

November 16, 2006

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

Re: Edgar LaLuz
SCI Case #2006-1352

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Edgar LaLuz, a self-employed School Psychologist who provided services for the Department of Education (“DOE”), falsified Bilingual Psycho Educational Assessment Reports (“Triennials”) for 26 students throughout various Bronx schools and submitted them for payment.¹ As a result, he received more than \$10,000 in public school funds to which he was not entitled.

This investigation began on April 7, 2006, when the Office of the Special Commissioner of Investigation (“SCI”) received a complaint from Lehman High School (“Lehman”) Principal Robert Leder who reported that Assistant Principal Denise Cember alleged misconduct by LaLuz. Leder stated that Cember informed him that LaLuz claimed to have completed 9 Triennials on the same date.² Additionally, Leder explained that one of those students (“Student B”) and the student’s mother claimed that LaLuz never visited their home and Student B was not evaluated at school by the psychologist.

¹LaLuz was removed as a subcontractor with RCM Technologies (“RCM”) when RCM became aware of the allegations. LaLuz had been employed by RCM which has a contract with the Department of Education (“DOE”) to conduct psychological assessments and evaluations and also for triennials for special education students. A Triennial is a series of tests completed by a Psychologist which include a battery of IQ tests and educational tasks. Once a student has been classified as a Special Education student, a Triennial is conducted every three years to reassess the student’s strengths and weaknesses and to make adjustments to the services the student receives.

² Triennials take approximately two to five hours to complete depending on the individual educational level of the student.

SCI investigators spoke with Cember, the Assistant Principal of Special Education at Lehman. Cember explained that a female student ("Student J") requested a time extension for the SAT exam for college admission and, as a result, Lehman School Psychologist Catherine Dahlberg and Student J's teacher, Pam Fortini, reviewed the Triennial submitted by LaLuz for the student. According to Cember, both Fortini and Dahlberg stated that they were praising the student for the progress made based on the findings contained in the report and that Student J appeared confused. Cember related that Student J told both the school psychologist and her teacher that she had not been tested. Cember stated that Fortini brought the Triennial to her attention and Fortini told her that the report did not appear legitimate.

Cember stated that when she spoke with Student J, the girl indicated that she had not been tested by LaLuz or anyone else. Cember added that clerical worker Tammy Bryant noticed that the Triennial listed Truman High School as Student J's school. Cember stated that at first she thought that there had been a mix-up and that another student at Truman had the same name. The assistant principal said that she spoke with LaLuz and explained the problem. In response, LaLuz told her that he would send a follow-up report, but she never received one. Cember stated that she spoke with LaLuz again and although he asserted that he had done the assessment, she believed something to be wrong.

Cember explained further that LaLuz met with Dahlberg on March 20, 2006, and indicated that he had mixed up one of the students with another student. Cember explained to SCI investigators that she was still suspicious even after LaLuz provided this response and she approached Principal Leder with her suspicions. Cember added that when she approached Leder, she was only aware of the problem involving Student J; however, shortly after speaking with Leder, she became aware of another student who had not been evaluated even though a Triennial was submitted by LaLuz.

SCI investigators spoke with David Kroun, a consultant to the Superintendent of Region 2. Kroun explained that he was assigned by Cember to determine whether LaLuz falsified Triennials for students at Lehman. According to Kroun, after having brief conversations with the students, he concluded that LaLuz did not evaluate 9 students at Lehman. However, Kroun had not prepared a report of his findings, instead, he simply placed a star next to the name of any student who had denied being evaluated by LaLuz.³

Additionally, investigators met with Fern Rimler, a supervisor at RCM Technologies ("RCM"), who was in charge of the DOE contracts which used LaLuz as a subcontractor. Rimler explained that she first became aware of a problem involving Triennials submitted by LaLuz during a conversation with an employee at Lehman. Rimler further stated that she called LaLuz who said that he had evaluated the students

