

October 4, 2006

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

Re: Lisa Schmude
SCI Case #2006-1373

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Lisa Schmude, a thirty-year-old Social Studies teacher assigned to JHS 259 in Brooklyn, had an inappropriate relationship with and otherwise behaved inappropriately toward two students (“Student A” and “Student B”).¹

This investigation began on April 10, 2006, when the Office of the Special Commissioner of Investigation (“SCI”) received a complaint regarding Schmude’s testimony given at a criminal trial in which the teacher admitted that she arranged a meeting between Student A and Student B while they were her students. Additionally, Schmude encouraged Student A to kiss Student B inside the teacher’s classroom.

SCI investigators met with Student A, a fifteen-year-old female, who reported that Schmude had been her teacher in the 6th, 7th, and 8th grades. Student A explained that in May of 2003, when she was twelve-years-old, she mentioned to Schmude that she was interested in Student B. In response, Schmude planned to find out whether Student B had any interest in Student A. According to Student A, Schmude said that Student B was in fact interested and thereafter she met with Student B on several occasions. She added that he attempted to kiss her, but she refused to let him do so.

¹ Schmude was not reassigned while this investigation was pending.

Student A continued that shortly after her initial conversation with Schmude, the teacher appeared in Student A's 8th period class and pulled her from it. According to Student A, the teacher escorted her to Schmude's classroom where Student B was waiting. Student A recalled that while Schmude was walking with her, the teacher chastised her for not kissing Student B previously, told Student A not to embarrass her anymore, and instructed her to kiss Student B. Student A stated that when she got to Schmude's classroom, she and Student B went out of the teacher's view and kissed. After the kiss, Student A walked out of the classroom where Schmude was talking with another teacher and Schmude then escorted her back to her class. Student A added that Schmude asked if she and Student B had kissed and Student A replied, "Yes."

Student A explained that, during the following year, Schmude hired her as a typist on several occasions. Specifically, Student A recalled that Schmude had her type two separate History tests as well as the teacher's personal college reports. Student A reported that she had been to Schmude's home and had met the teacher's husband. Additionally, Student A said that Schmude had come to her home on several occasions and that Student A's mother knew and approved of her relationship with the teacher.

Student A stated that during May of 2005, she received a phone call from Schmude.² According to Student A, Schmude said that she had run into Student B and that Student B had just moved into the area with a friend. Student A recalled Schmude stating that she had asked Student B if he remembered Student A and he responded that he was interested in seeing Student A again. Student A informed investigators that Schmude asked her to meet with Student B, but she declined to do so. However, Schmude replied, "Don't wimp out, I'll see you in a few minutes." Shortly thereafter, the teacher appeared at Student A's apartment and was discussing a typing job with the girl when a car horn blasted outside. Student A reported that when she looked outside, she observed a black car with dark tinted windows. According to Student A, Schmude then gave her a cell phone and told Student A to call Student B, who was downstairs waiting. Student A stated that Student B's phone number was on speed dial in Schmude's telephone. After talking with Student B, both Schmude and Student A went downstairs.

Once outside, Student A explained that Student B was standing by himself and the black car that he had arrived in drove off. The two students and the teacher began to talk and during the conversation, Schmude asked Student B about a shooting that had very recently taken place on the block. According to Student A, Student B stated that he knew the individual who had done the shooting and that the individual was now in jail. Student A recalled that when Student B bragged that he had shot someone on the block the

² Student A stated that in May of 2005 she was no longer a student at JHS 259. Additionally, Student A indicated that she was fourteen-years-old during this incident.

previous year, Schmude looked at Student A, and said, "I think you shot [Student A's] brother."³ Student A added that Student B immediately began to change the subject and that Student A excused herself to go back inside. As she left, Student A heard Student B tell Schmude that he needed a ride home.

The following day, Student A said that she called Schmude to ask whether she should tell her parents about Student B possibly being the individual who had shot her brother. According to Student A, Schmude responded, "Whatever you do, leave me out of it." Thereafter, Student A told her brother and parents about Student B and her brother subsequently identified Student B as the individual who had shot him in October of 2004. According to Student A, Schmude called her a few days later and, when the girl explained that her brother had identified Student B as the individual who shot him, Schmude became angry and asked why Student A showed a picture of Student B to her brother.

Student B was subsequently arrested for shooting Student A's brother. During his trial on Attempted Murder and Robbery charges, Schmude testified for the prosecutor. The details provided during her testimony led to this investigation. Student B was convicted of Robbery in the First Degree and was sentenced to a maximum of 10 years in a juvenile facility.

SCI investigators attempted to speak with Student B, who declined to do so upon the advice of his attorney.

Through her attorney, Lisa Schmude declined the opportunity to be interviewed by SCI investigators. However, during sworn testimony in Kings County Supreme Court when she was called to testify regarding her interactions with Student A and Student B during Student B's trial, Schmude admitted that she had been to Student A's residence and that she had hired the girl to type her thesis paper.⁴ Additionally, Schmude admitted that when Student A and Student B had been her students, she knew that Student A had a crush on Student B. However, Schmude denied that she allowed the two students to kiss in her classroom.

Schmude also testified that she arranged a meeting between herself, Student A and Student B in 2005 at Student A's residence. Schmude added that, while the three of them were in front of Student A's building, Student B claimed that he shot someone on the block. Schmude denied saying, "I think you shot [Student A's] brother," and instead

³ Student A explained that in October of 2004, her brother was shot during a robbery that occurred on her block. According to Student A, her brother survived the shooting, but the individuals responsible had not been caught by the police.

⁴ Schmude's testimony is derived from transcripts of Student B's trial which were reviewed by SCI investigators.

recalled that she said, "Her brother was shot on this block." Schmude admitted that she gave Student B a ride home that night and that she had done so on prior occasions as well. Schmude also acknowledged that she and Student B were present together at another student's home ("Student C").⁵

It is the recommendation of this office that Lisa Schmude be terminated from employment with the Department of Education, that she be made ineligible for future work, and that this matter be considered should she apply for any type of position with the New York City public school system.

We are sending a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are forwarding our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquires regarding the above, please contact Special Counsel Christina Creek Laslo, the attorney assigned to the case. She can be reached at (212) 510-1454. Please notify Ms. Laslo within thirty days of receipt of this letter of what, if any, action has been taken or is contemplated concerning Lisa Schmude. 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:CCL:gm

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

⁵ Student C was interviewed by SCI investigators and denied that Schmude and Student B were at her house together. Student C acknowledged that she was taught by Schmude in the 7th and 8th grades between 2003 and 2005 and that Schmude came to her home on one occasion to bring the student work while she was ill.