did not proctor the Integrated Algebra Regents exam, but assisted in scoring it. Cruz said that she was passing by the room where the exam was being scored and someone asked her to help with the multiple choice part of the test. Cruz added that the exam was already in the room. Cruz explained that a clear bubble sheet went over the student's answer sheet. Cruz reported that she did not examine the answer sheet before putting the clear bubble sheet on top of it. According to Cruz, the attitude in the room was "on task" and there was no conversation or expressed surprise about how well the students did.

Dance Teacher Marsi Burns said that she did not proctor the Integrated Algebra Regents exam but, at the last minute, was asked to help score it. Burns explained that she

had to put a clear sheet on top of the multiple choice question part of the exam. Burns thought that they might have called in help because they were rushed. Burns did not remember any unusual conversation, did not examine the answer sheets, and did not remember an unusual amount of erasures.

In a second interview with SCI investigators conducted in the presence of his union representative, Principal Sanchez said there was a formula, the exact components of which were unknown to principals, which resulted in a monetary gain for the school and bonuses for the principal, assistant principals, and teachers to share if you met it. The Regents exam grades were included in the formula. Sanchez noted that the school must be chosen to be included in that bonus and so far his school had not been chosen. Sanchez also noted that the Integrated Algebra Regents exam was a 9th Grade test so it would not have much of an impact on a bonus that the school possibly could receive. The only other bonus was contractual for the principal and assistant principals and was based on the annual progress report for the school. Sanchez explained that the progress report for his school was not in yet, but he was down in all criteria.

Sanchez confirmed that the Integrated Algebra Regents exam was supervised by Ralston. Sanchez described his understanding of the administration of the Integrated Algebra Regents exam. Sanchez said that Hoffman retrieved the test from the school vault and delivered it to the Black Box Theater where proctors picked up the exams and brought them to the classrooms. Sanchez added that, after the exams were completed, Ralston collected the tests from the proctors and brought them to Petrus's office to be secured. Sanchez explained that Ralston used that office before it was assigned to Petrus and she had the key at one time. Sanchez informed investigators that, the next day, Ralston picked up the tests from Petrus and began the scoring session.

Sanchez continued that there was a scoring schedule and the Math teachers were required to be available to score the exams. Sanchez explained that the scoring of the Integrated Algebra Regents exam started later in the morning and he recalled that Ralston was not feeling well. Sanchez was not sure who mailed out the answer sheets when the scoring was completed. Sanchez added that the graded exams were returned to Petrus's office.

When asked whether he put pressure on his assistant principals and teachers to ensure that the students passed the Integrated Algebra Regents exam, Sanchez replied that he insisted that "we must pass," that they needed results, and to show him results. Sanchez said that he expected his teachers to teach and his students to learn. Sanchez added that he would tell his staff that if they did not give him results, then he did not want them to work for him. Sanchez asserted that they must do their jobs. According to Sanchez, he would never ask his staff to tamper with tests to get results and he did not think that his staff would put their jobs on the line. Sanchez said that he expected results through training and effective teaching.

The investigators showed Sanchez some of the answer sheets and told him about the number of erasures. Sanchez appeared to be genuinely surprised. Sanchez responded that he was shocked and angered about the apparent test tampering, but was unaware of who had done the tampering.

In a second interview with investigators from this office, conducted in the presence of her union representative, Assistant Principal Ralston was asked what benefit she would derive from students doing well on the Integrated Algebra Regents exam. Ralston responded that it would give her a good feeling. Ralston added that if the students did not do well, it did not look good, but it would not affect her ratings. Regarding monetary benefits, Ralston said that the high school incentives came out in October or November.

According to Ralston, on the day of the Integrated Algebra Regents exam, June 17, 2008, someone, possibly Hoffman or Petrus, went to the vault and picked up the test material. Ralston said that, when she arrived at the Black Box Theater, the material was already there. Ralston packaged the material for each of the four or five classrooms used, estimating the amount of test booklets for each, and the proctors picked up the packages. Ralston added that, after the tests were given out, she walked around answering questions, delivering supplies, and performing related duties. Ralston said that no log was kept for proctors to sign the exams in and out of the Black Box Theater. When asked how she would know whether the correct amount of tests booklets were returned since only an estimated amount had been sent to each classroom, Ralston just shrugged.