³ Kroun provided SCI investigators with his file which contained assessment reports for each student as well as an affirmation sheet signed by Edgar LaLuz indicating that he affirmed that he had administered the evaluations, prepared the reports and was responsible for the contents.

and he would go to Lehman and straighten it out. According to Rimler, during a second conversation with an employee at Lehman, she became aware of additional students who had not been evaluated and she attempted to contact LaLuz a second time.⁴ When asked how many evaluations LaLuz had been assigned, Rimler was unable to give an exact tally, but added that the number was high.⁵

At the request of SCI investigators, Rimler provided copies of RCM checks issued to LaLuz as payment for invoices submitted by the psychologist for the alleged evaluations of 36 students. Two checks were issued to LaLuz, the first in the amount of \$6,000 and the second for \$8,400, totaling \$14,400.

SCI investigators spoke with numerous students (“Student A” through Student K,” and “Student Z” through “Student CC”) from Lehman whom LaLuz claimed to have evaluated and learned the following:

? Fifteen-year-old male Student A was interviewed along with his mother (“Parent A”).⁶ Student A indicated that he was not evaluated by anyone from his school or from another agency. Parent A explained that someone from the guidance counselor’s office approached her son and asked if he had been evaluated and when he responded no, he was told that someone would get in touch with him shortly. According to Parent A, there had been no further contact from the guidance counselor’s office.

? Student B, a fourteen-year-old male, stated that he had not been assessed for his Triennial and did not meet an individual named Edgar LaLuz.⁷

? Sixteen-year-old male Student C and his mother (“Parent C”) were interviewed. Student C indicated that he had not been evaluated by anyone at Lehman. Additionally, Parent C said that she received a phone call from a male attempting to set up an appointment for the evaluation, but she stated that she informed the male that she did not want anything negative to impact her son who was trying to fit in.

? Student D, a fifteen-year-old male, indicated that the last time he was evaluated was two years ago.⁸ Student D also stated that he did not know anyone named Edgar LaLuz and that he had not received any correspondence regarding an appointment for an evaluation.

⁴ Rimler stated that LaLuz had not returned any of her phone calls.

⁵ According to Rimler, LaLuz was paid \$400 for each evaluation he completed.

⁶ Student A has since turned sixteen-years-old.

⁷ Student B has since turned fifteen-years-old.

⁸ Student D has since turned sixteen-years-old.

? Fifteen-year-old female Student E was interviewed along with her mother (“Parent E”). Both Student E and Parent E indicated that the girl had not been evaluated this year and neither recognized the name of Edgar LaLuz.

? Student F, a fourteen-year-old male, and his mother (“Parent F”) were interviewed by SCI investigators.⁹ Parent F reported that she received a letter which indicated a date for her son to be tested, however, she said that the evaluation never occurred.¹⁰ Additionally, both stated that Student F had not been evaluated in February of 2006.

? Fourteen-year-old male Student G indicated that he had not been tested by LaLuz.¹¹ Student G added that he was recently asked by Dahlberg if he had been tested and he said that he told her he had not been.

? Student H, a fifteen-year-old male, was interviewed along with his mother (“Parent H”).¹² Parent H explained to investigators that she received a telephone call asking her to bring her son to 2 West 82nd Street near Central Park. Student H’s mother was unable to remember the date that she brought her son to that location, but indicated that she and her son waited for four hours, and no one showed up. Parent H also stated that in April of 2006, she received a telephone call from Dahlberg requesting that Student H be brought in for his assessment, but that the appointment had to be cancelled and her son had yet to be evaluated.

? Fifteen-year-old male Student I stated that he had not been tested and that he had not met anyone by the name of Edgar LaLuz.¹³

? Student J, a seventeen-year-old female, indicated that she had not been tested this year at Lehman or by an outside agency. Additionally, Student J said that she did not know an individual by the name of Edgar LaLuz.¹⁴

? Seventeen-year-old male Student K stated that he had not been tested this year by anyone at Lehman or an outside agency.¹⁵ Student K added that he was recently approached by Cember and asked whether he had been tested and he responded that he had not been.

