

August 11, 2000

Hon. Harold O. Levy
Chancellor
New York City Public Schools
110 Livingston Street; Room 1010
Brooklyn, NY 11201

Re: CES 88X
Anna Rivera
Lalmatie Ramrup
Barbara Tannenbaum
Jeffrey Fisher
SCI Case #99-3044

Dear Chancellor Levy:

In our December 1999 report, *Cheating The Children: Educator Misconduct On Standardized Tests* (“*Cheating The Children*”), we described how two teachers conspired to provide assistance to certain students during the administration of Citywide tests at CES 88 in District 9 in the Bronx. Based on information from a confidential source who took part in the scheme, which was corroborated through interviews of students, we established that Administrative Assistant Janet Zeman and Teacher Anna Rivera cheated on a 1995 test and that Rivera cheated again in 1998. As a result, both Zeman and Rivera received letters of reprimand from District 9 Superintendent Maria Guasp.¹

¹ In December 1999, following the release of our report, Rivera was moved to the District office and remained in that assignment through June 2000. According to Guasp, in September, Rivera will hold a classroom position at CES 73.

Following the release of *Cheating The Children*, we received information that the misconduct continued at CES 88. A new complaint alleged that 3rd grade teachers Anna Rivera, Lalmatie Ramrup, and Barbara Tannenbaum cheated during the 1999 Citywide reading test.² We launched a new investigation and have substantiated that Ramrup and Tannenbaum, while proctoring together, prompted students to change incorrect answers and that Rivera explained questions and pointed at wrong answers.

Moreover, we have substantiated that Principal Jeffrey Fisher learned about the April 1999 cheating and failed to take appropriate action. Rather than contacting this office, Fisher conducted his own “investigation,” with the assistance of Zeman. In the end, he not only failed to report the misconduct, the principal also upset the students and harassed the staff members who had reported it.

Our investigation began when a confidential source, who is a teacher at CES 88 (“Teacher #1”), reported that Ramrup and Tannenbaum gave answers to students during the 1999 Citywide reading test.³ A second teacher who spoke to us in confidence (Teacher #2”) alleged that, as she had done in prior years, Rivera also assisted students during the 1999 exams. In addition, according to Teacher #2, Rivera contacted her former 3rd grade students in an apparent attempt to influence their cooperation with our office.

We have spoken with ten educators from CES 88. Given the intimidation tactics employed by the principal, as well as Rivera’s attempts to influence witnesses, both of which are described later in this report, we have chosen to keep confidential the names of our sources.⁴

Anna Rivera

Acting on the information from Teacher #2, investigators interviewed eighteen children from the 3rd grade class whose 1999 reading test was proctored by Rivera. Nearly all agreed that Rivera conducted the exam alone and that a raised hand would allow a question to be asked. Half described receiving assistance. According to some

² This exam occurred in April 1999. At that time, given the public exposure of the allegations through the media in July 1998, the administration and staff at CES 88 were well aware that the school was under investigation for testing irregularities in prior years.

³ The confidential source from our prior investigation was not involved in this new one.

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students, Rivera would approach a student's desk and "explain" the question so that the child could understand it. Others reported that the proctor pointed to particular answers and gave the instruction to "check it" again. According to one boy, Rivera told him that his answer to question #21 was wrong, so he erased it and chose another.⁵ She also suggested: "If I were you, I'd look through #23 through #31." The child followed her advice and changed his original choice for question #31.

Additional educators at CES 88 also provided evidence concerning Rivera:

A teacher ("Teacher #4") who was assigned to a 3rd grade class in September 1997 was approached by Rivera and told that in order to handle that grade level at CES 88 she was going to have to assist children during the Citywide exams.⁶ In response, she adamantly refused to do so. According to Teacher #4, shortly thereafter, Principal Fisher called her to his office and told her that he would never ask her to commit such conduct.

Rivera harassed another teacher ("Teacher #5") who declined an assignment to a 3rd grade class at the school because it required, in essence, cheating. Once in June and again in July 1998, Rivera asked Teacher #5 to consider an appointment to a 3rd grade class. On both occasions, Rivera explained that assisting students during the administration of Citywide tests was a condition of the position. Teacher #5 rejected the offer, specifically because she refused to cheat. As a result, the two had a falling out. In fact, that September, Rivera attempted to strike Teacher #5 in the hallway of the school. Only the intervention of another faculty member ("Teacher #10") prevented her from completing the physical assault. Indeed, according to Teacher #10, had he not grabbed Rivera and held her back, she would have struck Teacher #5.⁷

Yet another teacher ("Teacher #8") related to us conversations she had with Rivera regarding test pressures, as well as information about Rivera's failure to follow the rules. Prior to starting work at CES 88 in September 1997, Teacher #8 observed a class taught by Rivera who commented that there was a great deal of pressure on educators to have the children pass the Citywide exams. Rivera added that the students "must" pass. Moreover, although she has no direct knowledge of cheating, Teacher #8 noticed impropriety on Rivera's part during the administration of the 1999 Citywide

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reading test. According to Teacher #8, unlike the other teachers, Rivera did not immediately turn in the exams taken by her students, indeed, forty-five minutes after it finished, she still was in possession of them. This is particularly troubling given Rivera's history of misconduct.

Teacher #10, who supervised testing at CES 88 in 1999, confirmed that a 3rd grade teacher, either Rivera or Lalmatie Ramrup, returned exams at least forty-five minutes late.⁸ Teacher #10 also corroborated Teacher #5's account of Rivera's attempt to physically attack her in the hallway of the school.

We released *Cheating The Children* on December 7, 1999, and began our new inquiry upon receipt of the additional allegation two days later. Rivera exacerbated her cheating conduct by attempting to obstruct our second investigation. The family of one girl who may have received improper assistance from Rivera later heard from the teacher. According to this child's mother, a few weeks before Christmas 1999, Rivera telephoned and requested that the parent speak with her daughter about the administration of the 1999 reading test. Specifically, Rivera wanted to make sure that the girl understood that she did not give her any answers on the exam. According to the mother, that was the only time she ever received a telephone call from this teacher. Rivera's strategy may have worked: unlike the majority of the children interviewed, this student claimed that no one asked questions, that the proctor informed the class that she could not help them, and that Rivera did not speak to her or anyone else.

Rivera succeeded in convincing at least one mother to withdraw her daughter's statement about the teacher's misconduct in 1998. Following the release of *Cheating The Children*, the investigator who supervised the case received a telephone call from a mother who was upset by our report of Rivera's role in the cheating incidents. Although reminded that her daughter had described the teacher's wrongdoing in her presence, the parent continued to deny that Rivera was involved. The explanation for such a reversal was provided by Teacher #2, who told us that in mid-December 1999, in an attempt to obtain the telephone numbers for other children, Rivera informed him that she had contacted this mother about the testing process.

Anna Rivera refused to be interviewed. When investigators attempted to offer her the opportunity to speak with them, Rivera replied that she had been advised by her attorney not to do so. She would not provide the name of her attorney.

⁸ However, he claimed he could not remember whether he brought that fact to the attention of Principal Fisher or Superintendent Maria Guasp.

Lalmatie Ramrup and Barbara Tannenbaum

Two educators inadvertently discovered that 3rd grade teachers Lalmatie Ramrup and Barbara Tannenbaum cheated during the administration of the 1999 Citywide reading test given on April 21, 1999. During a Saturday math session on April 24, 1999, held to prepare the children for the Citywide test scheduled to be given the following week, one student informed the teacher in charge (“Teacher #9”) that she and her classmates did not have to study because Ramrup would give them the answers, as she had during the reading test. Moreover, according to Teacher #1, during the same Saturday session, certain members of the class became disruptive as one group accused another group of being cheaters. In order to restore order, the teacher warned them that time to study was running out. In reply, one girl, who was regularly assigned to Ramrup’s 3rd grade class, commented that our source should not worry because Ramrup would give them the answers as she had on the recent Citywide reading exam. A second Ramrup student interrupted to add that, “we aren’t supposed to tell the teachers.” Nevertheless, with the misconduct revealed, the children provided details: “[Ramrup, along with co-proctor Barbara Tannenbaum,] told [our class] which ones to erase and which ones to circle.” Teacher #1 reported the information to her Saturday supervisor, Teacher #10.

