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THE SPECIAL COMMISSIONER OF INVESTIGATION  
FOR THE NEW YORK CITY SCHOOL DISTRICT**

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**CHEATING THE CHILDREN:  
EDUCATOR MISCONDUCT ON STANDARDIZED TESTS**

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# CHEATING THE CHILDREN:

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“All children must learn to read, to write, and to use their minds. They need to get ready for the more serious work ahead, and we do not help – in fact we hurt – them when we pretend that weak skills are strong.”

– New York State Education Commissioner Richard P. Mills<sup>1</sup>

Introduction

On March 18, 1999, a local newspaper reported that reading scores at PS 234 in District 12 in the Bronx, as measured by the 1998 Citywide examination, jumped “from 29% at grade level to 51%.”<sup>2</sup> By that date, this office was already in the midst of a long-term investigation into allegations of educator-initiated cheating during the administration of standardized tests. Indulging our skepticism at the 22-point rise at PS 234, we spoke with students and learned that at least six educators, including the principal, improperly influenced the school’s performance.

In fact, Principal Evelyn Hey used a combination of several of the cheating schemes we uncovered in the course of our investigation.<sup>3</sup> As described by the children, Hey, who was test proctor for a group of third graders, distributed a “rough copy” piece of paper along with the test booklet and directed the students to place their answers on the

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<sup>1</sup> *New reading test makes the grade*, New York Daily News, the Op-Ed Page, January 4, 1999, at page 29.

<sup>2</sup> *Reading scores rise slowly but surely*, by Raphael Sugarman, New York Daily News, Metro section, March 18, 1999, on page 4.

<sup>3</sup> In our April 1993 report, *Power, Politics, and Patronage: Education in Community School District 12*, we described how then-Superintendent Alfredo Mathew manipulated the process to appoint Evelyn Hey as principal at PS 234.

separate sheet first.<sup>4</sup> As they worked, she walked around the room and pointed out incorrect choices, saying either, “That’s wrong” or “Do that one over.” When a student finished, Hey reviewed the scrap paper and “corrected more wrong answers.” Finally, the principal handed the child an “official” form to record the approved responses. In fact, these measures were merely the final steps taken to ensure that performance at the school improved. Before the test was even distributed, Hey and some of the PS 234 classroom teachers had prepared their students by using practice material which contained many of the same questions that were on the actual exam.

The principal’s activities rendered the test meaningless as a diagnostic tool and ultimately harmed the very children she was purporting to help. For example, with Hey’s assistance, one boy answered 35 out of 40 correctly, putting him in the 81<sup>st</sup> percentile in reading.<sup>5</sup> However, the following year, when he took the New York State English Language Assessment examination given to fourth graders, he scored below State standards.<sup>6</sup>

Although PS 234 is one of the most serious examples, it was far from an isolated occurrence. We found educators system-wide who cheated. The misconduct took various forms. Some proctors directed students to use scrap paper and then corrected wrong choices, others gave answers outright – and even wrote on a child’s exam. Still others prompted students to check and change answers. Finally, even before the exam

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<sup>4</sup> During standardized tests, classroom teachers routinely serve as proctors, sometimes assisted by another staff member. However, often, for various reasons, some students are removed from their regular class during an exam and another school employee is assigned as the proctor.

<sup>5</sup> This means the boy performed better than 81% of the students who took the test nationwide.

<sup>6</sup> The grading of the test results in students being ranked in four levels with 4 being the highest performance. Those that score in levels 1 and 2 fall below standards. This student was ranked in level 2.

was administered, certain classes were prepared by teachers using actual questions from the test. In virtually all cases, an educator at the school orchestrated these activities.

Moreover, while we label this conduct as “cheating,” we learned that the Board of Education (“BOE”) does not prefer that term. Instead, BOE documents describe “teacher interference,” or even “proactive proctoring.” Such an occurrence is known as a “breach.”

The cases we describe in this report primarily involve the Citywide reading and math examinations given in the last four years in grades 3 through 8, but also include the State reading and English Language Assessment tests. The wrongdoing involves 32 schools in 17 districts located in all five boroughs, and implicates 52 educators.<sup>7</sup>

The impact of the educators’ misconduct was felt in various ways:

- Two schools where cheating occurred were removed from the State’s SURR list, after reporting improved student scores.<sup>8</sup>
- In many cases, cheating so dramatically skewed student performance that the test was rendered all but meaningless. For example, one girl’s 4<sup>th</sup> grade reading score increased from the 12<sup>th</sup> percentile to the 81<sup>st</sup> percentile as a result of receiving assistance, only to fall to the 19<sup>th</sup> percentile the following year. Another 4<sup>th</sup> grader, who was “helped” on a reading exam by an educator, saw his score shoot up to the 13<sup>th</sup> percentile from the 01<sup>st</sup> percentile and then return to the 01<sup>st</sup> percentile the next year when help was not forthcoming. Still another student, a 7<sup>th</sup> grade boy, zoomed from the 09<sup>th</sup> percentile in reading to the 88<sup>th</sup> percentile after being given “clues” by his proctor.
- Inflated scores misled parents about their children’s skills. Consequently, educational decisions that would likely affect a child’s future were made using erroneous information.

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<sup>7</sup> We did not investigate information concerning Regents examinations or any other high school test matter. In this report, when we merely refer to the test as reading or math, it was a Citywide exam. If a State test was involved, we note that.

<sup>8</sup> SURR stands for Schools Under Registration Review meaning that the school operates so poorly that the State has taken over responsibility for it. To get off the SURR list, the school must meet State goals on the State reading and math tests. Failure to improve can result in closure of the school. The two schools are PS 63 in the Chancellor’s District and IS 450 in District 1.

- Educators who cheated misled superiors about their job performance, sometimes even gaining public acclaim for themselves and their schools.

Given the breadth of the problem, it was not surprising that many allegations reached BOE administrators. The surprise came in the manner in which the transgressions were handled. At the school level, principals either failed to recognize the significance of the misconduct by proctors or deliberately ignored a problem which could only hurt the reputation of their schools. In a similar fashion, districts had neither the motivation nor the expertise to deal with cheating allegations. The BOE's Division of Assessment and Accountability ("DAA") which oversees all aspects of Citywide and State examinations and the Chancellor's Office of Special Investigations ("OSI") monitored test activity and should have been able to shoulder the responsibility for the cases. While both units frequently were alerted to problems, in most instances, little – if any – investigation was done and virtually no steps were taken to punish the educators who cheated or to deter others from committing the same type of improper conduct. Instead, students often paid the price by having their scores invalidated and deleted. Moreover, parents were kept in the dark when misconduct occurred. Often they were not told that an allegation was made, that their children were interviewed, or that students' scores were deleted.

Not only did the BOE fail to vigorously pursue reported irregularities, it ignored information pointing to suspicious patterns which could have uncovered cheating. Within DAA is a test administration and scanning unit ("SCAN") which, by machine, not only grades a student's answers on the bubble sheet, but also performs an erasure analysis. The machine detects those answers which were erased and changed from

incorrect to correct. Yet, despite the potential wealth of information that this process could generate, little was done with it, unless someone specifically alleged irregularities at a school. Even when SCAN found an inordinately high number of erasures year after year, no explanation was sought.

Finally, perhaps the most frustrating aspect of our inquiry was the curious unavailability of documentation from OSI concerning its investigations. In case after case, that unit responded that no information existed, that the file could not be found, or that particular details could not be recalled. Consequently, our ability to determine what happened was significantly hindered.

## BACKGROUND

In July 1998, a number of teachers at CES 90 and CES 88 located in District 9 in the Bronx, publicly exposed a history of test cheating at those schools. They were interviewed on camera – some did so openly, while others disguised their identities – and described the means by which they and others manipulated the scores. According to them, the cheating occurred at the behest of administrators at the two schools.

We met with the teachers who participated in the cheating to learn the details of their schemes. Thereafter, we interviewed students and confirmed the information provided by the educators. The teachers described the means by which students “on the cusp” – those who would barely pass on their own – would receive assistance during tests to ensure that the children, and thus the school, scored in an acceptable percentile.<sup>9</sup> There were three preferred methods: “loose-leaf paper,” “bubble sheets,” and “class lessons.” All three depended upon proctors who were willing to cheat; thus it was not unusual to “pull” students from their regular class on test day and place them with an educator who agreed to do so.

- With the first technique, the students were instructed to place their chosen answers on loose-leaf paper which the teacher reviewed using “cheat sheets” – palm-sized pieces of paper which contained the answers.<sup>10</sup> The teacher then told the student to check particular answers until the correct one was chosen. At that point, the child could fill out the bubble sheet.
- In a scheme involving more direct cheating by the educator, a limited number of targeted students were given an extra copy of the answer sheet to fill out. These were later discarded, however, because those children were not actually taking the test.

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<sup>9</sup> The idea was that high-performing students could handle the tests on their own, while significant increases for low-performing students might raise suspicions. Thus, those “on the cusp” were the perfect candidates to receive “assistance.”

<sup>10</sup> Scrap paper was used to prevent the discovery of too many erasures by SCAN. According to one of the cooperating cheaters, Administrative Assistant Gail Fisher introduced the loose-leaf technique to CES 90 after it was successful at CES 88 where her husband is the principal. The cheat sheets were miniaturized to fit the palm in order to avoid detection.

Instead, the teacher completed the official bubble forms to ensure that enough correct responses were selected and then submitted them in the student's name.

- In the class lesson method, the test questions were answered in a group setting.

### CES 90

At CES 90, the cooperating staff members pointed fingers at Administrative Assistant Gail Fisher, Dean Eugene Mendelsohn, and Testing Coordinator Susan Tasch as the directors of the plan.<sup>11</sup> Most of the sources explained that Principal Richard Wallin never directly asked an employee to cheat, yet he suggested that teachers needed to do everything possible to “guarantee” test scores.<sup>12</sup> However, according to Assistant Principal Sidney Goldstein, who served under Wallin and who publicly exposed the practice in the summer of 1998, he confronted the principal who condoned the cheating. According to him, Wallin said that he would “avoid the SURR at all costs.” Moreover, according to Teacher Stacey Moskowitz, who also brought the cheating to the attention of the public, Gail Fisher told her not to worry about being caught because “Wallin told us to do it,” and they would not be in trouble. Furthermore, according to the other sources, while the principal never publicly advocated the plan, he applied subtle pressure to comply with it, focusing, in particular, on those educators who had little, if any, job security. Those who refused to participate in the cheating scheme were later assigned to “problem” classes or to kindergarten through second grade where children were not tested. Those who complied received after-school positions and extra preparation periods outside the classroom.

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<sup>11</sup> Fisher, who retired during the summer of 1998, is the wife of CES 88 Principal Jeffrey Fisher. Their daughter, Kim Fisher, also works at CES 90. Eugene Mendelsohn was reassigned to the District 9 office pending disciplinary charges on another matter. Tasch has been transferred to CES 236 in District 9.