⁹ Student F has since turned fifteen-years-old.

¹⁰ The interview with Student F and Parent F occurred on April 21, 2006.

¹¹ Student G has since turned fifteen-years-old.

¹² Student H has since turned sixteen-years-old.

¹³ Student I has since turned sixteen-years-old.

¹⁴ Student J has since turned eighteen-years-old.

¹⁵ Student K has since turned eighteen-years-old.

? Student Z, a fifteen-year-old male, and his mother (“Parent Z”) were interviewed. Both the student and Parent Z indicated that they did not recognize the name Edgar LaLuz. Student Z also stated that he had been tested by a white male in May of 2006 and that the test lasted approximately 1 ½ hours.¹⁶

? Eighteen-year-old female Student AA indicated that she had not been evaluated this school year and that she did not know an individual by the name of Edgar LaLuz.¹⁷

? Student BB, a fifteen-year-old male, stated that he had not been evaluated this school year and that he did not know an individual by the name of Edgar LaLuz.¹⁸

? Seventeen-year-old female Student CC recalled being removed from a class and tested for approximately 15 minutes.¹⁹ Additionally, Student CC stated that the test consisted of the person saying numbers and the student being told to repeat the order of the numbers and then to say the numbers backward.

SCI investigators interviewed additional students (“Student L” through “Student O” and “Student R”) who attended the New School for Arts and Design whom LaLuz claimed to have evaluated.²⁰ We learned the following:

? Student L, a seventeen-year-old female, said that she met with an individual by the name of Wells who did some type of evaluation.²¹

? Fifteen-year-old male Student M remembered being tested by an individual with dark hair.²² Student M also said that the evaluation consisted of pictures and building blocks and lasted approximately 40 minutes.²³

¹⁶ Edgar LaLuz is a male Hispanic.

¹⁷ Student AA has since turned nineteen-years-old.

¹⁸ Student BB has since turned sixteen-years-old.

¹⁹ Student CC has since turned eighteen-years-old.

²⁰ Student P and Student Q were not interviewed.

²¹ Student L has since turned eighteen-years-old. LaLuz submitted a Triennial for Student L indicating that he evaluated her on February 3, 2006. However, the security sign-in sheet showed no entry for an Edgar LaLuz on that date.

²² Student M has since turned sixteen-years-old.

²³ The Triennial submitted by LaLuz for Student M indicated that the evaluation was conducted on February 2, 2006. Supervising Psychologist Olang stated that the testing detailed in LaLuz’s report required at least two hours to conduct properly. However, the security sign-in sheet indicated that LaLuz signed in on February 2nd at 1:28 p.m. The Assistant Principal at the New School for Arts and Design stated that the school closed at 2:50 p.m. giving LaLuz a maximum of only 1 ½ hours to complete the test. Additionally, LaLuz submitted Triennials to RCM for Student N, Student O, Student P, Student Q, and Student R purportedly completed on February 2nd as well.

? Student N, a seventeen-year-old male, recalled being tested by a white male approximately two months earlier.²⁴ According to the student, the test consisted of questions about his likes and dislikes at school. Student N also stated that he had been evaluated approximately three years ago while at his previous school.

? Eighteen-year-old male Student O stated that he was tested by a white male whom he described as being heavy set with grey hair and glasses. Student O indicated that the test lasted for approximately 30 minutes and consisted of being given numbers which he was requested to repeat.