Teacher #4 also learned about the cheating from the children. Within a day of the test, 3rd graders in Teacher #4’s class reported that Ramrup gave answers to her students during the administration of the exam.

Students confirmed receiving assistance during the exam. According to the children, co-proctors Ramrup and Tannenbaum separately strolled around the room, stopped at the desks of students, and pointed to answers to be changed.⁹ In some cases, a child was prompted to a particular response. According to one boy, Ramrup instructed that the students were allowed to ask her the meaning of a word, if stumped.

Lalmatie Ramrup declined the opportunity to speak with investigators.

Efforts to interview Barbara Tannenbaum were unsuccessful. During our initial attempt, an individual who identified himself as her husband declared the teacher “unavailable.” Although he agreed to give his wife our investigator’s business card, her husband was “uncertain” that she would be willing to speak with us. Although she never

⁹ Eighteen students were interviewed: twelve confirmed pointing and prompting, one explained that you could ask for the meaning of a word, three denied observing pointing or prompting, one did not remember the test, and one was assigned to a room with another set of proctors.

contacted this office, an attorney, who asserted that he represented Tannenbaum, did. After numerous communications with that individual, in order to schedule an appointment or have the teacher decline the opportunity to tell her side, he withdrew from the matter. According to the attorney, he no longer represented Tannenbaum and she was “going it alone.” Repeated calls to Tannenbaum were not returned.

Jeffrey Fisher

By Monday, April 26, 1999, Teacher #10 had notified Principal Jeffrey Fisher of the students’ disclosure during the Saturday class. Rather than reporting the information to this office, the principal chose to handle the matter himself.

That morning, Fisher conducted an investigation which consisted of questioning teachers and students. According to Teacher #10, he was left “out of the loop” and Janet Zeman assisted Fisher in his inquiry. According to Teacher #1, she was summoned to the principal’s office and questioned by Fisher in the presence of Zeman. The following day, he instructed her to write a statement detailing what occurred during the Saturday class. However, the principal apparently was not satisfied with the document Teacher #1 produced: he returned it to her, ordered her to shorten it, and accused her of instigating the incident. Two days later, she was again in Fisher’s office to be questioned about the students’ revelations – this time in front of Ramrup and another teacher.

One of Ramrup’s students confirmed that her teacher was called to Fisher’s office regarding the cheating. According to the girl, upon returning from meeting with the principal, an angry Ramrup demanded that those who were in Teacher #1’s Saturday class stand. In this student’s opinion, the teacher then tried to trick them – she wrote a number and an answer on the blackboard and inquired whether she helped them this way on the test. Unfazed by the ploy, the girl responded to Ramrup that the teacher had helped them by pointing to answers.

Fisher also questioned Teacher #9 about her Saturday session. Called to the principal’s office, the teacher reported that she, too, had been told by Ramrup’s students that they did not have to study because they would be given the answers. Summoned to the office a second time, in the presence of Janet Zeman, an angry Fisher questioned why Teacher #9 did not go directly to Ramrup with the allegation. Moreover, he accused her of putting ideas in the students’ heads and telling them what to say. Although ordered to do so, Teacher #9 declined to give Fisher a written statement.

Teacher #4 also received harsh treatment from Fisher. Some of her students had complained that children in Ramrup's class received answers from the teacher. According to this source, Fisher tried to intimidate her, as well as Teacher #1 and Teacher #9, and attempted to convince the three to retract their reports. In fact, both she and Teacher #1 were questioned with Ramrup present.

According to Fisher, after learning about "the incident" from Teacher #10, he conducted a "preliminary investigation" and concluded that no further action was necessary.¹⁰ His inquiry included questioning teachers and students who also wrote statements. Initially, Fisher asserted that Teacher #10, and not Janet Zeman, witnessed the interviews he conducted.¹¹ Approximately one month later, however, Fisher's attorney contacted this office to assert that her client now remembered that Zeman was present while he spoke to students and teachers.¹²

A review of Fisher's file relating to his investigation gives the false impression that the allegations were unfounded. It consists of written statements from students, a letter to Superintendent Maria Guasp dated April 28, 1999, and a signed receipt of delivery of that document to the district. In the letter, the principal reported the allegation to the superintendent, explained that he took written statements from Ramrup's students which indicate that "they completed their tests independently[,] and concluded that no improprieties occurred."¹³ The file does not contain either the statement written by Teacher #1 or any synopsis of oral information received from Teacher #4 and Teacher #9.

Investigators attempted to re-interview the four children whom Fisher claimed had completed their tests independently. We spoke with three out of the four.¹⁴ In their initial interviews, none of these students had mentioned giving Fisher a written statement. Indeed, according to one boy, although he was called into the principal's office and answered questions, he never wrote the document which purports to deny cheating by "Ms. Runrup [*sic*]." One of the girls identified her statement and indicated that she created it because she was "afraid" and "didn't want to get into trouble." The other girl also acknowledged writing the account provided to us by Fisher. Clearly flustered, she

¹⁰ Fisher declined to be interviewed, however, he spoke informally with investigators. The next day, when we arrived at the school to pick up his file, he declined to comment any further.

¹¹ According to Teacher #10, however, he played no role in the principal's investigation.

¹² The attorney, Barbara Jacoma, seemed unaware that Fisher had named Teacher #10 and relayed Zeman's name as if the principal had completely forgotten the individual and just remembered who it was.

¹³ In the letter, Fisher again claimed that Teacher #10 witnessed the statements. He also added that Ramrup was upset and noted "how hard she has worked to prepare her students for the exam."

¹⁴ The parents of the fourth child refused to permit investigators to speak with him.

could not provide the details under which she had given the statement or who was present when she did. In it, she denied that Ramrup cheated – a position which was inconsistent with the information she initially provided to us. Asked to explain, the student asserted that she had forgotten to write that Ramrup gave her and other classmates the answers on the reading test.

Through her attorney, Janet Zeman declined the opportunity to be interviewed.

The Superintendent's Office

Until our investigation led us to ask questions at her office, District 9 Superintendent Maria Guasp and her staff, for the most part, were not familiar with Fisher's letter or the underlying allegation and investigation.¹⁵ According to Guasp, she never saw the document because, if she had, there would be a notation regarding what action was taken. Moreover, given its content, she or a delegate would have notified this office.

Guasp asked her staff to locate the letter. It was found in the superintendent's clerical file drawer rather than in the CES 88 folder maintained at the district office. Markings on the document appear to give filing instructions. Specifically, a capital "F" was written in pencil on the page along with an arrow pointing to School 88 in the heading. However, based on her usual procedure, Guasp asserted that she did not make these annotations. Again, she was baffled that the letter was filed without a notation of action to be taken.

The superintendent then polled her staff in search of someone with knowledge of Fisher's letter. According to Director of Operations Vincent Clark, he had never seen it before. Executive Assistant Ruth Acevedo, who signed the delivery slip, had no independent recollection of that event. However, she located a disk with entries concerning the receipt of external mail which contained an entry for Fisher regarding "testing concerns." The corresponding comment indicated that the letter was referred to Deputy Superintendent Helen Santiago and District Assessment Liaison Brian Wachs.

¹⁵ After receiving the file from Fisher, investigators immediately headed to see Guasp. It was surely no coincidence that, in the interim, Fisher had called the superintendent. According to Guasp, he inquired about his telephone call and follow-up letter to her regarding the April 1999 incident. She responded that she recalled neither communication.

An interview with those individuals shed no light on the mystery, however. Both agreed that they were not familiar with the letter. According to Santiago, given its content, she would have conferred with Guasp and someone would have contacted this office. Wachs, who was absolutely certain that he had never seen the letter before, asserted that he would have contacted the central Board's Division of Assessment and Accountability ("DAA") for advice. However, a review of his files revealed no information about the CES 88 matter.