<sup>12</sup> Wallin was reassigned to the District 9 office pending disciplinary charges in another matter.

Moskowitz also reported, and we confirmed through others who are cooperating, that Fisher, Tasch, and Eugene Mendelsohn coordinated the cheating efforts. According to her, Tasch opened the test early and prepared the “cheat sheets,” usually on the morning of the exam. Then, Tasch, along with Fisher and Mendelsohn – who also warned teachers when BOE monitors assigned to oversee the integrity of the process were approaching – distributed them. According to yet another source, sometimes a correct choice had a dot next to it, meaning that the students should not receive prompts because the question was too hard and a pattern of correct responses might be suspicious. Another educator added that willing proctors, such as Interim Acting Assistant Principal Allan Zeman, Physical Education Teacher William Hegarty, and 4<sup>th</sup> grade Teacher Nancy Mendelsohn – Eugene’s wife – were necessary to carry out the plan.<sup>13</sup> Using the cheat sheets, they monitored the performance of the students, and steered the children to the correct answers as needed.

### CES 88

At CES 88, a similar plan was in operation. One source, who took part in the cheating scheme at that school, described the procedure she followed during the 1995 third grade Citywide reading and math tests. In advance of the tests, the source was supposed to indicate to Administrative Assistant Janet Zeman which students could pass on their own, which were borderline, and which she expected to fail.<sup>14</sup> Children were

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<sup>13</sup> Allan Zeman is married to Janet Zeman, the administrative assistant at CES 88 and Hegarty is Gail Fisher’s brother. Hegarty and Nancy Mendelsohn have been reassigned to the District 9 office pending disciplinary charges in another matter.

<sup>14</sup> Janet Zeman is married to Allan Zeman, a physical education teacher at CES 90.

then removed from the source's classroom and divided into smaller groups: those who would receive "help" in order to achieve a specific score, and those who would take the test without assistance because they could pass on their own or were destined to fail. The day before the test, at the direction of Zeman and in the presence of Teacher Anna Rivera, the source prepared the "cheat sheet." Zeman warned that a computer scanned the bubble sheets for erasures and advised the source to have the children write their answers on loose-leaf paper first, check the answers, and have students re-do their choices until they were correct. Students were then allowed to transfer the answers to the bubble sheet. The source kept track of those answers for which she provided assistance in making the correct choice, by placing a check mark on the loose-leaf.

The cooperating teacher provided this office with copies of the scrap loose-leaf papers she used for her classes during the 1995 Citywide math and reading tests and through student interviews we were able to corroborate her description of the test procedure at CES 88. Although Janet Zeman and Anna Rivera denied cheating to investigators from this office, interviews with Rivera's students established that she did.

#### This Investigation

While the staff at CES 90 and CES 88 devised highly sophisticated schemes which were designed to avoid detection, certainly they were not the only educators concerned about scores, the reputation of their schools, or job security. As our investigation expanded beyond these two schools, ultimately encompassing all five boroughs, we sought to determine what the Board knew or should have known about educator cheating. To answer that, we reviewed the activities of the BOE's units charged

with administering tests and investigating irregularities – DAA and OSI. What we found was that the BOE repeatedly failed to handle these cases effectively.

This office designated a team of investigators who focused solely on cheating complaints. We took over the responsibility for test allegations from OSI, looked into new matters ourselves, initiated other inquiries, and revisited cases handled by the Chancellor’s investigators. Those individuals whom we found to have cheated were offered the opportunity to speak with us: many chose not to do so, others asserted a denial, and some admitted their conduct.<sup>15</sup>

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<sup>15</sup> Everyone named in this report was given the opportunity to speak with investigators in the field. We have not drawn any adverse opinions about those individuals who chose not to do so and do not seek disciplinary action based on a failure to cooperate with our investigation.

## PART ONE

*“[My friend] can’t read and Mrs. Ganis helped him.”*

– Former 3<sup>rd</sup> grade student at CES 64 discussing the April 1998 reading test<sup>16</sup>

### THE METHODS

#### #1 Getting It Right Before It’s Official: Using Scrap Paper To Correct Student Errors

At several schools, educators had students put their choices on a separate piece of paper which they corrected before final answers were placed on the bubble sheet. In this way, the proctor ensured that students recorded the correct response and, at the same time, avoided creating answer sheets with a significant number of erasures.<sup>17</sup> We found:

- During the administration of the reading exam in 1997, Teresa Czarnowski instructed students in a 4<sup>th</sup> grade class at **PS 34 in District 14 in Brooklyn**, to write their answers on a piece of loose-leaf, which they then submitted to be “corrected.”
  - According to one boy, who is indicative of those we interviewed, after he finished the test on the separate sheet, he gave it to Czarnowski who “checked” his choices and “marked” an “x” on the scrap next to his wrong answers. Then, she returned the paper to the student who corrected his responses and, finally, he transferred his selections to the official bubble form.
  - Her technique worked to the benefit of this boy: he received a perfect 50 on the 1997 reading test, scoring in the 99<sup>th</sup> percentile.<sup>18</sup>
  - Czarnowski admitted that she instructed students to place choices on scrap before transferring them because she “didn’t want too many erasures on the official answer sheet.”<sup>19</sup> She denied collecting and marking the scrap, instead asserting that she pointed to wrong answers and prompted the child to check them. However, eight students contradicted her denial.

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<sup>16</sup> This statement was made during an interview with our investigator. CES 64, which is located in District 9 in the Bronx, will be discussed in both the direct approach section and Part Two of this report.

<sup>17</sup> Proctors often justify the practice as a good way to measure performance before the graded results are released. In theory, upon taking the test herself, a teacher can compare the correct answers with those chosen by the students, as reflected on the scrap, and determine how well the children did without having to wait for the official scores to be released.

<sup>18</sup> A review of this child’s scores between 1996 and 1999 indicates that he is capable of doing well on his own. However, with Czarnowski’s “help” he was perfect.

<sup>19</sup> According to her, use of scrap paper as a precursor to the official sheet, dates back to 1986 when she first started teaching at PS 234. She added, “every teacher in the school did it that way.”

- In April 1998, at **PS 234 in District 12 in the Bronx**, while Principal Evelyn Hey employed an assortment of cheating techniques with the students she proctored, some of her staff preferred to use just one or two.<sup>20</sup> As Hey did, several teachers had the children place their choices on scrap paper which was reviewed for wrong answers before the official form was completed.
  - According to students whose 3<sup>rd</sup> grade reading exam was proctored by Glenda Jordan, she instructed them to place their answers on the “green” bubble sheet first.<sup>21</sup> The teacher then roamed the room, stopping at desks, and pointing to or stating the numbers of those that were wrong. The children “checked” these selections and picked new ones. Then, they transferred the answers to the official “pink” bubble sheet.<sup>22</sup>
  - As described by students, Teachers Daniela Bona and Lorraine Rokoff employed a similar procedure. Bona had students use an unofficial answer sheet first, while Rokoff issued loose-leaf paper. In all cases, erasures took place on the “unofficial” form and the actual answer grid appeared “clean.”<sup>23</sup>
- At **PS 31 in District 31 on Staten Island**, Teacher Eileen Mitchell pointed to wrong answers on the 1998 math test taken by 3<sup>rd</sup> graders.<sup>24</sup> She checked over the scrap that the students used to “tr[y] to get the answers right before putting them on the grid paper.”

At still other schools, the use of scrap paper was less successful in eliminating erasures on the official bubble sheets, but nonetheless proved to be a successful cheating tool.

- The students in Class 6-302 at **PS 99 in District 28 in Queens** were considered exceptionally bright and should not have had any problems with

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<sup>20</sup> Hey’s conduct is detailed in the Introduction of this report; other cheating is described in the section relating to practice tests.

<sup>21</sup> Jordan proctored some students from the 3<sup>rd</sup> grade class taught by Karen Aldorando whose own cheating is described in the practice test section of this report.

<sup>22</sup> Jordan denied assisting students during the exam. She also denied that she instructed the children to place their answers on any other paper before completing the official bubble sheet. Jordan could not explain why there were no erasures on the students’ answer grids despite the fact that those she proctored described erasing and changing answers.

<sup>23</sup> Bona, who resigned from the BOE in June 1999, denied assisting students during the administration of the test. She asserted that the children might be confused with some of the practice exams. Bona acknowledged that a lot of pressure was placed on the school’s administration and teachers to have the students perform well. Rokoff, who is currently assigned as a Field Liaison Administrator in the Chancellor’s District, denied assisting students during the actual exam, although she acknowledged she did tell children to check answers during the practice sessions. According to her, the purpose of the scrap was to be a “guide” so that the students would place the answer in the proper space.

<sup>24</sup> She also provided improper assistance to 3<sup>rd</sup> graders during the reading exam. See the Point and Check section of this report.

the Citywide and State exams administered in the spring of 1998.<sup>25</sup> Nevertheless, the classroom teacher, Robin Smith, cheated on at least the City math and reading tests. According to one girl, the teacher gave out a piece of scrap paper upon which the students were to copy the choices selected on their bubble sheets. Smith then reviewed the paper, placed an “x” next to wrong answers, and returned the scrap for corrections. Other students described the same procedure with “dots” next to incorrect selections.

- Smith admitted to investigators that she had the students place their answers on a separate sheet, claiming it was to “see how they fared.” She also developed an answer key and compared the scrap responses to her own. According to her, she physically pointed to wrong answers with the direction to “read it again.” Somewhat arrogantly, Smith asserted that she did not give the students the answers and that she believes that she did not give them an unfair advantage because, “the students we are talking about are 95% kids anyway.”<sup>26</sup> Moreover, she claimed, “everyone does this and I never had a problem with it before,” and that no one ever told her it was wrong.<sup>27</sup>
- After SCAN became aware of the teacher’s conduct, the scores were invalidated and the class was re-tested on the Citywide exams. The State reading scores also were not recorded, however, the State test cannot be given a second time.<sup>28</sup>
- After the 3<sup>rd</sup> graders at **PS 289 in District 17 in Brooklyn** finished the reading exam in 1998, Teacher Syble Ellis instructed the children to copy the responses they chose on the bubble sheet onto a separate sheet of paper which they turned into Ellis and her co-proctor Stafford Gayot.
  - According to the students, the proctors placed an “x” next to wrong choices and instructed the children to change those answers. According to one boy, “she put the right answer next to the ‘x.’” This student scored a perfect 40, which placed him in the 99<sup>th</sup> percentile, and he received a

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<sup>25</sup> This case is also mentioned in Part Two of this report.

<sup>26</sup> Upon discovering the teacher’s conduct, the principal placed a letter of reprimand in her file. It states: “Please know that this practice is not to be continued since it gives your students an unfair advantage and is considered cheating.”