Ralston continued that, when the exam had been administered, the proctors brought the completed package back to the Black Box Theater where Ralston kept them until she finished with her duties. Ralston said that she then delivered the test material, possibly that afternoon, to Petrus. Ralston asserted that she personally gave the tests to Petrus to be secured and reiterated that he was the only one with a key. Ralston confirmed that the exams were not scored that day.

Ralston said that, the next day, she was not feeling well and had a bad back. Ralston added that she came in at 7:30 a.m. and had a meeting with the principal and Hoffman. Ralston maintained that she then started working with Hoffman on the programming for the following term. Ralston asserted that, between 10:00 a.m. and 11:00 a.m., she picked up the Integrated Algebra Regents exam from Petrus and she was "pretty sure" that Hoffman was with her when she did so. According to Ralston, they had enough help, so she was not concerned about starting the scoring at that time, although they had to work hard to have the exam scored by 2:00 p.m., which she mentioned as the hour by which the scoring was required to be done.

Ralston continued that, after scoring was complete and the answer sheets were copied, the Integrated Algebra Regents exam was boxed and mailed. Ralston did not remember who brought the booklets and copied answer sheets to Petrus. Ralston said

that she did not look at the answer sheets. Ralston maintained that she did not pay attention to the raw scores and that she first paid attention to the scores when she received the converted score from the State. Ralston attributed the high passing rate to the curve, a lot of prep work, and tutoring. Ralston asserted that she was surprised that the students did so well.

Investigators questioned why Ralston was doing the programming for the upcoming school year when the Integrated Algebra Regents exam had to be scored, and she responded that she did not feel well and that she was working with Hoffman. In Ralston's opinion, three or four erasures on the multiple choice portion of the test was the norm and when she was shown some of the answer sheets and told about the high number of erasures from wrong to right for the Integrated Algebra Regents exam, Ralston replied: "not good." Ralston insisted that all of the teachers scored the multiple choice portion of the exam even when she was informed that Cruz, Burns, and Lara had scored that section. Ralston said that Sanchez was very strong about "doing your job," but never meant to tamper with the answers.

According to Ralston, she brought the booklets and answer sheets to Petrus after the exam had been administered, and she and Hoffman picked up the material from Petrus the next morning. When investigators advised Ralston that Petrus did not see or secure the Regents exam until after it was scored and the answer sheets had been mailed out, Ralston expressed surprise and reiterated that she brought them to Petrus after the exam had been given.

SCI Investigators then accused Ralston of tampering with the Integrated Algebra Regents exam by erasing and correcting answers. Ralston did not deny the accusation, but asked for time to consult with her union representative. Ralston and her representative left the conference room and were gone for almost 30 minutes.

Upon returning, Ralston asserted that she had been afraid of getting into trouble and, therefore, did not admit that she did not give Petrus the Integrated Algebra Regents exam to secure. According to Ralston, when she arrived with the material to be secured, Petrus was not there, and she did not know whether he had left for the day. Ralston reported that she put the exams in her unlocked desk drawer, and left for the day. Ralston added that she did not always keep her office locked and did not remember whether she locked the door that day. Ralston said that she was alone when she put the exams in her drawer and that she did not share her office with anyone else. Ralston maintained that, the following day, she and Hoffman went to her office and Hoffman saw Ralston remove the exams from her desk drawer.

SCI investigators asked Ralston whether they were to believe that someone went into her office during the night, removed the tests, changed answers, and returned them to her desk by the next morning. In response, Ralston shrugged. Ralston admitted to being

remiss in her control of the testing material, but claimed that she did not tamper with the Integrated Algebra Regents exam.

In a second interview with SCI investigators, conducted in the presence of his union representative, Assistant Principal Hoffman did not remember whether he picked up the Integrated Algebra Regents exam from the school vault. Hoffman recalled seeing Ralston in the Black Box Theater in control of the exam. Hoffman explained that there were pre-made envelopes for each of the classrooms and that the exams were being put in those envelopes. Hoffman did not think he assisted in that chore.

According to Hoffman, during the Integrated Algebra Regents exam, he was busy in his office attending to other issues, but also was checking to see that the test administration was going smoothly. Hoffman did not think there was any hurry to move the Integrated Algebra Regents exam paperwork from the Black Box Theater and that the room was secure. Hoffman asserted that he was not there when the test material was removed and only Ralston or Petrus would have removed the test material from that room.