The DAA Is Alerted But The Complaint Is Not Reported To Investigators

Although Brian Wachs did not alert the DAA to the cheating at CES 88, Teacher #1 did. She provided investigators with a letter which she sent to DAA Deputy Executive Director Lori Mei, dated April 27, 1999, that detailed the information disclosed during the Saturday class and Fisher's reaction to it. Rather than notifying this office, however, Mei forwarded Teacher #1's complaint to the Test Administration and Scan Unit ("SCAN") with instructions to "Log in and follow-up on it."

Although SCAN received the document and it was logged, no steps were taken to review it for investigation. SCAN Assistant Manager Hope Doyle located the six-page fax from Mei, but initially could not find the log. Ultimately found, it revealed that the matter had not been referred to any other party. According to Doyle, the date of the fax, April 27, 1999, was one day before the Citywide mathematics exam, when the test unit would have been "inundated" with work. SCAN Manager Ellie Freiser and Robert Tobias, the executive director of the Division of Assessment and Accountability echoed that explanation.¹⁶

Conclusions and Recommendations

By July 1998, it was well known school-wide that CES 88 was under scrutiny for testing irregularities. Nevertheless, Anna Rivera, Lalmatie Ramrup, and Barbara Tannenbaum brazenly continued to cheat in the spring of 1999. In addition, Rivera, who we previously established cheated in 1995 and 1998, tampered with the witnesses against

¹⁶ Tobias and Doyle claimed that, at the time, investigators from this office regularly visited SCAN to review the information on the log to determine whether we would investigate certain matters. This is incorrect. Although we frequently visited SCAN during our long-term cheating investigation, that unit was responsible for notifying this office when it received an allegation of wrongdoing. Indeed, another log entry was referred to one of our investigators, while this one clearly was not.

her and attempted to assault a fellow employee who had refused to cheat. It is therefore the recommendation of this office that Rivera's employment be terminated and that this matter be considered should she ever apply for reemployment with the Board. Moreover, strong disciplinary action, which could appropriately include termination of employment, should be taken against Ramrup and Tannenbaum.

We found cheating at CES 88 in 1995, 1998, and 1999, even after it was publicly exposed and an investigation was launched. The misconduct had become such a part of doing business there that teachers refused assignments to 3rd grade classes to avoid the issue. Jeffrey Fisher was the principal during this entire period. Certainly the complaint of cheating in 1999 came to his attention, but rather than face it squarely, he took steps to bury it.

Given the repetitive nature of the wrongdoing at CES 88, it is not surprising that Fisher grossly mishandled the additional allegation of cheating in spring 1999. His misconduct went beyond his failure to notify this office and his decision to conduct his own inquiry. For it is clear that his investigation was intended to intimidate both his staff and his students into keeping quiet. Moreover, it is apparent that his "referral" to the superintendent was never meant to produce action. Although we did not prove that Fisher was a party to the cheating before or as it occurred, by his conduct, he surely made himself culpable after the fact. It is therefore the recommendation of this office that strong disciplinary action, which could appropriately include termination of his employment, be taken against Fisher.

In light of the manner in which Fisher and Rivera treated and interfered with witnesses, this office will closely monitor activity at the school. In our view, no further questioning of staff or children should take place concerning our findings, except as necessary for disciplinary proceedings. In addition, we recommend that the Chancellor take steps to protect CES 88 educators and students from retaliation tactics.

As we said in our prior report, school administrators and educators should not conduct investigations of misconduct, including complaints of cheating. This is best demonstrated by the circumstances of this case in which Principal Fisher's biased inquiry has complicated the findings of our independent review. Unfortunately, although the allegation reached the District 9 Superintendent's Office and the DAA, Board employees paid little, if any, attention to the information and failed to contact this office as was clearly warranted. Consequently, more than seven months passed before the complaint came to our attention. Fisher, the Superintendent's Office, and the DAA all bear some responsibility for the delay. It is our recommendation that steps must be taken to ensure that these allegations are reported directly and without delay to investigators who are equipped to evaluate the information and take appropriate action.

We are forwarding a copy of this letter to the Office of Legal Services. We are also providing this information to the State Education Department for whatever action they deem appropriate. Should you have any inquiries regarding the above, please contact Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify Deputy Commissioner Loughran within thirty days of receipt of this letter of the steps which have been taken to ensure that complaints of cheating are reported and what, if any, action has been taken or is contemplated regarding Anna Rivera, Lalmatie Ramrup, Barbara Tannenbaum, and Jeffrey Fisher. Thank you for your attention to this matter.

Sincerely,

EDWARD F. STANCIK
Special Commissioner
of Investigation for the
New York City School District

By:

Regina A. Loughran
Deputy Commissioner

EFS:RAL:ai

c: Chad Vignola, Esq.

August 11, 2000

Hon. William C. Thompson, Jr.
President
New York City Board of Education
110 Livingston Street; Room 1118
Brooklyn, NY 11201

Re: CES 88X
Anna Rivera
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Moreover, we have substantiated that Principal Jeffrey Fisher learned about the April 1999 cheating and failed to take appropriate action. Rather than contacting this office, Fisher conducted his own "investigation," with the assistance of Zeman. In the end, he not only failed to report the misconduct, the principal also upset the students and harassed the staff members who had reported it.

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Anna Rivera refused to be interviewed. When investigators attempted to offer her the opportunity to speak with them, Rivera replied that she had been advised by her attorney not to do so. She would not provide the name of her attorney.

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Jeffrey Fisher

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That morning, Fisher conducted an investigation which consisted of questioning teachers and students. According to Teacher #10, he was left “out of the loop” and Janet Zeman assisted Fisher in his inquiry. According to Teacher #1, she was summoned to the principal’s office and questioned by Fisher in the presence of Zeman. The following day, he instructed her to write a statement detailing what occurred during the Saturday class. However, the principal apparently was not satisfied with the document Teacher #1 produced: he returned it to her, ordered her to shorten it, and accused her of instigating the incident. Two days later, she was again in Fisher’s office to be questioned about the students’ revelations – this time in front of Ramrup and another teacher.

One of Ramrup’s students confirmed that her teacher was called to Fisher’s office regarding the cheating. According to the girl, upon returning from meeting with the principal, an angry Ramrup demanded that those who were in Teacher #1’s Saturday class stand. In this student’s opinion, the teacher then tried to trick them – she wrote a number and an answer on the blackboard and inquired whether she helped them this way on the test. Unfazed by the ploy, the girl responded to Ramrup that the teacher had helped them by pointing to answers.

Fisher also questioned Teacher #9 about her Saturday session. Called to the principal’s office, the teacher reported that she, too, had been told by Ramrup’s students that they did not have to study because they would be given the answers. Summoned to the office a second time, in the presence of Janet Zeman, an angry Fisher questioned why Teacher #9 did not go directly to Ramrup with the allegation. Moreover, he accused her of putting ideas in the students’ heads and telling them what to say. Although ordered to do so, Teacher #9 declined to give Fisher a written statement.

Teacher #4 also received harsh treatment from Fisher. Some of her students had complained that children in Ramrup's class received answers from the teacher. According to this source, Fisher tried to intimidate her, as well as Teacher #1 and Teacher #9, and attempted to convince the three to retract their reports. In fact, both she and Teacher #1 were questioned with Ramrup present.

According to Fisher, after learning about "the incident" from Teacher #10, he conducted a "preliminary investigation" and concluded that no further action was necessary.¹⁰ His inquiry included questioning teachers and students who also wrote statements. Initially, Fisher asserted that Teacher #10, and not Janet Zeman, witnessed the interviews he conducted.¹¹ Approximately one month later, however, Fisher's attorney contacted this office to assert that her client now remembered that Zeman was present while he spoke to students and teachers.¹²

A review of Fisher's file relating to his investigation gives the false impression that the allegations were unfounded. It consists of written statements from students, a letter to Superintendent Maria Guasp dated April 28, 1999, and a signed receipt of delivery of that document to the district. In the letter, the principal reported the allegation to the superintendent, explained that he took written statements from Ramrup's students which indicate that "they completed their tests independently[,] and concluded that no improprieties occurred."¹³ The file does not contain either the statement written by Teacher #1 or any synopsis of oral information received from Teacher #4 and Teacher #9.