<sup>27</sup> In 1996, while she was the math coordinator at PS 81 in District 16 in Brooklyn, Smith was suspected of giving small groups of 3<sup>rd</sup> graders an unfair advantage by previewing the Citywide math test the day before it was administered. OSI closed its case without interviewing any students based upon a negative erasure analysis report and a special math program at the school. The next semester Smith transferred to PS 99.

<sup>28</sup> During interviews with students, the children were not asked about Smith’s conduct during the State test.

“certificate of award in recognition of outstanding reading achievement” signed by the Principal Valeria Godbred.<sup>29</sup>

- Both Ellis and Gayot admitted prompting students to check specific choices that were wrong. Gayot denied marking answers with an “x,” while Ellis admitted that both she and Gayot did so.
  - According to Ellis, Godbred told the teachers that, while the top students would perform well, those with other classes should try to get at least half of the children to pass the exam. Ellis took this to mean that she should try to help the students by alerting them to check answers that were wrong.
  - Regarding the use of scrap paper, Ellis explained that Godbred directed the teachers to have students record their answers on a separate sheet.<sup>30</sup> Although she was never told the reason for doing so, she assumed the administration wanted to know the outcome of the exam prior to the release of the official results.<sup>31</sup>

## #2 The Direct Approach: Just Give The Student The Answer

At many other schools, proctors did not use scrap paper to correct students’ choices, but nevertheless gave them the answers or the means to find the answers. For example:

- During the 8<sup>th</sup> grade math exam in 1996, at the **Harbor Junior High School for the Performing Arts in District 4 in Manhattan**, Teacher Thomas Fransko not only offered assistance, he actually gave students answers.<sup>32</sup>

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<sup>29</sup> In 1997, OSI conducted an investigation into possible teacher assistance during the administration of the 6<sup>th</sup> grade reading exam. According to the OSI report, Godbred claimed that the allegation was part of a pattern of harassment meant to drive her from the school. She also said that it was “rumored that she would lose her job if the scores went down.” Two out of five students interviewed told OSI that the proctor told them to change certain answers. However, because they did not do so, there were no erasures to corroborate their statements. OSI did not substantiate the case, but recommended that the Superintendent “be advised to review test administration protocols with Ms. Godbred so that she can instruct staff with respect to their responsibilities.”

<sup>30</sup> In fact, another teacher provided investigators with a copy of the school’s *Daily Newsletter* from April 22, 1998, which directs the teachers to do this and turn the separate sheets into the assistant principal.

<sup>31</sup> The newsletter indicates this as the reason for using the scrap. According to Godbred, after typing up and distributing the newsletter she realized that someone might think she “had other motives” and she instructed Assistant Principal Dennis Jeffers to tell each teacher to disregard it. However, according to Jeffers, he received no such instruction and did not retract the directive in the newsletter. In fact, he claimed that he never saw the document and expressed surprise when shown that it directs teachers to give the scrap papers to Jeffers.

<sup>32</sup> The school is part of the Alternative Education Complex which is also known as AEC-117. This case is also mentioned in Part Two of this report.

According to one girl, he explained “how to do the equation” and “he helped almost everybody.”<sup>33</sup>

- On one student’s scrap, Fransko wrote, “Please Excuse My Dear Aunt Sally,” a mnemonic used to remember the order of mathematical functions.<sup>34</sup> He also helped her with other questions, but she “became confused.” Fransko’s solution was to give her the answer.<sup>35</sup> Moreover, as time ran out, this girl was unable to solve certain questions and the teacher gave her the answers.<sup>36</sup>
- **At PS 62 in District 27 in Queens**, one child was absent when the class learned about the “line of symmetry.” According to students, during the administration of the 3<sup>rd</sup> grade math test in 1999, Teacher Dulcelina Sepulveda explained the concept, which was on the exam, to the class.<sup>37</sup> One girl described having trouble with the last of the questions and Sepulveda told her to “write the number 10 four times and then asked what was half of this number.” Sepulveda told investigators that she advised the class that they “should not ask her any questions because she would not give them the answers.” However, the teacher added that she “would explain the question to them so that they would understand it without her giving them the answer.”<sup>38</sup> Sepulveda claimed that it was “possible” that she discussed the line of symmetry on the day of the test, but she “does not remember doing it.”<sup>39</sup>
- Shortly after the administration of the 4<sup>th</sup> grade reading exam in 1998, one boy complained to Nancy Alvarez, assistant principal at **CES 64 in District 9 in the Bronx**, that the test “was so – so. Ms. Ganis helped me read it.”<sup>40</sup> Specifically, she sounded out words he could not read or did not understand.

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<sup>33</sup> The school conducted an investigation and forwarded the results to the district, SCAN, and OSI.

Although the school produced a copy of a letter from OSI to Fransko requesting his appearance for an interview, OSI is unable to locate its file. Ultimately, a letter of reprimand was placed in Fransko’s file.

<sup>34</sup> This mnemonic is shorthand for parenthesis, exponents, multiplication, division, addition, and subtraction.

<sup>35</sup> Another girl described Fransko as a pushover who allowed students to persuade him to raise their grades. This student, who scored in the 78<sup>th</sup> percentile on the exam proctored by Fransko, failed math in 10<sup>th</sup> grade, failed again after summer school and, at the time of her interview, was failing 11<sup>th</sup> grade math.

<sup>36</sup> An additional three students confirmed the teacher’s conduct. Thomas Fransko retained legal counsel through his union and was not interviewed by our investigators. Although it is likely that he was interviewed by OSI during its investigation, that unit failed to provide any documentation regarding it to this office.

<sup>37</sup> Students differed in their recollection of the timing of this review: some thought it occurred before the exam began, while others remembered having started the test and being told to “put their pencils down” to listen to the teacher’s lecture.

<sup>38</sup> Sepulveda recalled helping one girl who had skipped a question, but who consequently filled in that bubble with her choice for the next question, thus causing her answer grid to be out of order. According to her, she advised this student to erase. However, a review of this answer sheet reveals no erasures.

<sup>39</sup> Sepulveda further claimed that if she did discuss the topic, it would have been before the exam and not during it. However, she “just can’t remember.”

<sup>40</sup> This case is also mentioned in Part Two of this report. The school conducted an investigation, the results of which were shared with the district, SCAN, and OSI. At the direction of the superintendent, Maria Guasp, Alvarez, promoted to Interim Acting Principal, placed a letter of reprimand in Ganis’s file.

Moreover, this student told our investigator that Teacher Louisa Ganis also pointed to certain of his choices and told him those answers were wrong. As a result, he erased and tried again. His friend, quoted at the beginning of this section, who was within earshot, corroborated the child's report. A review of the boy's scores over a three-year period shows what an anomaly his performance "with help from Mrs. Ganis" was in 1998:

- 1997 = 01<sup>st</sup> percentile / 1998 = 13<sup>th</sup> percentile / 1999 = 01<sup>st</sup> percentile.
  - According to another student, Ganis offered her help with question #13. Although the girl felt confident enough to work alone, the teacher pointed to the answer. The co-proctor, while stopping short of saying that Ganis acted improperly, noticed that she "walked around the room and stopped at individuals [*sic*] desks. Some students asked questions and she responded."<sup>41</sup>
- After the 4<sup>th</sup> grade reading exam at **CES 4 in District 9 in the Bronx**, Teacher Virgeous Bridgett had the students copy the answers from the bubble sheet to a blank piece of paper. By that time, however, she had already helped the students in a number of ways.
    - According to one girl, she saw Bridgett had answers on a paper the teacher was carrying. Although she did not ask for any help, without explanation, Bridgett came over and gave her some. After reviewing the student's selections, the teacher wrote approximately five answers on the side of her bubble sheet. She changed her responses to correspond to those Bridgett had written and then erased the teacher's notations. A review of this girl's original answer sheet reveals that answer letters were written in next to seven questions. In each instance, the original choice was erased and replaced with the handwritten suggestion. Six of these changes were from incorrect to correct. Ironically, the girl had the seventh answer right, but by making Bridgett's correction, got it wrong. In 5<sup>th</sup> grade, this student's teacher questioned the girl's inflated reading score as not matching her ability.
    - According to other children, Bridgett pointed and told students to check particular answers or to re-read the story and questions. One boy observed the teacher carrying a piece of paper on which there were "possibly answers" because he saw numbers and letters on it.
    - Some children said that Bridgett defined words and explained some of the questions.
    - After the investigation into her conduct began, Bridgett telephoned parents asking about our interviews and what the children reported. According to the parent of the girl on whose answer sheet the teacher wrote, Bridgett said that her daughter "was wrong" about the information she gave

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<sup>41</sup> Although Ganis scheduled an appointment to meet with investigators, she later cancelled it upon the advice of her union representative. During the school's investigation, Ganis denied helping the students and "felt she did nothing wrong." According to a report by Alvarez, Ganis "stressed that she only encouraged the children to work at taking the test by sounding out words, rereading, going back to passages and checking their answers."

investigators. The parent was “in shock” that Bridgett would suggest that her daughter was not truthful. The teacher called back to add, “don’t tell anyone I called you.” The mother of another student handed the boy the telephone when the teacher called. He described how she told him to check over his answers and Bridgett responded: “I didn’t do that. I went to the board to write something.” According to the student he replied: “Yes, you did go to the board, but you also went to some people and told them to check that over.”

- Virgeous Bridgett admitted telling one or two students to check over specific answers or to re-read certain questions. According to her, it was a “spur of the moment thing” when she saw some students had made mistakes. Shown the original bubble sheet with faint writing on the side that related to answers on the test, Bridgett claimed she “d[id] not remember” whether she made those notations. The teacher also admitted contacting parents to learn details of our inquiry.
- At **PS 16 on Staten Island**, Teacher Ivy Zeiger made grammar and punctuation changes on the children’s answer sheets during the Performance Assessment and Language writing test taken by 4<sup>th</sup> graders in the spring of 1997.<sup>42</sup>

Even the State English Language Assessment (“ELA”) test, given in January 1999, an exam widely publicized as indicative of the new and tougher standards faced Statewide, was not free of misconduct. Although we substantiated wrongdoing at only two schools, a relatively small number as compared to other tests, the transgressions were striking: one occurred at CES 90 in District 9 where cheating had already been exposed. In the other, the proctor could not resist completing a whole sentence of the essay. We found:

- Paraprofessional Geraldine Williams, who assisted the 4<sup>th</sup> grade teacher during the administration of the ELA at **PS 397 in District 17 in Brooklyn**, actually wrote sentences for students taking that exam. Test scorers found “discrepancies” on two of the test booklets of the children who took the test in Williams’s classroom.
- According to one of the students, when he returned from the bathroom, Williams approached and told him, “time is short and you write too slow!”