Hoffman thought that he first saw Ralston in the hallway near Hoffman's office about 8:00 a.m. on June 18, 2008. Hoffman said that, as she passed by, he told Ralston that he had to see her later in her office. According to Hoffman, he visited Ralston's office between 10:00 a.m. and 10:30 a.m., and informed her that her position was being excessed, that her services were no longer required at Contemporary Arts, and that she should look for another job. Hoffman explained that if Ralston did not find another job, then she would be in excess status and have to teach three classes. Hoffman reported that Ralston was not surprised by his announcement.

Hoffman said that he left Ralston's office about half an hour later and, about an hour after that, he saw the Integrated Algebra Regents exam being scored in a classroom. According to Hoffman, they were behind in time for scoring the tests, so he jumped in and helped. Hoffman added that because of the time crunch, non-Math teachers scored the multiple choice part of the exam by laying a clear sheet over the answer sheet to determine which answers were marked.

Hoffman informed investigators that, during the meeting in which he told Ralston that her position was being excessed, there was no conversation about where the Integrated Algebra Regents exams were stored or how they were secured. Hoffman said that, at that time, he and Ralston had no conversation about the exams. Hoffman did not know whether Petrus was in his office that morning. Hoffman added that, although Petrus normally secured the exams, there were occasions when the teachers were scoring and it became late, and they locked the exams in a locked drawer. According to Hoffman, during his meeting with Ralston in her office, Ralston did not take the exams from her desk drawer and did not tell Hoffman that the testing material was in her

drawer. Hoffman asserted that he would remember Ralston taking the exams out of the drawer.

Hoffman recalled packing the tests for mailing, but did not know whether he made the copies. Hoffman said that, during the scoring of the Integrated Algebra Regents exam, some of the teachers expressed surprise that some of the students had done so well. When investigators informed Hoffman about the amount of wrong to right answer changes made on the Integrated Algebra Regents exam, Hoffman replied that it sounded like a big number.

In a third interview with SCI investigators, conducted in the presence of his union representative, Principal Sanchez said that, during April and May 2008, he spoke to Ralston about her performance and informed her that she was not meeting Sanchez's standards. Sanchez added that, during the middle of the spring 2008 semester, the Chancellor removed \$140,000 from his school budget, and the principal exceeded Ralston's position to meet that cut.

Sanchez continued that Hoffman delivered a letter, dated June 13, 2008, to Ralston which informed her that her position at Contemporary Arts was being exceeded as of the 2008-2009 school year. Sanchez informed investigators that Ralston had not found another job and, in accordance with union rules, she was teaching three classes a day while looking for another position. According to Sanchez, the outcome of the Integrated Algebra Regents exam would not have affected Ralston excess status.

Ruth Ralston did not follow protocol and had custody and control of the June 2008 Integrated Algebra Regents exam during the critical period of time – after the completed exams were turned in by the proctors and before the scoring session. Ralston was late to start the scoring of the Regents exam, possibly because she was changing the answers or possibly to minimize scrutiny of the answer sheets by causing a time crunch. Certainly, she was not working on programming for the following term since she had been informed that she was losing her assistant principal position. Although a high passing rate may not have saved her job at Contemporary Arts, it could help her search for a new position.

Ralston was in the best position to tamper with the answer sheets. The students were not capable of changing so many answers from wrong to right, no single proctor would have been able to change so many exams, the non-Math teachers who scored the multiple choice section had no stake in its outcome, Guidance Counselor Petrus did not come in contact with the exams until after they were scored, Principal Sanchez did not actively participate in the administration or scoring of the test, and Assistant Principal Hoffman denied seeing the tests before the scoring session.

Significantly, in contrast to Ralston's initial account, Petrus specifically reported that he had not secured the Integrated Algebra Regents exam on the evening between its

administration and scoring. Moreover, in conflict with her statements to investigators, Hoffman specifically refuted observing Ralston remove the Integrated Algebra Regents exam from her desk drawer.

Ralston, on the other hand, did not immediately deny changing the answers, but did so only after a lengthy consultation with her union representative. Moreover, Ralston's account – provided after being caught in inconsistencies with other evidence – simply defies common sense and logic.

It is the recommendation of this office that Ruth Ralston's employment be terminated, that she be made ineligible for work with the Department of Education, and that this matter be considered should she apply for any position in a New York City public school in the future.

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

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Ruth Ralston. 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:lm

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