Investigators attempted to re-interview the four children whom Fisher claimed had completed their tests independently. We spoke with three out of the four.¹⁴ In their initial interviews, none of these students had mentioned giving Fisher a written statement. Indeed, according to one boy, although he was called into the principal's office and answered questions, he never wrote the document which purports to deny cheating by "Ms. Runrup [*sic*]." One of the girls identified her statement and indicated that she created it because she was "afraid" and "didn't want to get into trouble." The other girl also acknowledged writing the account provided to us by Fisher. Clearly flustered, she

¹⁰ Fisher declined to be interviewed, however, he spoke informally with investigators. The next day, when we arrived at the school to pick up his file, he declined to comment any further.

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could not provide the details under which she had given the statement or who was present when she did. In it, she denied that Ramrup cheated – a position which was inconsistent with the information she initially provided to us. Asked to explain, the student asserted that she had forgotten to write that Ramrup gave her and other classmates the answers on the reading test.

Through her attorney, Janet Zeman declined the opportunity to be interviewed.

The Superintendent's Office

Until our investigation led us to ask questions at her office, District 9 Superintendent Maria Guasp and her staff, for the most part, were not familiar with Fisher's letter or the underlying allegation and investigation.¹⁵ According to Guasp, she never saw the document because, if she had, there would be a notation regarding what action was taken. Moreover, given its content, she or a delegate would have notified this office.

Guasp asked her staff to locate the letter. It was found in the superintendent's clerical file drawer rather than in the CES 88 folder maintained at the district office. Markings on the document appear to give filing instructions. Specifically, a capital "F" was written in pencil on the page along with an arrow pointing to School 88 in the heading. However, based on her usual procedure, Guasp asserted that she did not make these annotations. Again, she was baffled that the letter was filed without a notation of action to be taken.

The superintendent then polled her staff in search of someone with knowledge of Fisher's letter. According to Director of Operations Vincent Clark, he had never seen it before. Executive Assistant Ruth Acevedo, who signed the delivery slip, had no independent recollection of that event. However, she located a disk with entries concerning the receipt of external mail which contained an entry for Fisher regarding "testing concerns." The corresponding comment indicated that the letter was referred to Deputy Superintendent Helen Santiago and District Assessment Liaison Brian Wachs.

¹⁵ After receiving the file from Fisher, investigators immediately headed to see Guasp. It was surely no coincidence that, in the interim, Fisher had called the superintendent. According to Guasp, he inquired about his telephone call and follow-up letter to her regarding the April 1999 incident. She responded that she recalled neither communication.

An interview with those individuals shed no light on the mystery, however. Both agreed that they were not familiar with the letter. According to Santiago, given its content, she would have conferred with Guasp and someone would have contacted this office. Wachs, who was absolutely certain that he had never seen the letter before, asserted that he would have contacted the central Board's Division of Assessment and Accountability ("DAA") for advice. However, a review of his files revealed no information about the CES 88 matter.

The DAA Is Alerted But The Complaint Is Not Reported To Investigators

Although Brian Wachs did not alert the DAA to the cheating at CES 88, Teacher #1 did. She provided investigators with a letter which she sent to DAA Deputy Executive Director Lori Mei, dated April 27, 1999, that detailed the information disclosed during the Saturday class and Fisher's reaction to it. Rather than notifying this office, however, Mei forwarded Teacher #1's complaint to the Test Administration and Scan Unit ("SCAN") with instructions to "Log in and follow-up on it."

Although SCAN received the document and it was logged, no steps were taken to review it for investigation. SCAN Assistant Manager Hope Doyle located the six-page fax from Mei, but initially could not find the log. Ultimately found, it revealed that the matter had not been referred to any other party. According to Doyle, the date of the fax, April 27, 1999, was one day before the Citywide mathematics exam, when the test unit would have been "inundated" with work. SCAN Manager Ellie Freiser and Robert Tobias, the executive director of the Division of Assessment and Accountability echoed that explanation.¹⁶

Conclusions and Recommendations

By July 1998, it was well known school-wide that CES 88 was under scrutiny for testing irregularities. Nevertheless, Anna Rivera, Lalmatie Ramrup, and Barbara Tannenbaum brazenly continued to cheat in the spring of 1999. In addition, Rivera, who we previously established cheated in 1995 and 1998, tampered with the witnesses against

¹⁶ Tobias and Doyle claimed that, at the time, investigators from this office regularly visited SCAN to review the information on the log to determine whether we would investigate certain matters. This is incorrect. Although we frequently visited SCAN during our long-term cheating investigation, that unit was responsible for notifying this office when it received an allegation of wrongdoing. Indeed, another log entry was referred to one of our investigators, while this one clearly was not.

her and attempted to assault a fellow employee who had refused to cheat. It is therefore the recommendation of this office that Rivera's employment be terminated and that this matter be considered should she ever apply for reemployment with the Board. Moreover, strong disciplinary action, which could appropriately include termination of employment, should be taken against Ramrup and Tannenbaum.

We found cheating at CES 88 in 1995, 1998, and 1999, even after it was publicly exposed and an investigation was launched. The misconduct had become such a part of doing business there that teachers refused assignments to 3rd grade classes to avoid the issue. Jeffrey Fisher was the principal during this entire period. Certainly the complaint of cheating in 1999 came to his attention, but rather than face it squarely, he took steps to bury it.

Given the repetitive nature of the wrongdoing at CES 88, it is not surprising that Fisher grossly mishandled the additional allegation of cheating in spring 1999. His misconduct went beyond his failure to notify this office and his decision to conduct his own inquiry. For it is clear that his investigation was intended to intimidate both his staff and his students into keeping quiet. Moreover, it is apparent that his "referral" to the superintendent was never meant to produce action. Although we did not prove that Fisher was a party to the cheating before or as it occurred, by his conduct, he surely made himself culpable after the fact. It is therefore the recommendation of this office that strong disciplinary action, which could appropriately include termination of his employment, be taken against Fisher.

In light of the manner in which Fisher and Rivera treated and interfered with witnesses, this office will closely monitor activity at the school. In our view, no further questioning of staff or children should take place concerning our findings, except as necessary for disciplinary proceedings. In addition, we recommend that the Chancellor take steps to protect CES 88 educators and students from retaliation tactics.

As we said in our prior report, school administrators and educators should not conduct investigations of misconduct, including complaints of cheating. This is best demonstrated by the circumstances of this case in which Principal Fisher's biased inquiry has complicated the findings of our independent review. Unfortunately, although the allegation reached the District 9 Superintendent's Office and the DAA, Board employees paid little, if any, attention to the information and failed to contact this office as was clearly warranted. Consequently, more than seven months passed before the complaint came to our attention. Fisher, the Superintendent's Office, and the DAA all bear some responsibility for the delay. It is our recommendation that steps must be taken to ensure that these allegations are reported directly and without delay to investigators who are equipped to evaluate the information and take appropriate action.

Hon. W. C. Thompson, Jr.

-11-

August 11, 2000

Should you have any inquiries regarding the above, please contact me or Deputy Commissioner Regina Loughran. She can be reached at (212) 510-1426.