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<sup>42</sup> Zeiger is also mentioned in the Point and Check section of this report. The PAL is a City test in which students read a passage and show comprehension by writing. In 1999 it was administered only to 6<sup>th</sup> graders; in prior years 4<sup>th</sup> and 6<sup>th</sup> graders took the exam.

In the boy's answer booklet, in her own handwriting, the paraprofessional then wrote the last line of his essay: "The hunter realized the rat was smart."

- Williams also advised the second student that she was missing the portion of the answer that explains why the hunter changes his mind about the rat. The paraprofessional wrote on the girl's answer booklet: "He changed" and instructed her to finish the sentence.<sup>43</sup>
- Two students in 4<sup>th</sup> grade Teacher Mary Culhane's class at **CES 90 in District 9 in the Bronx** described corrections suggested by the proctor.
  - According to one child, Culhane instructed her to re-write a certain response because her sentences did not make sense. The teacher also recommended changes where the child's handwriting was sloppy and there were spelling mistakes.
  - In a more egregious display of tampering with this exam – which is intended to evaluate the student's ability to explain a reading passage in an organized, coherent, and grammatical composition – Culhane apparently wrote on the essay of the second child, correcting capitalization and adding the words "are" and "with" to complete sentences. Neither the student nor the teacher admitted the latter's role in the corrections. However, a visual inspection clearly establishes that two different hands did the work.

In an extreme case of cheating, discussed more fully in Part Two of this report, an educator actually erased and changed students' answers after the exam ended.

- In 1998, at **PS 38 in District 4 in Manhattan**, after the 6<sup>th</sup> graders had completed and turned in their reading test, Teacher Dennis Rej was caught changing answers on their bubble sheets. His misconduct so contaminated the children's choices that they had to be re-tested.

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<sup>43</sup> The handwriting on the remainder of the sentence is also suspicious, however, the child insisted that she wrote it and that its odd appearance may have resulted because she "turned her pencil over." During the interview, this student was apprehensive about providing too much information for fear of getting the paraprofessional in trouble. To investigators, Williams described herself as an "assistant teacher" who is studying to become a fully licensed teacher. She denied performing the conduct described by the students. However, her co-proctor, Frances Lippett, observed Williams assisting the two students and told her she was not allowed to do so.

### #3 Point And Check: That Answer Is Wrong

One of the most frequent transgressions involved proctors who stopped short of directly giving answers, but nevertheless influenced the students' choices. In BOE terminology, this is known as "proactive proctoring" or "teacher interference." Although it sometimes was used in conjunction with other cheating practices, it often was the only means used to "help" the children. Generally, the conduct included identifying a wrong choice with some indication to "check it." Students quickly "got the point" and realized that the proctor was telling them that the original answer was wrong. For example:

- We began an investigation at **PS 115 located in District 6 in Manhattan**, as a result of a newspaper article which discussed the school's turnaround "from failing statewide tests to winning honors."<sup>44</sup> We focused on one class which SCAN had flagged for high erasures and we found cheating.
  - During the 5<sup>th</sup> grade reading exam in 1998, Teacher Guillermin Montano approached students, pointed to responses, and instructed the children to "go back to the story," which they knew meant the answer was wrong. One girl told us that Montano pointed and said, "it is wrong." The child changed her answer three times before she "got it right." Another student said that "she didn't tell us the answer," but if you did not understand a question, Montano would give "an idea of what it might be."<sup>45</sup>
- We also reviewed test procedures at **PS 134 located in District 12 in the Bronx**, after press reports described a large increase in scores.<sup>46</sup>
  - During the 4<sup>th</sup> grade reading test in 1998, Paraprofessional Nancy Duran told several students when an answer was wrong. In fact, one boy told us that when Duran saw his second attempt was also incorrect she prompted him to change it again. Her "advice" apparently got so out of control that, according to one child, the co-proctor, classroom Teacher Edith Hines, yelled to Duran: "Stop. Let them do it themselves."<sup>47</sup>

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<sup>44</sup> *Bucking imposing odds, PS 115 turns around from failing statewide tests to winning honors*, by Randal C. Archibold, New York Times, In School feature, April 14, 1999, at B10.

<sup>45</sup> In an interview with investigators from this office, Montano denied performing the conduct described by the children. However, five students told us otherwise.

<sup>46</sup> *Reading scores rise slowly but surely*, by Raphael Sugarman, New York Daily News, Metro section, March 18, 1999, on page 4.

<sup>47</sup> Duran denied performing the conduct described by the students. Hines acknowledged that Duran walked about the classroom, "not sitting at all during the test." Hines added that she would have been unable to hear the paraprofessional's conversations with students and does not remember Duran engaging a child in a discussion for any significant length of time.

- At **PS 178 in District 23 in Brooklyn**, students described teachers pointing at wrong answers with an instruction to “try again,” during the 4<sup>th</sup> grade reading and math tests in 1998.
  - Fourth grade Teacher Sally Jones, assisted on the reading test by Paraprofessional Barnabas Quist, used the point and check prompt and, in some cases, directly told students that answers were wrong.<sup>48</sup> Their efforts were rewarded: for example, one girl who scored in the 12<sup>th</sup> percentile in reading in 1997, jumped to the 81<sup>st</sup> percentile in 1998, only to fall to the 19<sup>th</sup> percentile in 1999.<sup>49</sup>
- One student in Eileen Mitchell’s 3<sup>rd</sup> grade class in the spring of 1998 at **PS 31 in District 31 on Staten Island**, told us that when her teacher proctored the reading exam, “she point[ed] to wrong answers so we [could] change them.” In fact, Mitchell sometimes went beyond that conduct and actually told students when they had it wrong.<sup>50</sup>
- At **PS 197 in District 5 in Manhattan**, apparently so much time was spent reviewing and changing choices during the administration of the 3<sup>rd</sup> grade 1998 reading exam in class 304, that time ran out and students were instructed to “guess” and “just bubble in any answer” to remaining questions. Analysis of erasures by that class revealed a high percentage of changes from wrong to right, and we subsequently determined that third grade Teacher Monica Rivers and co-proctor Music Teacher Cecily Beasley “helped” those who raised their hands, using the point and “check again” method.
  - Moreover, according to one girl, she asked for so much help on certain questions that Rivers “finally just pointed to the correct answers.” Similarly, Beasley reviewed a student’s test paper with an answer key, and on a separate sheet noted certain responses for which the girl was to “figure out the correct answers.” Upon a second inspection, Beasley marked the right answer and told the child to make the change.
  - Although she denied providing answers to students, Beasley asserted that it was “common procedure” to roam the classroom during Citywide exams and instruct the children to check over specific questions that were

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<sup>48</sup> One boy in Jones’s class took the reading exam in the resource room. According to him, on three occasions, the proctor told him his answer was wrong. Analysis of his answer sheet reveals three erasures. That teacher declined to be interviewed without union representation.

<sup>49</sup> Jones, who has retired, denied committing the conduct described by the children while, according to Quist, he “cannot recall” much about the administration of the reading exam.

<sup>50</sup> Mitchell denied performing the conduct described by her students, but four students contradict her. She is mentioned earlier in this report as using scrap paper to correct answers on the 3<sup>rd</sup> grade math test.

answered incorrectly. She also admitted taking the test and creating an answer key in order to review the students' choices.<sup>51</sup>

- While Teresa Czarnowski was using scrap paper answer sheets at **PS 34 in District 14 in Brooklyn**, as has been described previously in this report, her colleague Teacher Joan Newfield also engaged in inappropriate activity during the 5<sup>th</sup> grade reading examination in 1997.<sup>52</sup> Newfield instructed the class to complete the test in segments. According to the students, at the end of each, she reviewed their choices and told them to “re-read” the story and “re-do” certain questions with the wrong answer. For one boy, she pointed to questions # 5 and #6 and shook her head, suggesting to him that his answers were incorrect.<sup>53</sup>
- According to the students in Teacher Ivy Zeiger’s 4<sup>th</sup> grade class at **PS 16 in District 31 on Staten Island**, during the 1997 reading and math exams, Zeiger pointed out wrong answers and suggested “re-visiting” those questions.<sup>54</sup>
  - In September 1997, a fifth grade teacher at the school tested her incoming students to evaluate their knowledge of 4<sup>th</sup> grade material, and was surprised when they did not perform as well as she expected. At that point, several students informed the teacher that, the previous spring, Zeiger, “helped the class during the Citywide tests.”
  - The principal, Margaret Darraugh, did not inform parents about the disclosure by the students, or of her subsequent investigation into the matter, which included interviewing the children. In addition, the principal spoke to Zeiger who “adamantly denied any wrongdoing.”<sup>55</sup> In spite of the credible information from the children who had no motive to lie, Darraugh “found nothing to substantiate test tampering.” A letter of discipline was placed in Zeiger’s file.

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<sup>51</sup> According to Beasley, before the exam, she discussed creating the answer key with Rivers. Monica Rivers denied performing the conduct described by her students. Indeed, although almost every one of her students whom we interviewed stated to the contrary, Rivers denied telling the children to fill in any choice for the remaining unanswered questions. Moreover, she asserted that we should compare her 1998 scores with the previous year, suggesting that she would have “tampered” every year if she had at all. However, according to Beasley, in 1997, Rivers’s class scored the lowest in the school – providing ample motivation to cheat in 1998.

<sup>52</sup> Newfield replaced 4<sup>th</sup> grade Teacher Norman Grossman who later learned that students were “prompted” in his absence. Grossman filed a complaint and an OSI investigation, which will be discussed in part Two of this report, was initiated.

<sup>53</sup> Newfield told our investigators that she was interviewed by an investigator from OSI in 1997, but was never informed of the outcome of the inquiry. Newfield refused to be further interviewed by our office without union representation.

<sup>54</sup> Zeiger is also mentioned in the direct approach section of this report.

<sup>55</sup> However, notes made by the personnel director on a District 31 telephone log indicate that Zeiger “admitted to quickly reviewing student answer sheets as they were turned in and returning them for further review of certain answers.” In response to attempts to speak with Zeiger, a union representative told our investigator that she would be willing to meet with them at the UFT business office on Staten Island. She was not interviewed by this office.

#### #4 Practice Makes Perfect: Preparing With Real Tests

Previewing and learning the answers to the questions on a Citywide test before taking it is an obvious advantage for any student. That is why, according to Robert Tobias, Executive Director of DAA, only officially sanctioned practice tests which are designed to acquaint the children with the format, but not the actual substance of the exam, are allowed.<sup>56</sup> Thus, any practice material which may contain part or all of a previously administered Citywide exam cannot be used to prepare students. According to Tobias, copying tests is prohibited because certain questions, and sometimes entire exams, are repeated.<sup>57</sup> Nevertheless, we found instances of educators preparing students by using the very questions that would be on their test.