? Student R, a fifteen-year-old female, was adamant that she had not been tested by an individual named Edgar LaLuz.²⁵ The student also stated that the previous year she had been approached for testing, but that she refused because she wanted to be removed from special education.²⁶

SCI investigators also interviewed several students (“Student T” and “Student V” through “Student Y”) who attended Evander Childs High School (“Evander Childs”) whom LaLuz claimed to have evaluated.²⁷ We learned the following:

? Eighteen-year-old male Student T and his parent (“Parent T”) spoke to the assigned investigators by telephone. Parent T explained that her son had not been evaluated by anyone at her residence during the month of February, 2006. Parent T added that Student T and her family had been in Puerto Rico during this time.²⁸

? Student V, a seventeen-year-old male, and his mother (“Parent V”) were interviewed by investigators.²⁹ Parent V stated that a Spanish woman came to their residence and gave her son a reading test that took approximately 20 to 30 minutes. Parent V explained that her son was classified as a Long Term Absence (“LTA”).

? Seventeen-year-old male Student W, along with his mother (“Parent W”) stated that a woman came to their residence and administered a reading test that took approximately 5 minutes.³⁰ Parent W explained that her son was classified as a LTA and that no one other than the woman had been to her home. She added that her son had not been tested by Edgar LaLuz.

²⁴ Student N was interviewed on May 16, 2006.

²⁵ Student R has since turned sixteen-years-old.

²⁶ Student R also stated that she speaks English and not Spanish as indicated by LaLuz’s affirmation sheet.

²⁷ Student S and Student U were not interviewed.

²⁸ LaLuz submitted a Triennial for Student T which states that the evaluation occurred in February 2006.

²⁹ Student V has since turned eighteen-years-old.

³⁰ Student W has since turned eighteen-years-old.

? Student X, a seventeen-year-old male, along with his sister (“Sister X”) were questioned as to whether Student X was evaluated by an Edgar LaLuz.³¹ Sister X informed investigators that she was her brother’s legal guardian and that no one had come to her residence to evaluate Student X.³² In fact, Sister X explained that Student X no longer attended Evander Childs, but rather he attended the Bronx Regional High School.

? Fifteen-year-old male Student Y along with his mother (“Parent Y”) were interviewed.³³ Both Student Y and Parent Y indicated that the boy had not been evaluated by LaLuz at school or at his residence. Parent Y also stated that her son was involved in the Twilight Project at Evander Childs and his school hours were from 2:30 p.m. until 7:30 p.m.

SCI investigators interviewed two additional students (“Student DD” and “Student EE”) whom LaLuz claimed to have evaluated. Student DD attended PS 117 in the Bronx and Student EE attended PS 562 also located in the Bronx. We learned the following:

? Student DD, a fourteen-year-old female, indicated that she had never been tested by Edgar LaLuz at her residence or at her school.³⁴

? Eleven-year-old male Student EE was interviewed with his mother (“Parent EE”). Both stated that Student EE had not been tested by Edgar LaLuz.

In an interview with investigators from this office, Edgar LaLuz stated that he worked as a Bilingual Psychologist for RCM and that he received his assignments by mail. LaLuz indicated that the assignments contained the student’s name, parent’s name, school and case number. LaLuz admitted to investigators that he submitted Triennials to RCM that he had not completed. In an e-mail directed to investigators, LaLuz admitted to conducting only 10 of the 36 assessments for which he submitted Triennials.

It is the recommendation of this office that Edgar LaLuz be denied work in a DOE facility, be placed on the ineligible list, and that this matter be considered should he apply for a position with the New York City public school system in the future.

³¹ Student X has since turned eighteen-years-old.

³² Evander Childs Psychologist Lisa Morph told SCI investigators that the assessment report submitted by LaLuz indicated “mother” as Student X’s parent. However, Morph stated that his mother’s name no longer appeared on school documents and that all records reflected Sister X as Student X’s legal guardian.

³³ Student Y has since turned sixteen-years-old.

³⁴ Student DD has since turned fifteen-years-old.

We have referred our findings regarding Edgar LaLuz to Robert T. Johnson, the Bronx County District Attorney, for whatever action he deems appropriate.

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 Edgar LaLuz. 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:ss

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