Sincerely,

EDWARD F. STANCIK
Special Commissioner
of Investigation for the
New York City School District

By:

Regina A. Loughran
Deputy Commissioner

EFS:RAL:ai

c: Members of the Board

August 11, 2000

Hon. Edward J. Kuriansky
Commissioner
New York City Department of Investigation
80 Maiden Lane, 17th Floor
New York, NY 10038

Re: CES 88X
Anna Rivera
Lalmatie Ramrup
Barbara Tannenbaum
Jeffrey Fisher
SCI Case #99-3044

Dear Commissioner Kuriansky:

In our December 1999 report, *Cheating The Children: Educator Misconduct On Standardized Tests* (“*Cheating The Children*”), we described how two teachers conspired to provide assistance to certain students during the administration of Citywide tests at CES 88 in District 9 in the Bronx. Based on information from a confidential source who took part in the scheme, which was corroborated through interviews of students, we established that Administrative Assistant Janet Zeman and Teacher Anna Rivera cheated on a 1995 test and that Rivera cheated again in 1998. As a result, both Zeman and Rivera received letters of reprimand from District 9 Superintendent Maria Guasp.¹

¹ In December 1999, following the release of our report, Rivera was moved to the District office and remained in that assignment through June 2000. According to Guasp, in September, Rivera will hold a classroom position at CES 73.

Following the release of *Cheating The Children*, we received information that the misconduct continued at CES 88. A new complaint alleged that 3rd grade teachers Anna Rivera, Lalmatie Ramrup, and Barbara Tannenbaum cheated during the 1999 Citywide reading test.² We launched a new investigation and have substantiated that Ramrup and Tannenbaum, while proctoring together, prompted students to change incorrect answers and that Rivera explained questions and pointed at wrong answers.

Moreover, we have substantiated that Principal Jeffrey Fisher learned about the April 1999 cheating and failed to take appropriate action. Rather than contacting this office, Fisher conducted his own “investigation,” with the assistance of Zeman. In the end, he not only failed to report the misconduct, the principal also upset the students and harassed the staff members who had reported it.

Our investigation began when a confidential source, who is a teacher at CES 88 (“Teacher #1”), reported that Ramrup and Tannenbaum gave answers to students during the 1999 Citywide reading test.³ A second teacher who spoke to us in confidence (Teacher #2”) alleged that, as she had done in prior years, Rivera also assisted students during the 1999 exams. In addition, according to Teacher #2, Rivera contacted her former 3rd grade students in an apparent attempt to influence their cooperation with our office.

We have spoken with ten educators from CES 88. Given the intimidation tactics employed by the principal, as well as Rivera’s attempts to influence witnesses, both of which are described later in this report, we have chosen to keep confidential the names of our sources.⁴

Anna Rivera

Acting on the information from Teacher #2, investigators interviewed eighteen children from the 3rd grade class whose 1999 reading test was proctored by Rivera. Nearly all agreed that Rivera conducted the exam alone and that a raised hand would allow a question to be asked. Half described receiving assistance. According to some

² This exam occurred in April 1999. At that time, given the public exposure of the allegations through the media in July 1998, the administration and staff at CES 88 were well aware that the school was under investigation for testing irregularities in prior years.

³ The confidential source from our prior investigation was not involved in this new one.

⁴ To the extent necessary during the disciplinary process or other legal proceedings, we will reveal the identities of our sources.

students, Rivera would approach a student's desk and "explain" the question so that the child could understand it. Others reported that the proctor pointed to particular answers and gave the instruction to "check it" again. According to one boy, Rivera told him that his answer to question #21 was wrong, so he erased it and chose another.⁵ She also suggested: "If I were you, I'd look through #23 through #31." The child followed her advice and changed his original choice for question #31.

Additional educators at CES 88 also provided evidence concerning Rivera:

A teacher ("Teacher #4") who was assigned to a 3rd grade class in September 1997 was approached by Rivera and told that in order to handle that grade level at CES 88 she was going to have to assist children during the Citywide exams.⁶ In response, she adamantly refused to do so. According to Teacher #4, shortly thereafter, Principal Fisher called her to his office and told her that he would never ask her to commit such conduct.

Rivera harassed another teacher ("Teacher #5") who declined an assignment to a 3rd grade class at the school because it required, in essence, cheating. Once in June and again in July 1998, Rivera asked Teacher #5 to consider an appointment to a 3rd grade class. On both occasions, Rivera explained that assisting students during the administration of Citywide tests was a condition of the position. Teacher #5 rejected the offer, specifically because she refused to cheat. As a result, the two had a falling out. In fact, that September, Rivera attempted to strike Teacher #5 in the hallway of the school. Only the intervention of another faculty member ("Teacher #10") prevented her from completing the physical assault. Indeed, according to Teacher #10, had he not grabbed Rivera and held her back, she would have struck Teacher #5.⁷

Yet another teacher ("Teacher #8") related to us conversations she had with Rivera regarding test pressures, as well as information about Rivera's failure to follow the rules. Prior to starting work at CES 88 in September 1997, Teacher #8 observed a class taught by Rivera who commented that there was a great deal of pressure on educators to have the children pass the Citywide exams. Rivera added that the students "must" pass. Moreover, although she has no direct knowledge of cheating, Teacher #8 noticed impropriety on Rivera's part during the administration of the 1999 Citywide

⁵ The boy's answer sheet shows an erasure on this question. Rivera did not tell him which response to select.

⁶ CES 88 is comprised of students in kindergarten through 3rd grade. Only the 3rd graders take standardized tests.

⁷ Teacher #10 convinced Teacher #5 not to file a police report because, in his opinion, it would make matters worse.

reading test. According to Teacher #8, unlike the other teachers, Rivera did not immediately turn in the exams taken by her students, indeed, forty-five minutes after it finished, she still was in possession of them. This is particularly troubling given Rivera's history of misconduct.

Teacher #10, who supervised testing at CES 88 in 1999, confirmed that a 3rd grade teacher, either Rivera or Lalmatie Ramrup, returned exams at least forty-five minutes late.⁸ Teacher #10 also corroborated Teacher #5's account of Rivera's attempt to physically attack her in the hallway of the school.

We released *Cheating The Children* on December 7, 1999, and began our new inquiry upon receipt of the additional allegation two days later. Rivera exacerbated her cheating conduct by attempting to obstruct our second investigation. The family of one girl who may have received improper assistance from Rivera later heard from the teacher. According to this child's mother, a few weeks before Christmas 1999, Rivera telephoned and requested that the parent speak with her daughter about the administration of the 1999 reading test. Specifically, Rivera wanted to make sure that the girl understood that she did not give her any answers on the exam. According to the mother, that was the only time she ever received a telephone call from this teacher. Rivera's strategy may have worked: unlike the majority of the children interviewed, this student claimed that no one asked questions, that the proctor informed the class that she could not help them, and that Rivera did not speak to her or anyone else.

Rivera succeeded in convincing at least one mother to withdraw her daughter's statement about the teacher's misconduct in 1998. Following the release of *Cheating The Children*, the investigator who supervised the case received a telephone call from a mother who was upset by our report of Rivera's role in the cheating incidents. Although reminded that her daughter had described the teacher's wrongdoing in her presence, the parent continued to deny that Rivera was involved. The explanation for such a reversal was provided by Teacher #2, who told us that in mid-December 1999, in an attempt to obtain the telephone numbers for other children, Rivera informed him that she had contacted this mother about the testing process.

Anna Rivera refused to be interviewed. When investigators attempted to offer her the opportunity to speak with them, Rivera replied that she had been advised by her attorney not to do so. She would not provide the name of her attorney.

⁸ However, he claimed he could not remember whether he brought that fact to the attention of Principal Fisher or Superintendent Maria Guasp.

Lalmatie Ramrup and Barbara Tannenbaum

Two educators inadvertently discovered that 3rd grade teachers Lalmatie Ramrup and Barbara Tannenbaum cheated during the administration of the 1999 Citywide reading test given on April 21, 1999. During a Saturday math session on April 24, 1999, held to prepare the children for the Citywide test scheduled to be given the following week, one student informed the teacher in charge (“Teacher #9”) that she and her classmates did not have to study because Ramrup would give them the answers, as she had during the reading test. Moreover, according to Teacher #1, during the same Saturday session, certain members of the class became disruptive as one group accused another group of being cheaters. In order to restore order, the teacher warned them that time to study was running out. In reply, one girl, who was regularly assigned to Ramrup’s 3rd grade class, commented that our source should not worry because Ramrup would give them the answers as she had on the recent Citywide reading exam. A second Ramrup student interrupted to add that, “we aren’t supposed to tell the teachers.” Nevertheless, with the misconduct revealed, the children provided details: “[Ramrup, along with co-proctor Barbara Tannenbaum,] told [our class] which ones to erase and which ones to circle.” Teacher #1 reported the information to her Saturday supervisor, Teacher #10.