- In addition to telling students an answer was wrong either directly or through the use of scrap paper, as described earlier in this report, educators at **PS 234 in District 12 in the Bronx**, also used practice tests.
  - According to one former third grader, she was a member of the group prepared for the Citywide reading exam by Principal Hey. “The practice was helpful,” she said, because many of the stories and questions on the practice material were the same as those on her actual test.
  - Students in Karen Aldorando’s class not only recognized the questions, but also recalled the answers as a result of reviewing them in class within days of taking the real test.
  - Moreover, one child reported that the teachers shared the answer sheet to the practice exam because, after Aldorando’s class finished with it, she delivered it to Teachers Daniela Bona and Mira Feess. One of Feess’s

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<sup>56</sup> DAA provides some practice material to the schools to teach the format. Moreover, according to Tobias, some districts and schools purchase tests based upon the belief “that if you practice often enough with the same type of test, then the kids will score better.” These materials cannot be the actual tests used by the City.

<sup>57</sup> According to Tobias, certain questions must overlap year-to-year in order to “calibrate the difficulty of the test.” He added that copyright laws also must be considered.

students confirmed that the teacher reviewed practice material with the class and that some of the questions were on the actual test.<sup>58</sup>

- Aldorando acknowledged that the school used practice materials throughout the year.<sup>59</sup>
- Prior to the administration of the 1999 Citywide reading test, actual exams were used as practice during a non-BOE after-school program. A 3<sup>rd</sup> grade classroom teacher at **PS 129 in District 25 in Queens**, noticed one boy was answering the questions without reading the passages. Afterward, the student told the proctor that he had already read the first three stories and seen the corresponding questions during his after-school sessions at **Reading Town**.<sup>60</sup> Two more 3<sup>rd</sup> graders, this time at **PS 120 also in District 25**, who also attended the Reading Town program, had the same experience. Moreover, according to one of these students, Ms. Shin, who taught him after-school, told the class: “You may see these stories on the test.” Investigators identified the Reading Town tutor as Haykyung Shin who teaches as a substitute within the BOE.
- The proprietors of Reading Town, Soonho and Seonong Song explained that the program used “Terra Nova” practice test material for the 3<sup>rd</sup> grade students, which they obtained through a “routine order” from the McGraw-Hill Company.
- A representative of that company, Robert Starr, confirmed that the new tests produced by McGraw-Hill, including those used by the BOE, are termed “Terra Nova.” However, according to him, there is an embargo on that material within the five boroughs. Upon scrutinizing the material used as part of the Reading Town program, Starr advised that access to this material by anyone in New York City would be considered a “breach.” He added that, obviously, someone who lived outside “the region” could obtain the tests. Starr also inspected the order form obtained from Reading Town and became “perplexed” because the requisition “should not have been filled as it definitely violates the embargo in New York City.”<sup>61</sup>

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<sup>58</sup> Investigators attempted to interview Feess, however, she has resigned from the BOE and apparently has moved to California. Bona acknowledged using many practice materials in order to prepare the students at PS 234 who had little exposure to standardized tests. According to her, the preparatory information came from the district or the City. Moreover, she realized that questions on the actual exam were “similar” to those used during practice.

<sup>59</sup> At the request of investigators, Aldorando reviewed a copy of the actual reading exam and acknowledged that the practice material she used to prepare her class resembled the real test. She believed the practice documents came from the district office.

<sup>60</sup> The boy gave the same account to an investigator from this office. Reading Town is a private after-school tutorial program for children in kindergarten through 7<sup>th</sup> grade located in Flushing, Queens. It is not part of the Board of Education.

<sup>61</sup> The McGraw-Hill Monterey, California office filled the order. Prior to speaking with Starr, we attempted to duplicate the Reading Town request, but were denied delivery because of the embargo. Sharon Sanders, the McGraw-Hill representative who refused our order, indicated that the material was available to Nassau and Suffolk counties, but stressed that it should not be used in the City area.

- At **PS 40 in District 2 in Manhattan**, 5<sup>th</sup> graders found the 1999 Citywide math exam “easy” because they had practiced the questions before. According to students in Sharon Finder’s class, a few days before the “real” exam, the teacher assigned the “Terra Nova” test as homework and the following school day they went over the answers. Finder told them it was “important” and to “pay attention” to the practice material because “some of the questions might be on the [Citywide] test.”
  - In fact, a review of Finder’s booklet and the actual exam reveals that 35 out of the 50 questions appeared on both tests. Of Finder’s students that we interviewed, none scored worse than 41 correct out of 50 possible answers.
  - Finder explained that she found the “Terra Nova” document in her mailbox in late January or February and assumed it came from the administration. She claimed that there was no significance to the fact that she reviewed the materials with the class one or two days before the exam. Moreover she claimed that the questions on the Citywide test “did not look familiar to her.”<sup>62</sup>
- **Another 5<sup>th</sup> grade class at PS 40**, taught by Robert Smith, had a similar experience. According to Smith’s students, they were instructed to work on the questions in the “Terra Nova” book at home and they went over the material in class, “up until the day before” the math exam.<sup>63</sup> Smith told the class that some of the practice questions could be on the real test. According to one girl, she studied the “Terra Nova” test the night before the real one. Moreover, she “would not have been able to finish in time” had she not previewed the material.
- During the 1998-1999 school year, Lagrimas Castellano taught math at the **Theatre Arts Production Company School (TAPCO) in District 10 in the Bronx**.<sup>64</sup> Prior to that assignment, Castellano was employed at a parochial school where she obtained a copy of a “Terra Nova” practice test for the 6<sup>th</sup> grade. According to the teacher, she did not realize that use of the material was prohibited and distributed copies to her students.
  - According to the students, it was very helpful because “a lot of the questions on the practice exam were on the Citywide exam.” Moreover, the teacher actually explained to the class that some of the information would be on the real test and would help them prepare to take it. One girl added that afterward, when they mentioned the overlap of questions to Castellano, the teacher told the class that was why she had them study the practice material.

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<sup>62</sup> A review of both documents shows that questions 1-4 on the actual exam are the same as 5-8 on the practice material.

<sup>63</sup> Smith was advised that he should not be interviewed without representation and declined the opportunity to speak with our investigator.

<sup>64</sup> TAPCO is an alternative middle school for grades 6-8 and is an annex of MS 143. However, during the 1998-1999 school year, it was located within PS 315; it is currently located within MS 321.

- However, according to Castellano, on the day of the exam in the spring of 1999, she proctored the 7<sup>th</sup> grade class and only “glanced” at the 6<sup>th</sup> grade booklet. Thus, she claimed to be unaware of its similarity to the practice document she had given the students.
- In fact, a review of the two tests reveals that 33 out of 50 questions are the same.

## PART TWO

*“I addressed all the superintendents and asked them please to help me get the word out that there was not to be proactive proctoring.... [I]t happens every year and.... [I]t’s not in the children’s best interest.”*

– OSI Director Marlene Malamy, Spring 1997<sup>65</sup>

*“We investigate all allegations of test improprieties vigorously.”*

– DAA Executive Director Robert Tobias, August 1998<sup>66</sup>

### **THE BOE AND TEST TAMPERING: WHY CHEATERS GOT AWAY WITH IT**

Despite the strong rhetoric, cases of cheating by educators have been consistently mishandled – or not handled at all – by those responsible for maintaining the integrity of the testing process: OSI and DAA. Moreover, in some of the most serious cases, OLS also failed in its role. In reviewing over twenty cases we found that:

- Repeatedly, in cases handled by OSI, files or parts of files were lost and investigators could not recall what was done
- Even when OSI conducted a full investigation, the outcome could not be ascertained
- OSI often merely referred serious allegations to the superintendent or principal for investigation
- OSI accepted the findings of investigations handled at the school level without any independent inquiry
- Suspicious patterns detected by computer analysis were left unexamined by DAA
- In many cases, when misconduct was uncovered, wrongdoers went unpunished, while student test scores were invalidated and deleted from their records

The cases described in this section illustrate our findings.

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<sup>65</sup> This statement was made during a telephone conversation between Malamy and a witness who decided to tape it.

<sup>66</sup> Letter dated August 19, 1998, to the mother of a PS 38 student who was re-tested following “teacher interference.”

## OSI: The Investigators

### Evidence Ignored

#### **PS 38**

At PS 38 in District 4, one teacher's misconduct was so egregious that the children he proctored had to be re-tested. Dennis Rej, a classroom teacher, was caught actually changing answers on students' official answer forms. Yet, when SCAN brought the allegation to OSI's attention, that unit merely directed the district to conduct the inquiry. Moreover, OSI took no action even after district officials reported that a fellow educator had interrupted Rej in the act of cheating, that his students' forms contained a high number of erasures in a pattern that corresponded to the answer sheet the teacher admitted filling in, and that the students did not make those erasures. Without guidance from the Chancellor's internal watchdog, no action was taken against the educator caught cheating.

A parent of a 6<sup>th</sup> grader at PS 38 in Manhattan, complained that the school re-tested her son on the 1998 Citywide reading exam without notifying her. As she questioned various district officials in an attempt to learn why the make-up was necessary, the boy's classroom teacher Dennis Rej told her that the first exams were lost. Ultimately, she learned this was not true; in fact, Rej had been caught cheating which resulted in the first set of scores being deleted.

Following the administration of the exam, Upper Campus Coordinator Nancy Colon entered Rej's room and found him with the students' official answer sheets in his

lap.<sup>67</sup> Although test procedures dictate that these documents should never be folded, Rej did just that, folding one as his fellow educator approached. Colon noticed that this answer sheet, bearing the name of a student who had moved, had been completed and then erased. At that point, Rej admitted using the child's answer form to take the test.

As she reviewed the test papers from Rej's class, Colon became even more concerned about possible test tampering as she observed a pattern of erased and changed answers on the official sheets for Rej's students, which corresponded to the bubble form he had completed. She reported this information to the principal, Ethel Zai-Guerrero, who insisted that "it was improper to accuse Dr. Rej without proof." Rej then explained that he took the test to assess its difficulty.

At the direction of then-District Assessment Liaison ("DAL") Harvey Newman, the principal instructed everyone involved to write a report. For her part, Zai-Guerrero stated: "[I]t is my feeling that Dr. Rej followed procedures and there was no foul play."<sup>68</sup> However, Colon and other staff members wrote statements contradicting the principal, and the matter was pursued.

Newman notified SCAN which conducted an erasure analysis and concluded that "[b]ased on the fact that 107 out of 113 erasures were from wrong to right, we suspect that some intervention took place." As a result, DAA invalidated the exams, instructed the district to re-test Rej's class, and referred the information to OSI for investigation.

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<sup>67</sup> At the time, PS 38 designated a lower campus coordinator for kindergarten through grade 2 and an upper campus coordinator for grades 3 through 6. This position was a "teacher in charge" who coordinated activities and acted as a staff developer.