Teacher #4 also learned about the cheating from the children. Within a day of the test, 3rd graders in Teacher #4’s class reported that Ramrup gave answers to her students during the administration of the exam.

Students confirmed receiving assistance during the exam. According to the children, co-proctors Ramrup and Tannenbaum separately strolled around the room, stopped at the desks of students, and pointed to answers to be changed.⁹ In some cases, a child was prompted to a particular response. According to one boy, Ramrup instructed that the students were allowed to ask her the meaning of a word, if stumped.

Lalmatie Ramrup declined the opportunity to speak with investigators.

Efforts to interview Barbara Tannenbaum were unsuccessful. During our initial attempt, an individual who identified himself as her husband declared the teacher “unavailable.” Although he agreed to give his wife our investigator’s business card, her husband was “uncertain” that she would be willing to speak with us. Although she never

⁹ Eighteen students were interviewed: twelve confirmed pointing and prompting, one explained that you could ask for the meaning of a word, three denied observing pointing or prompting, one did not remember the test, and one was assigned to a room with another set of proctors.

contacted this office, an attorney, who asserted that he represented Tannenbaum, did. After numerous communications with that individual, in order to schedule an appointment or have the teacher decline the opportunity to tell her side, he withdrew from the matter. According to the attorney, he no longer represented Tannenbaum and she was “going it alone.” Repeated calls to Tannenbaum were not returned.

Jeffrey Fisher

By Monday, April 26, 1999, Teacher #10 had notified Principal Jeffrey Fisher of the students’ disclosure during the Saturday class. Rather than reporting the information to this office, the principal chose to handle the matter himself.

That morning, Fisher conducted an investigation which consisted of questioning teachers and students. According to Teacher #10, he was left “out of the loop” and Janet Zeman assisted Fisher in his inquiry. According to Teacher #1, she was summoned to the principal’s office and questioned by Fisher in the presence of Zeman. The following day, he instructed her to write a statement detailing what occurred during the Saturday class. However, the principal apparently was not satisfied with the document Teacher #1 produced: he returned it to her, ordered her to shorten it, and accused her of instigating the incident. Two days later, she was again in Fisher’s office to be questioned about the students’ revelations – this time in front of Ramrup and another teacher.

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Hon. E. J. Kuriansky

-11-

August 11, 2000

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Sincerely,

EDWARD F. STANCIK
Special Commissioner
of Investigation for the
New York City School District

By:

Regina A. Loughran
Deputy Commissioner

EFS:RAL:ai

August 11, 2000

Hon. Richard P. Mills
Commissioner
New York State Department of Education
Washington Avenue
Albany, NY 12231

Re: CES 88X
Anna Rivera

Lalmatie Ramrup
Barbara Tannenbaum
Jeffrey Fisher
SCI Case #99-3044

Dear Commissioner Mills:

In our December 1999 report, *Cheating The Children: Educator Misconduct On Standardized Tests* (“*Cheating The Children*”), we described how two teachers conspired to provide assistance to certain students during the administration of Citywide tests at CES 88 in District 9 in the Bronx. Based on information from a confidential source who took part in the scheme, which was corroborated through interviews of students, we established that Administrative Assistant Janet Zeman and Teacher Anna Rivera cheated on a 1995 test and that Rivera cheated again in 1998. As a result, both Zeman and Rivera received letters of reprimand from District 9 Superintendent Maria Guasp.¹⁷

¹⁷ In December 1999, following the release of our report, Rivera was moved to the District office and remained in that assignment through June 2000. According to Guasp, in September, Rivera will hold a classroom position at CES 73.

Following the release of *Cheating The Children*, we received information that the misconduct continued at CES 88. A new complaint alleged that 3rd grade teachers Anna Rivera, Lalmatie Ramrup, and Barbara Tannenbaum cheated during the 1999 Citywide reading test.¹⁸ We launched a new investigation and have substantiated that Ramrup and Tannenbaum, while proctoring together, prompted students to change incorrect answers and that Rivera explained questions and pointed at wrong answers.

Moreover, we have substantiated that Principal Jeffrey Fisher learned about the April 1999 cheating and failed to take appropriate action. Rather than contacting this office, Fisher conducted his own “investigation,” with the assistance of Zeman. In the end, he not only failed to report the misconduct, the principal also upset the students and harassed the staff members who had reported it.

Our investigation began when a confidential source, who is a teacher at CES 88 (“Teacher #1”), reported that Ramrup and Tannenbaum gave answers to students during the 1999 Citywide reading test.¹⁹ A second teacher who spoke to us in confidence (Teacher #2”) alleged that, as she had done in prior years, Rivera also assisted students during the 1999 exams. In addition, according to Teacher #2, Rivera contacted her former 3rd grade students in an apparent attempt to influence their cooperation with our office.

We have spoken with ten educators from CES 88. Given the intimidation tactics employed by the principal, as well as Rivera’s attempts to influence witnesses, both of which are described later in this report, we have chosen to keep confidential the names of our sources.²⁰

Anna Rivera

Acting on the information from Teacher #2, investigators interviewed eighteen children from the 3rd grade class whose 1999 reading test was proctored by Rivera. Nearly all agreed that Rivera conducted the exam alone and that a raised hand would allow a question to be asked. Half described receiving assistance. According to some

¹⁸ This exam occurred in April 1999. At that time, given the public exposure of the allegations through the media in July 1998, the administration and staff at CES 88 were well aware that the school was under investigation for testing irregularities in prior years.

¹⁹ The confidential source from our prior investigation was not involved in this new one.

²⁰ To the extent necessary during the disciplinary process or other legal proceedings, we will reveal the identities of our sources.

students, Rivera would approach a student's desk and "explain" the question so that the child could understand it. Others reported that the proctor pointed to particular answers and gave the instruction to "check it" again. According to one boy, Rivera told him that his answer to question #21 was wrong, so he erased it and chose another.²¹ She also suggested: "If I were you, I'd look through #23 through #31." The child followed her advice and changed his original choice for question #31.

Additional educators at CES 88 also provided evidence concerning Rivera:

A teacher ("Teacher #4") who was assigned to a 3rd grade class in September 1997 was approached by Rivera and told that in order to handle that grade level at CES 88 she was going to have to assist children during the Citywide exams.²² In response, she adamantly refused to do so. According to Teacher #4, shortly thereafter, Principal Fisher called her to his office and told her that he would never ask her to commit such conduct.

Rivera harassed another teacher ("Teacher #5") who declined an assignment to a 3rd grade class at the school because it required, in essence, cheating. Once in June and again in July 1998, Rivera asked Teacher #5 to consider an appointment to a 3rd grade class. On both occasions, Rivera explained that assisting students during the administration of Citywide tests was a condition of the position. Teacher #5 rejected the offer, specifically because she refused to cheat. As a result, the two had a falling out. In fact, that September, Rivera attempted to strike Teacher #5 in the hallway of the school. Only the intervention of another faculty member ("Teacher #10") prevented her from completing the physical assault. Indeed, according to Teacher #10, had he not grabbed Rivera and held her back, she would have struck Teacher #5.²³

Yet another teacher ("Teacher #8") related to us conversations she had with Rivera regarding test pressures, as well as information about Rivera's failure to follow the rules. Prior to starting work at CES 88 in September 1997, Teacher #8 observed a class taught by Rivera who commented that there was a great deal of pressure on educators to have the children pass the Citywide exams. Rivera added that the students "must" pass. Moreover, although she has no direct knowledge of cheating, Teacher #8 noticed impropriety on Rivera's part during the administration of the 1999 Citywide

²¹ The boy's answer sheet shows an erasure on this question. Rivera did not tell him which response to select.