<sup>68</sup> Zai-Guerrero told our investigators that she has taken tests in order to gauge the difficulty, so Rej's explanation seemed plausible to her. Her report does not address the similarities between the erasures on the students' forms and Rej's answers. Zai-Guerrero resigned from the BOE in January 1999.

However, instead of conducting interviews, OSI Director Malamy instructed Newman at the district to speak with the children. A list of ten questions was used, including some geared toward learning the number of changes and erasures the student personally made.<sup>69</sup> The average response indicated that each child changed only a few answers, and although one student acknowledged changing six, others said they had erased none. Thus, their answers supported a finding that Rej erased and altered choices without the children's knowledge, since they had not made the changes which match those placed on a grid form he admitted filling out.

When the information provided by the students and observations of PS 38 staff are combined with SCAN's findings and the obvious pattern of erasures which correspond to the exam the teacher took, it is clear that Dennis Rej cheated by changing the students' answers.<sup>70</sup>

Despite all this evidence, an apparent breakdown in communication among the district, OSI, and DAA resulted in no disciplinary action being taken against Rej. According to Newman, after surveying the students and providing the results to OSI, the district took no further action and was waiting for direction from Marlene Malamy. What exactly that unit did with the questionnaires and what finding it made is unclear because, when we asked for their file in this matter, OSI responded that it had no information or documentation concerning a testing irregularity at PS 38. Nor did OSI's director have any independent recollection of the matter when questioned under oath. The only clear fact is that District 4 was given no direction and therefore took no action against Rej.

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<sup>69</sup> Parents were not notified that their children were being interviewed.

<sup>70</sup> Rej was interviewed under oath at this office. He not only denied cheating, he even denied telling the mother that the first exams were lost.

OSI's lack of documentation and Malamy's lack of recall are curious since BOE correspondence clearly indicates that an investigation was done and a finding of misconduct confirmed. In a letter to the mother who was concerned about the re-test, DAA Executive Director Tobias claimed: "The decision to retest the students in Class 6-515 was made as a result of an investigation conducted by DAA and the Board of Education's Office of Special Investigations."<sup>71</sup> Moreover, he informed her: "The results of the investigation supported a finding of teacher interference."

### Wasted Effort

#### **PS 34**

Unlike PS 38, at PS 34 in District 14, OSI conducted a full-scale investigation. Yet, it apparently led nowhere.<sup>72</sup> The outcome is uncertain because OSI's file – which was not produced until more than one year after it was first requested – mysteriously ends without providing one.

OSI's initial case, involving an allegation of irregularities during the administration of the Citywide tests in 1997, was closed nine days after its inception, when a SCAN analysis did not uncover an unusual amount of erasures. At first, our information came from a letter from Marlene Malamy to then-Acting Superintendent of District 14 John Musico regarding allegations of irregularities during administration of the spring 1997 exams that we independently obtained. In it, Malamy states: "[A]nswer documents were reviewed and a cohort study of a sampling of student scores was completed by [DAA]. The Division's Director, Robert Tobias reviewed the results of

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<sup>71</sup> Letter dated August 19, 1998.

<sup>72</sup> The results of our investigation into this matter are reported in the scrap paper and Point and Check sections. This case is also mentioned in Part Three of this report.

these analyses. Based upon his review and references to Citywide averages, he determined that the scores did not reflect a statistically significant departure from the norms.”<sup>73</sup> The letter gives insight into the workings at OSI, at least at the time: “[OSI] generally does not proceed with an investigation into Citywide testing allegations unless the state of the answer documents or unusual scores provide some evidence of tampering. In this case, there is no such documentary evidence. Therefore, we will not be conducting any further inquiry into the allegation. This matter has been closed.”

We learned, however, that the inquiry was re-opened when a parent filed an additional complaint.<sup>74</sup> The OSI file, which we belatedly received, confirms that Malamy interviewed his son, a student in Czarnowski’s room, who clearly described the teacher’s misconduct.<sup>75</sup>

Thereafter, OSI began a major investigation at PS 34. On December 3, 1997, several investigators arrived at the school and interviewed numerous students about the conduct of six teachers during the administration of the Citywide tests. The children clearly described improper assistance by Teresa Czarnowski and Joan Newfield. Then, in January 1998, these six educators and the principal were interviewed at OSI. However, despite the major undertaking by OSI and the significant expenditure of manpower involved, no final report was written, the file does not indicate a referral to the superintendent or to OLS, and the unit’s director had no independent recollection of the case.<sup>76</sup>

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<sup>73</sup> Letter dated October 23, 1997.

<sup>74</sup> In fact, although we forwarded information to OSI about this additional complaint, when asked to provide their file, Chief Investigator Christopher Dalton has repeatedly responded that OSI did not receive it. However, a hand delivery receipt signed by an OSI employee shows that they did.

<sup>75</sup> The findings of our investigation into her conduct are found in the Scrap Paper section of this report.

<sup>76</sup> Czarnowski told our investigators that she was never informed about the outcome of OSI’s investigation.

Interviews conducted by our investigators confirmed a finding of cheating. One boy we spoke to, who described how Czarnowski placed an “x” next to an incorrect answer on the scrap paper she handed out, also informed us that in 1997 he was questioned at school by investigators. According to this student, just as told to us, he reported Czarnowski’s behavior to these individuals, including the fact that the question with the “x” involved “a poem with a little bird.” The child recalled that the female investigator commented on his “good memory.” Other students also described being interviewed at the school and that they informed those investigators about using loose-leaf paper and that Czarnowski allowed them to change answers.

Obviously, by making the corrections on scrap paper, Czarnowski avoided the suspicious erasures which OSI apparently required to pursue the case in the first instance. However, OSI’s failure to finalize the case in light of the tremendous effort put into the matter after it was re-opened is incomprehensible. Just as baffling was Malamy’s inability to recall any details relating to what amounted to a major investigation for her office.

Having been told in the course of our investigation that OSI had re-opened its inquiry into testing at the school, we sought to review the entire file. This office asked for information about the case no less than five times between July 1998 and November 1999, before finally receiving the file on November 17, 1999. We were told on at least two occasions that OSI had not received the allegation, although we knew they had because we referred it to them in the first place.<sup>77</sup> Then, we were sent material relating to a separate investigation at the school. Moreover, in testimony before this office, Director

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<sup>77</sup> We also have a hand delivery receipt contradicting OSI’s position.

Malamy could not provide any details. The file was ultimately produced, but only after an additional request, and it is incomplete.

### What Was OSI's Involvement?

While it took numerous requests and more than a year to obtain the PS 34 file, in some cases, we never received any information. Although we knew that OSI had been involved, our attempts to obtain documentation met with limited success as the cases below illustrate.

### **PS 63**

We learned through an independent source that, in 1998, OSI conducted an investigation into “irregularities” at PS 63 while it was on the SURR list. The school is physically located within District 9 in the Bronx, but falls under the supervision of the Chancellor’s District. To determine the outcome of the inquiry, we sought documentation from OSI. However, that unit never produced its file. Moreover, Director Marlene Malamy and Supervising Investigator Elaine Smith were unable to provide any details. This was particularly disturbing because PS 63 had been removed from the SURR list following an improvement in scores on the test in question. In fact, its status was upgraded despite DAA’s conclusion that there was “inappropriate proctoring” during the State exam and a high degree of erasures on the City exam.

We obtained a memorandum from Robert Tobias to OSI Director Marlene Malamy regarding PS 63. In it, the DAA Executive Director reported “inappropriate proctoring” during the 3<sup>rd</sup> grade State exam proctored by Ms. King. SCAN’s analysis also showed a high degree of erasures on the Citywide reading test proctored by King.

Nevertheless, according to Tobias, “the evidence [was] insufficient to conclude that there was an inappropriate administration” of that test. Incredibly, Tobias directed that the BOE take the extraordinary step of invalidating the State scores and substituting the City scores when the data was reported to the State, despite the fact that the same teacher who acted inappropriately on the State exam proctored the City test and her students’ papers showed a large number of erasures.<sup>78</sup>

Although OSI took significant investigative steps, they did not reveal them to this office and were unable to provide any details when specifically asked about their role. Asked to produce documentation regarding an investigation at PS 63, OSI responded by providing only a copy of Tobias’s memo to Malamy which describes his “findings” and reports his decision to substitute the scores.<sup>79</sup> Testifying before this office, Malamy claimed to have no independent recollection of the case. However, we learned from Principal Gillian Williams that Malamy, Elaine Smith, and other OSI investigators came to the school and interviewed all the students in the third grade class. According to Williams, she had no direct communication with OSI regarding the outcome, however, she was told by administrators in the Chancellor’s District that “there was no evidence that cheating occurred.”<sup>80</sup> Because OSI did not provide us with their file, we do not know how that conclusion was reached.

Again, belatedly, we sought to learn what happened. When we did, we found that cheating had, in fact, occurred in King’s classroom during the administration of the 1998

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<sup>78</sup> This memo was copied to Deputy Chancellor Judith A. Rizzo, William P. Casey who is the Executive Director for Program Development and Dissemination, and then-Superintendent of the Chancellor’s district Barbara Byrd-Bennett.

<sup>79</sup> The file also contained some material relating to the school, but which was not relevant to this investigation.

<sup>80</sup> According to Williams, Superintendent Byrd-Bennett or Deputy Superintendent Jerry Cioffi advised her of the outcome. The principal was aware that one test score was substituted for another.

Citywide reading test. The students described Teacher Stephanie King and her co-proctor Valerie Swinton as having a “teacher’s book” that “had the answers in it.”<sup>81</sup> According to the children, King, and on occasion Swinton, pointed to answers which meant the choice selected was wrong. One girl said that King told her: “You made a mistake there.” Others were also instructed to check choices. According to one student, King and Swinton “helped everybody.” Others reported that King wrote some words on the blackboard because “they would try to trick” the students with these words.

### **CES 58**

In yet another case, this time at CES 58 in District 9, we learned of OSI’s involvement, but were stymied in our attempts to determine what that unit actually did. We confirmed that OSI received an allegation of improper conduct by a proctor at the school during the 1998 test, however, neither the OSI file nor its administrators could provide information about their involvement.

During the 1998 Citywide 3<sup>rd</sup> grade reading test, Wanda Torres, who was monitoring the exam at CES 58 in the Bronx, observed Teacher Elizabeth White reviewing a student’s exam. Torres became suspicious of a piece of paper the teacher was holding. Upon closer examination, Torres realized that White’s paper contained hand-written answers to the test. The monitor notified the district testing liaison who directed Principal Patricia Wooten to take a statement from White.<sup>82</sup> The teacher claimed that she was merely trying to assess how the class was performing and that she randomly reviewed “a couple” of answer sheets.

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<sup>81</sup> King has since married and taken the name Woods. In separate interviews with our investigators, King and Swinton denied performing the conduct described by the children.

<sup>82</sup> The principal also received a statement from the school’s testing coordinator.

We independently obtained the statements taken by the principal, as well as a memo written by Torres describing her observations. A handwritten notation on that document indicates: “X-09-058 – Teacher intervention? To M.M. – Elaine spoke to M. Guasp.”<sup>83</sup> In response to our request for information about the case, OSI merely provided the same statements and memo by Torres which we already had. Moreover, neither Malamy nor Smith could provide any further details about OSI’s involvement. Elaine Smith could not even confirm that she had discussed the matter with Superintendent Guasp.

Since the school’s investigation was obviously incomplete and OSI’s actions remained a mystery, we tried to recreate the events on the day of the test. According to students we interviewed, White pointed out answers that she said were wrong. The teacher suggested that one girl, who was alerted to “four or five” incorrect responses, use scrap paper before committing answers to the grid. According to one boy, White walked around the room and told almost all of his classmates, “the same thing, that they had written down wrong answers.”

Torres told us that, in her haste to stop White’s conduct, she did not note the identity of the child whose exam White was reviewing. Moreover, to her knowledge, no one attempted to identify the student. Elizabeth White told our investigators that she “made the mistake of taking the test and recording the answers on a slip of paper so that she could see how the students were doing.” Moreover, according to her, when she observed that students were doing well she would tell them so and, “on the contrary, if I saw students choosing numerous wrong answers, I would make general statements that I

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<sup>83</sup> “X-09-058” means CES 58 in District 9 in the Bronx; “M.M.” is Marlene Malamy; “Elaine” is Elaine Smith, and “Guasp” was the superintendent of District 9 at the time.

was observing wrong answers and that the class should go back to each page – check the page.”

Principal Wooten told us that no one from OSI ever contacted her and the superintendent instructed her to place a letter in White’s file.

### **PS 230**

SCAN documents confirm that, in 1997, OSI received an allegation involving high erasures on a reading test at PS 230 in Brooklyn. Although we independently learned about an investigation conducted by the school, OSI was unable to provide any information about its involvement.

Following the administration of the 4<sup>th</sup> grade reading exam at PS 230 in District 15 in 1997, an educator’s suspicions were aroused upon observing an unusual amount of erasures on the grids of certain students who had their test proctored by Clara Steingrub. Those suspicions were confirmed when the test scores for these children were higher than expected. In fact, one student was in danger of being held back because of poor classroom performance, yet the boy’s score indicated that he read in the 59<sup>th</sup> percentile – a jump of 32 percentage points over his 3<sup>rd</sup> grade score.<sup>84</sup>

The educator reported the information to the school’s administration which launched an investigation. According to Assistant Principal Bruce Berkowitz who participated in the inquiry, the students did not report anything “unusual” in the administration of the test and Steingrub denied assisting the children. Nevertheless, the school administration decided that Steingrub would not to be permitted to proctor future exams unless another adult was present. Moreover, SCAN was notified regarding four

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<sup>84</sup> Ultimately, the boy was promoted because of his age.

specific students. Upon analyzing these bubble sheets, SCAN found a high percentage of erasures where the answer was changed from wrong to right. These four scores were invalidated and deleted and the case was referred to OSI.

When we asked OSI to provide a file relating to PS 230, we were told that it had no documents or information relating to test allegations at that school. However, we independently obtained a document indicating that SCAN had, in fact, forwarded the original answer documents to OSI.

Again, lacking information from OSI and having no confidence that a full investigation had been done, we reviewed the facts. Interviews of students confirmed that Steingrub walked around the room carrying a piece of paper that contained handwritten notations. The children suspected that these were the test answers because she seemed to refer to this sheet before informing them that their choices were wrong.<sup>85</sup> The student who was in danger of being left back reported that he changed as many as ten answers as a result of Steingrub's instructions during the test.<sup>86</sup> Once again, the suspicions of a classroom teacher and an analysis by SCAN led to the invalidation of scores and a referral to OSI. Yet, despite that, no investigation was done by OSI, no record of the referral to the school was maintained, and no action was taken against a proctor who obviously stepped over the line.

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<sup>85</sup> Some of the students also confirmed that they told Berkowitz the same information during the investigation that followed the exam.

<sup>86</sup> Investigators attempted to speak with Steingrub in the field, but she sought legal representation. Although we did not interview her, according to Berkowitz, during the school's inquiry, she denied assisting the children.

## PS 316

Following the administration of the 1997 reading exam at PS 316 in District 17 in Brooklyn, a “very concerned parent” complained to the superintendent that students in a particular 5<sup>th</sup> grade class were prompted to change wrong answers.<sup>87</sup> The allegation was forwarded to SCAN which sent it to OSI. Although, when asked by this office, OSI claimed it had no documents or information concerning a test case at this school, we learned that Investigator Elaine Smith, accompanied by an employee from the district office, interviewed students and staff.

We also interviewed numerous students from the class. Nearly half of those we spoke with indicated cheating by Teacher Yvonne Wilson. In fact, one boy told us that following OSI’s first student interview in which the class learned the subject matter of the inquiry, the children agreed to lie to “cover” for Wilson so that she “did not get in any trouble.”

Much like the conduct of proctors at other schools, Wilson, using a sheet with answers, pointed to choices and instructed students to check them, meaning that the response was wrong. In an interesting twist, some students declined to take her advice because they considered their original answer to be correct despite Wilson’s prompting.

Speaking with our investigators, Yvonne Wilson denied committing any inappropriate conduct while proctoring exams. She acknowledged being interviewed by two women – one from OSI and one from the district – but added that she was never informed of the findings of that investigation. We also interviewed the principal and the employee who assisted Investigator Smith, both of whom believed the allegation to be

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<sup>87</sup> In the course of our investigation we discovered the identity of this parent as the school had in 1997.

unsubstantiated. Moreover, PS 316 Principal Gloria Olmeda was unaware that any action had been taken regarding this class. Nevertheless, we learned from SCAN that the class scores were deleted “AS PER OSI TEACHER INTERFERENCE.” Yet, during her testimony before this office, Director Malamy could provide no information. Without the file we were unable to unravel the conflicting positions.

### **Harbor Junior High School for the Performing Arts**

Earlier in this report we described the cheating committed by Thomas Fransko who wrote the mnemonic on a student’s test paper while proctoring at Harbor Junior High School for the Performing Arts in District 4 in Manhattan. In the course of our inquiry, we learned from Principal Joyce Duncan that OSI had conducted an investigation which she believed included an interview with Fransko. Duncan also informed us that the outcome was a letter to the teacher’s file. Curious about OSI’s findings which led to that result, we requested documentation of their investigation. In response, however, Chief Investigator Christopher Dalton informed us that the file could not be located.<sup>88</sup> Again, Director Marlene Malamy had no independent recollection of the investigation.

### **The Petrides School**

In 1997, a parent of a 3<sup>rd</sup> grade student at the Petrides School on Staten Island, alleged that her daughter was prompted by Teacher Annmarie Baird to check her answers on the reading and math exams. OSI opened a case and Director Marlene Malamy

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<sup>88</sup> In a subsequent interview under oath, Dalton reiterated that the agency continued to search for the file, but to no avail.

personally conducted the investigation.<sup>89</sup> Although we requested the file on three occasions, we never received a complete set of documents and Malamy could provide scant details.

Among the documents we did receive was a memo to the OSI file which indicates that one student detailed cheating by the teacher. This girl was able to provide the number of one particular question she had been prompted to erase and a SCAN analysis showed that it had been changed from incorrect to correct. Although a second parent told us that OSI interviewed her daughter who described cheating, no memo is in the file.<sup>90</sup> Moreover, while it is likely that an interview of Baird was at least attempted, there is no such information in the documentation provided. Malamy was unable to provide additional details about the case.

Malamy told us that the case was not substantiated. However, we have been unable to meaningfully review that conclusion without the complete file. Malamy reported her “findings” by letter to District 31 Superintendent Christy Cugini. In it she concluded: “Any inappropriate action taken during the test administration has had a negligible effect on the overall performance of the school on any of the standard accountability measures. Additionally, we looked at the individual performance of students and in the third grade and determined that the test administration did not have an educationally meaningful impact.”<sup>91</sup> Gregory Gallo, then the principal of Petrides, placed a letter in Baird’s file reiterating OSI’s conclusion, but adding “a number of directives for

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<sup>89</sup> During this time period, our office was conducting a major investigation at the school which is also known as PS 80. See, *Broken Promise: An Investigation into the Admission Process for the Michael J. Petrides School*, March 1998. The school was divided into factions and in turmoil.

<sup>90</sup> Some parents refused to allow their children to be interviewed. Other parents defended Baird as being wrongly accused by certain parents.

<sup>91</sup> Letter dated June 4, 1997. DAA Executive Director Tobias assisted Malamy in the drafting of this document.

immediate implementation and to amplify the test proctoring procedures I shared with the entire faculty prior to the beginning of the testing session.”<sup>92</sup>

### School Level Investigations Went Unquestioned

As described at the start of this Part of this report, OSI led District 4 officials to believe that findings and guidance would be forthcoming concerning the cheating committed by Dennis Rej – but none arrived. In other instances, however, that unit clearly referred allegations to the districts to be handled by untrained administrators who had an interest in the outcome and, despite the inherent bias, OSI did not scrutinize the findings.

### **PS 5**

Following a school’s investigation into an allegation of cheating at PS 5 in District 6 in Manhattan, OSI deferred to the principal’s finding that the matter was not substantiated, despite the fact that some children said they received answers.

In 1997, four students confirmed to Principal Alice Stabiner that Teacher Carin Rubin gave them answers during the Citywide math test. The principal reported that information to a district administrator. However, Stabiner concluded, “it follows that due to conflicting, insufficient evidence and a small number of students and questions being affected that this issue be considered closed with appropriate notation to the teacher.” To support her conclusion, Stabiner asserted that “[o]nly 4 children out of 34 allege that answers were given.” While at first glance that would suggest that 30 children had denied any assistance, that was not the case. A review of documents provided by the

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<sup>92</sup> Letter dated June 17, 1997.

principal regarding her investigation reveals that only seven students in total were asked about the teacher's actions and four, a majority, confirmed the initial allegation.

Despite the principal's obviously biased assessment, or maybe because of it, the district notified SCAN which, in turn, referred the matter to OSI. However, without making any further inquiries, relying solely on the school's investigation as described by the principal, OSI Investigator Elaine Smith decided, "this case is closed with no action."