²² CES 88 is comprised of students in kindergarten through 3rd grade. Only the 3rd graders take standardized tests.

²³ Teacher #10 convinced Teacher #5 not to file a police report because, in his opinion, it would make matters worse.

reading test. According to Teacher #8, unlike the other teachers, Rivera did not immediately turn in the exams taken by her students, indeed, forty-five minutes after it finished, she still was in possession of them. This is particularly troubling given Rivera's history of misconduct.

Teacher #10, who supervised testing at CES 88 in 1999, confirmed that a 3rd grade teacher, either Rivera or Lalmatie Ramrup, returned exams at least forty-five minutes late.²⁴ Teacher #10 also corroborated Teacher #5's account of Rivera's attempt to physically attack her in the hallway of the school.

We released *Cheating The Children* on December 7, 1999, and began our new inquiry upon receipt of the additional allegation two days later. Rivera exacerbated her cheating conduct by attempting to obstruct our second investigation. The family of one girl who may have received improper assistance from Rivera later heard from the teacher. According to this child's mother, a few weeks before Christmas 1999, Rivera telephoned and requested that the parent speak with her daughter about the administration of the 1999 reading test. Specifically, Rivera wanted to make sure that the girl understood that she did not give her any answers on the exam. According to the mother, that was the only time she ever received a telephone call from this teacher. Rivera's strategy may have worked: unlike the majority of the children interviewed, this student claimed that no one asked questions, that the proctor informed the class that she could not help them, and that Rivera did not speak to her or anyone else.

Rivera succeeded in convincing at least one mother to withdraw her daughter's statement about the teacher's misconduct in 1998. Following the release of *Cheating The Children*, the investigator who supervised the case received a telephone call from a mother who was upset by our report of Rivera's role in the cheating incidents. Although reminded that her daughter had described the teacher's wrongdoing in her presence, the parent continued to deny that Rivera was involved. The explanation for such a reversal was provided by Teacher #2, who told us that in mid-December 1999, in an attempt to obtain the telephone numbers for other children, Rivera informed him that she had contacted this mother about the testing process.

Anna Rivera refused to be interviewed. When investigators attempted to offer her the opportunity to speak with them, Rivera replied that she had been advised by her attorney not to do so. She would not provide the name of her attorney.

²⁴ However, he claimed he could not remember whether he brought that fact to the attention of Principal Fisher or Superintendent Maria Guasp.

Lalmatie Ramrup and Barbara Tannenbaum

Two educators inadvertently discovered that 3rd grade teachers Lalmatie Ramrup and Barbara Tannenbaum cheated during the administration of the 1999 Citywide reading test given on April 21, 1999. During a Saturday math session on April 24, 1999, held to prepare the children for the Citywide test scheduled to be given the following week, one student informed the teacher in charge (“Teacher #9”) that she and her classmates did not have to study because Ramrup would give them the answers, as she had during the reading test. Moreover, according to Teacher #1, during the same Saturday session, certain members of the class became disruptive as one group accused another group of being cheaters. In order to restore order, the teacher warned them that time to study was running out. In reply, one girl, who was regularly assigned to Ramrup’s 3rd grade class, commented that our source should not worry because Ramrup would give them the answers as she had on the recent Citywide reading exam. A second Ramrup student interrupted to add that, “we aren’t supposed to tell the teachers.” Nevertheless, with the misconduct revealed, the children provided details: “[Ramrup, along with co-proctor Barbara Tannenbaum,] told [our class] which ones to erase and which ones to circle.” Teacher #1 reported the information to her Saturday supervisor, Teacher #10.

Teacher #4 also learned about the cheating from the children. Within a day of the test, 3rd graders in Teacher #4’s class reported that Ramrup gave answers to her students during the administration of the exam.

Students confirmed receiving assistance during the exam. According to the children, co-proctors Ramrup and Tannenbaum separately strolled around the room, stopped at the desks of students, and pointed to answers to be changed.²⁵ In some cases, a child was prompted to a particular response. According to one boy, Ramrup instructed that the students were allowed to ask her the meaning of a word, if stumped.

Lalmatie Ramrup declined the opportunity to speak with investigators.

Efforts to interview Barbara Tannenbaum were unsuccessful. During our initial attempt, an individual who identified himself as her husband declared the teacher “unavailable.” Although he agreed to give his wife our investigator’s business card, her husband was “uncertain” that she would be willing to speak with us. Although she never

²⁵ Eighteen students were interviewed: twelve confirmed pointing and prompting, one explained that you could ask for the meaning of a word, three denied observing pointing or prompting, one did not remember the test, and one was assigned to a room with another set of proctors.

contacted this office, an attorney, who asserted that he represented Tannenbaum, did. After numerous communications with that individual, in order to schedule an appointment or have the teacher decline the opportunity to tell her side, he withdrew from the matter. According to the attorney, he no longer represented Tannenbaum and she was “going it alone.” Repeated calls to Tannenbaum were not returned.

Jeffrey Fisher

By Monday, April 26, 1999, Teacher #10 had notified Principal Jeffrey Fisher of the students’ disclosure during the Saturday class. Rather than reporting the information to this office, the principal chose to handle the matter himself.

That morning, Fisher conducted an investigation which consisted of questioning teachers and students. According to Teacher #10, he was left “out of the loop” and Janet Zeman assisted Fisher in his inquiry. According to Teacher #1, she was summoned to the principal’s office and questioned by Fisher in the presence of Zeman. The following day, he instructed her to write a statement detailing what occurred during the Saturday class. However, the principal apparently was not satisfied with the document Teacher #1 produced: he returned it to her, ordered her to shorten it, and accused her of instigating the incident. Two days later, she was again in Fisher’s office to be questioned about the students’ revelations – this time in front of Ramrup and another teacher.

One of Ramrup’s students confirmed that her teacher was called to Fisher’s office regarding the cheating. According to the girl, upon returning from meeting with the principal, an angry Ramrup demanded that those who were in Teacher #1’s Saturday class stand. In this student’s opinion, the teacher then tried to trick them – she wrote a number and an answer on the blackboard and inquired whether she helped them this way on the test. Unfazed by the ploy, the girl responded to Ramrup that the teacher had helped them by pointing to answers.

Fisher also questioned Teacher #9 about her Saturday session. Called to the principal’s office, the teacher reported that she, too, had been told by Ramrup’s students that they did not have to study because they would be given the answers. Summoned to the office a second time, in the presence of Janet Zeman, an angry Fisher questioned why Teacher #9 did not go directly to Ramrup with the allegation. Moreover, he accused her of putting ideas in the students’ heads and telling them what to say. Although ordered to do so, Teacher #9 declined to give Fisher a written statement.

Teacher #4 also received harsh treatment from Fisher. Some of her students had complained that children in Ramrup's class received answers from the teacher. According to this source, Fisher tried to intimidate her, as well as Teacher #1 and Teacher #9, and attempted to convince the three to retract their reports. In fact, both she and Teacher #1 were questioned with Ramrup present.

According to Fisher, after learning about "the incident" from Teacher #10, he conducted a "preliminary investigation" and concluded that no further action was necessary.²⁶ His inquiry included questioning teachers and students who also wrote statements. Initially, Fisher asserted that Teacher #10, and not Janet Zeman, witnessed the interviews he conducted.²⁷ Approximately one month later, however, Fisher's attorney contacted this office to assert that her client now remembered that Zeman was present while he spoke to students and teachers.²⁸

A review of Fisher's file relating to his investigation gives the false impression that the allegations were unfounded. It consists of written statements from students, a letter to Superintendent Maria Guasp dated April 28, 1999, and a signed receipt of delivery of that document to the district. In the letter, the principal reported the allegation to the superintendent, explained that he took written statements from Ramrup's students which indicate that "they completed their tests independently[,] and concluded that no improprieties occurred."²⁹ The file does not contain either the statement written by Teacher #1 or any synopsis of oral information received from Teacher #4 and Teacher #9.

Investigators attempted to re-interview the four children whom Fisher claimed had completed their tests independently. We spoke with three out of the four.³⁰ In their initial interviews, none of these students had mentioned giving Fisher a written statement. Indeed, according to one boy, although he was called into the principal's office and answered questions, he never wrote the document which purports to deny cheating by "Ms. Runrup [*sic*]." One of the girls identified her statement and indicated that she created it because she was "afraid" and "didn't want to get into trouble." The other girl also acknowledged writing the account provided to us by Fisher. Clearly flustered, she

²⁶ Fisher declined to be interviewed, however, he spoke informally with investigators. The next day, when we arrived at the school to pick up his file, he declined to comment any further.

²⁷ According to Teacher #10, however, he played no role in the principal's investigation.

²⁸ The attorney, Barbara Jacoma, seemed unaware that Fisher had named Teacher #10 and relayed Zeman's name as if the principal had completely forgotten the individual and just remembered who it was.

²⁹ In the letter, Fisher again claimed that Teacher #10 witnessed the statements. He also added that Ramrup was upset and noted "how hard she has worked to prepare her students for the exam."

³⁰ The parents of the fourth child refused to permit investigators to speak with him.

could not provide the details under which she had given the statement or who was present when she did. In it, she denied that Ramrup cheated – a position which was inconsistent with the information she initially provided to us. Asked to explain, the student asserted that she had forgotten to write that Ramrup gave her and other classmates the answers on the reading test.

Through her attorney, Janet Zeman declined the opportunity to be interviewed.

The Superintendent's Office

Until our investigation led us to ask questions at her office, District 9 Superintendent Maria Guasp and her staff, for the most part, were not familiar with Fisher's letter or the underlying allegation and investigation.³¹ According to Guasp, she never saw the document because, if she had, there would be a notation regarding what action was taken. Moreover, given its content, she or a delegate would have notified this office.

Guasp asked her staff to locate the letter. It was found in the superintendent's clerical file drawer rather than in the CES 88 folder maintained at the district office. Markings on the document appear to give filing instructions. Specifically, a capital "F" was written in pencil on the page along with an arrow pointing to School 88 in the heading. However, based on her usual procedure, Guasp asserted that she did not make these annotations. Again, she was baffled that the letter was filed without a notation of action to be taken.

The superintendent then polled her staff in search of someone with knowledge of Fisher's letter. According to Director of Operations Vincent Clark, he had never seen it before. Executive Assistant Ruth Acevedo, who signed the delivery slip, had no independent recollection of that event. However, she located a disk with entries concerning the receipt of external mail which contained an entry for Fisher regarding "testing concerns." The corresponding comment indicated that the letter was referred to Deputy Superintendent Helen Santiago and District Assessment Liaison Brian Wachs.

³¹ After receiving the file from Fisher, investigators immediately headed to see Guasp. It was surely no coincidence that, in the interim, Fisher had called the superintendent. According to Guasp, he inquired about his telephone call and follow-up letter to her regarding the April 1999 incident. She responded that she recalled neither communication.

An interview with those individuals shed no light on the mystery, however. Both agreed that they were not familiar with the letter. According to Santiago, given its content, she would have conferred with Guasp and someone would have contacted this office. Wachs, who was absolutely certain that he had never seen the letter before, asserted that he would have contacted the central Board's Division of Assessment and Accountability ("DAA") for advice. However, a review of his files revealed no information about the CES 88 matter.

The DAA Is Alerted But The Complaint Is Not Reported To Investigators

Although Brian Wachs did not alert the DAA to the cheating at CES 88, Teacher #1 did. She provided investigators with a letter which she sent to DAA Deputy Executive Director Lori Mei, dated April 27, 1999, that detailed the information disclosed during the Saturday class and Fisher's reaction to it. Rather than notifying this office, however, Mei forwarded Teacher #1's complaint to the Test Administration and Scan Unit ("SCAN") with instructions to "Log in and follow-up on it."

Although SCAN received the document and it was logged, no steps were taken to review it for investigation. SCAN Assistant Manager Hope Doyle located the six-page fax from Mei, but initially could not find the log. Ultimately found, it revealed that the matter had not been referred to any other party. According to Doyle, the date of the fax, April 27, 1999, was one day before the Citywide mathematics exam, when the test unit would have been "inundated" with work. SCAN Manager Ellie Freiser and Robert Tobias, the executive director of the Division of Assessment and Accountability echoed that explanation.³²

Conclusions and Recommendations

By July 1998, it was well known school-wide that CES 88 was under scrutiny for testing irregularities. Nevertheless, Anna Rivera, Lalmatie Ramrup, and Barbara Tannenbaum brazenly continued to cheat in the spring of 1999. In addition, Rivera, who we previously established cheated in 1995 and 1998, tampered with the witnesses against

³² Tobias and Doyle claimed that, at the time, investigators from this office regularly visited SCAN to review the information on the log to determine whether we would investigate certain matters. This is incorrect. Although we frequently visited SCAN during our long-term cheating investigation, that unit was responsible for notifying this office when it received an allegation of wrongdoing. Indeed, another log entry was referred to one of our investigators, while this one clearly was not.

her and attempted to assault a fellow employee who had refused to cheat. We have therefore recommended that Rivera's employment be terminated and that this matter be considered should she ever apply for reemployment with the Board. Moreover, strong disciplinary action, which could appropriately include termination of employment, should be taken against Ramrup and Tannenbaum.

We found cheating at CES 88 in 1995, 1998, and 1999, even after it was publicly exposed and an investigation was launched. The misconduct had become such a part of doing business there that teachers refused assignments to 3rd grade classes to avoid the issue. Jeffrey Fisher was the principal during this entire period. Certainly the complaint of cheating in 1999 came to his attention, but rather than face it squarely, he took steps to bury it.

Given the repetitive nature of the wrongdoing at CES 88, it is not surprising that Fisher grossly mishandled the additional allegation of cheating in spring 1999. His misconduct went beyond his failure to notify this office and his decision to conduct his own inquiry. For it is clear that his investigation was intended to intimidate both his staff and his students into keeping quiet. Moreover, it is apparent that his "referral" to the superintendent was never meant to produce action. Although we did not prove that Fisher was a party to the cheating before or as it occurred, by his conduct, he surely made himself culpable after the fact. Therefore, we have recommended to the Board of Education that strong disciplinary action, which could appropriately include termination of his employment, be taken against Fisher.

In light of the manner in which Fisher and Rivera treated and interfered with witnesses, this office will closely monitor activity at the school. In our view, no further questioning of staff or children should take place concerning our findings, except as necessary for disciplinary proceedings. In addition, we have recommended that the Chancellor take steps to protect CES 88 educators and students from retaliation tactics.

As we said in our prior report, school administrators and educators should not conduct investigations of misconduct, including complaints of cheating. This is best demonstrated by the circumstances of this case in which Principal Fisher's biased inquiry has complicated the findings of our independent review. Unfortunately, although the allegation reached the District 9 Superintendent's Office and the DAA, Board employees paid little, if any, attention to the information and failed to contact this office as was clearly warranted. Consequently, more than seven months passed before the complaint came to our attention. Fisher, the Superintendent's Office, and the DAA all bear some responsibility for the delay. We have also recommended to the Board of Education that steps must be taken to ensure that these allegations are reported directly and without delay to investigators who are equipped to evaluate the information and take appropriate action.

We are providing this information for whatever action you deem appropriate. Should you have any inquiries regarding the above, please contact me or Deputy Commissioner Regina Loughran. She can be reached at (212) 510-1426.

Sincerely,

EDWARD F. STANCIK
Special Commissioner
of Investigation for the
New York City School District

By: _____
Regina A. Loughran
Deputy Commissioner

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C: Peter Sherman, Esq.