However, we interviewed students who described Rubin's conduct and disagree with Stabiner's conclusion. According to one girl, the teacher pointed out a wrong answer and said: "I'm going to give you a break." Thereafter, Rubin told the student the correct response. Another child reported that, near the end of the exam, she was "stuck" on a couple of questions and Rubin gave her the answers. A third student heard the teacher tell classmates to "try an answer over again." All of these children were interviewed during the school's investigation.<sup>93</sup>

OSI's failure to question the school's findings, despite the fact that by the principal's account four students confirmed being given answers, merely reinforced the idea that Rubin's conduct was not serious. Remarkably, during an interview before this office, OSI Director Marlene Malamy testified that she would handle the matter no differently today.

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<sup>93</sup> Rubin declined to be interviewed by our investigators without an attorney present. According to Stabiner, in 1997, Rubin denied the allegations.

## CES 64 – PS 16 – PS 81

In fact, Malamy’s comfort with her office’s handling of the matter at PS 5 is borne out by OSI’s treatment of three cases involving educators whom we have already discussed in the first part of this report.<sup>94</sup>

At CES 64 in District 9, we found that Louisa Ganis actively “helped” one boy who could not read on his own to sound out the words and gave another student an answer. At the school level, interviews conducted by the assistant principal actually uncovered the cheating. The results of her successful investigation were shared with OSI. However, apparently, that unit did not pursue the findings since its file contains only documents relating to the school’s investigation and Director Malamy did not recall the case. The outcome: the superintendent directed the principal to place a letter in Ganis’s file.

After a 5<sup>th</sup> grade teacher at PS 16 on Staten Island realized that the skills of her incoming students did not match their 4<sup>th</sup> grade math scores, she learned from the students that Teacher Ivy Zeiger had pointed out wrong answers and suggested “revisiting” those questions. She alerted the principal who conducted an investigation which confirmed the information provided by the students. Yet, the principal concluded that there was “nothing to substantiate test tampering.”<sup>95</sup> OSI was notified, but based on the scant documents in the file provided to us, that unit took no additional action. According to Elaine Smith’s notes which closed the case, the District 31 superintendent was instructed to contact OLS to initiate the disciplinary process. Although the District

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<sup>94</sup> The details of our inquiries at these three schools are found in Part One of this report.

<sup>95</sup> The principal did not notify parents before interviewing the children. A subsequent investigation by this office substantiated the cheating. See the Point and Check section earlier in this report.

31 DAL was unable to locate the file regarding this matter, we learned that the principal merely placed a letter in Zeiger's file.

When Teacher Robin Smith transferred to PS 99 in District 28 in Queens, she cheated on the 6<sup>th</sup> grade exams given during the spring of 1998. During our investigation, she admitted her conduct and claimed, "everyone does this and I never had a problem with it before," and that no one ever told her it was wrong. In fact OSI had a chance to set Smith straight, but did not pursue it. In 1996, a confidential source alleged that Smith, then-math coordinator at PS 81 in District 16 in Brooklyn, may have given students a preview of the Citywide exam the day before they were scheduled to take it. The complaint was forwarded to OSI. However, it conducted no interviews. Instead, when SCAN could provide no corroboration, OSI closed its case.

According to Elaine Smith's closing notes, based on a memo from SCAN, "all issues alleged were found to be unsubstantiated." SCAN had reported to OSI that erasure analysis was negative and that the district confirmed a special math program at the school "may help to explain the increase in test scores." According to Investigator Smith's notes, "no interviews were done and the case is closed."<sup>96</sup> In closing the matter, the investigator ignored the fact that the allegation was that students might have previewed the test a day early, and did not involve assistance during the actual administration of the exam. Thus, one would not expect to find a large number of erasures.

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<sup>96</sup> Although we investigated the 1998 allegation against Robin Smith at PS 99, we concluded too much time had elapsed since the 1996 allegation which involved children who were then in the 3<sup>rd</sup> grade.

### DAA: The Analysts

We found that Tobias's boast about vigorous investigations quoted at the outset of Part Two of this report was far from accurate. Although his unit referred information about test irregularities to OSI, DAA took no steps to otherwise root out cheating. For the most part, erasure analysis data compiled by SCAN was ignored absent a specific allegation of wrongdoing from another source. Moreover, at Tobias's direction, the most frequent solution following "a breach" was invalidation and deletion of children's scores. Little, if anything, was done to deter future misconduct.

### Undetected Patterns

One way we discovered misconduct in the testing process was by comparing the erasure reports routinely created at SCAN, by exam, by year, by school, and by class. Although DAA had the capability to perform such a comparison and it is not a difficult procedure, according to Executive Director Tobias, it was not done routinely.<sup>97</sup> The findings of two investigations, which resulted from our search for patterns, demonstrate the value such review has in discovering misconduct.

### **IS 450**

Despite two obviously suspicious facts that implied serious test problems at IS 450 in District 1 in Manhattan, no one noticed. The SCAN report for the 1998 Citywide reading examination flagged all of IS 450 after finding that each class in the school had

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<sup>97</sup> According to Tobias, if a specific allegation called for such an analysis, it was performed. OSI never conducted any review either. According to OSI Director Malamy, unless it involved a particular allegation, she did not receive the erasure reports. Although Tobias thought the information was forwarded to OSI, he could not produce records to document that claim.

five or more items changed from incorrect to correct on answer documents.<sup>98</sup> Moreover, a comparison of scores in that year with those in the past showed large increases in percentiles at the school between 1996 and 1997 and again between 1997 and 1998. In total, scores rose 38 percentage points in math between 1996 and 1998 and close to 30 points in reading for the same period.<sup>99</sup> The SCAN report alone should have been a red flag, but even when coupled with the dramatic improvement in scores, it was ignored. Instead, left unquestioned, the results contributed to IS 450 being removed from the State's SURR list in 1998.

We uncovered one educator who committed major transgressions. Humanities Teacher Rebecca Ballantine proctored the 7<sup>th</sup> grade reading test in 1998, and when students had problems, she came over “to try to help [them] figure it out.” According to one girl, she told the teacher her choice and Ballantine would either say “yes” or “pick another answer.” In 1997, Ballantine did not proctor her exam and this student scored in the 12<sup>th</sup> percentile. In 1998, she scored in the 80<sup>th</sup> percentile. Others described similar conduct by Ballantine and showed similar improvement: one child who described being given “clues,” saw his scores increase from the 09<sup>th</sup> percentile in 1997 to the 88<sup>th</sup> percentile in 1998. A third child who was directed to check his answers went from the 22<sup>nd</sup> percentile to the 75<sup>th</sup> percentile.<sup>100</sup>

We found another educator who clearly stepped over the line. According to students, Teacher Mary McGovern, who proctored the 7<sup>th</sup> grade math exam in 1998, “did not give any answers, but explained the question in her own words.” One girl said that

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<sup>98</sup> IS 450 consists of grades 7 and 8, and is located within East Side Community High School.

<sup>99</sup> In 1996 it was known as JHS 60.

<sup>100</sup> Ballantine was not willing to speak with investigators without representation.

McGovern reminded her of the class lesson that related to the problem or told her the formula needed to find the answer. According to another, the proctor suggested that she “check her answers again.”<sup>101</sup>

Moreover, while it fell far short of Ballantine’s behavior, we learned through interviews with 7<sup>th</sup> graders, that others at IS 450 also committed impropriety during the testing process. The students described inappropriate conduct by various proctors, including reading a question to a student, or drawing stick figures to help the child understand.

### **PS 123**

Looking at just the Citywide reading examination, the erasure analysis reports prepared at SCAN show irregularities at PS 123 in District 5 in Manhattan for three straight years – 1996, 1997, and 1998. If that were not enough to raise suspicions, a closer inspection of the documents prepared in 1997 and 1998 regarding the Citywide and State reading exams, reveals that Class 305 had significant erasures on both tests in both years. Using the 1998 Citywide exam, we made that class the focus of our investigation, although on the face of the SCAN reports alone, we could have chosen any group of 3<sup>rd</sup> or 6<sup>th</sup> graders. However, DAA ignored this significant data compiled by SCAN.

Class 305 Teacher Lillie Williams, who proctored the test, repeatedly pointed out wrong answers to her students. According to the children, Williams walked around the room and “helped” them with the test. One boy said that the teacher had the answers and

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<sup>101</sup> McGovern declined the opportunity to speak with our investigators, asserting she had been advised not to do so unless her union representative was present.

described her as carrying “a piece of a paper, approximately 3x6 that had numbers with letters next to it.” The teacher pointed to a child’s selection with the instruction to “check it” to “read it over.” According to one girl, that “meant it was wrong.” The student added that if she changed her answer and it was still wrong, Williams told her to “check it again.”<sup>102</sup> One boy used scrap paper and the teacher marked an “x” next to answers he placed on it. Knowing he had made incorrect choices, he erased on his scrap before transferring his selection to the bubble sheet.<sup>103</sup>

Lillie Williams admitted that during the test, she walked around the room, pointed to answers that students had chosen, and told them to “check this answer again” or “read this again.” Her reason for this conduct was “to help the students.” Although she claimed that she never gave the children a correct answer, she acknowledged that she told students to check the same answer more than once.

Williams also claimed that some students “rush through the test without even trying,” while others can barely read the passages. “Half can’t read when they come to me,” she asserted. Unfortunately, as a result of her conduct, those in Class 305 and their families did not know how well these children could read when they left Williams.

### The Decision to Delete

Every year, DAA and SCAN learned of problems that occurred during the administration of Citywide and State exams, ranging from irregularities to security “breaches.” The irregularities included reports of children who became ill, who forgot eyeglasses, who took the wrong test or who were not supposed to take the test at all.

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<sup>102</sup> Several of the students we interviewed had two and even three erasures on the same answer.

<sup>103</sup> This boy’s answer sheet showed no erasures.

Breaches of security ranged from unintentional mistakes, such as opening the test too early, to malfeasance, including inappropriate proctoring.<sup>104</sup> The solution devised and used by DAA for both irregularities and breaches was to invalidate the test result for the particular child or group of children affected. What that meant, literally, was the deletion of scores from the BOE's computerized student records.

Although "teacher interference" placed the legitimacy of a score in question, the decision merely to invalidate and delete test results added to the perception that the conduct was not serious. Moreover, the clear message sent was that if you got caught you would not be held accountable. Thus, at the same time that an important measure of a student's academic performance was removed, the transgressor routinely escaped punishment.

Tobias acknowledged that an individual child whose score was deleted would, at a minimum, bear the effect of having lost a valuable tool to evaluate his performance. Moreover, he agreed that the invalidation of the scores for an entire class "might" affect the overall score of the school and "could" have a "significant" effect upon the performance of the school. However, asked whether that change in the school's performance would affect the results Citywide, Tobias responded, "no."

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<sup>104</sup> Opening the test too early could also suggest malfeasance, for example, if it occurred with the intent to create a "cheat sheet."

### OLS: The Lawyers

Even when OSI conducted a thorough investigation and referred its findings to OLS to pursue disciplinary action – which could go well beyond a letter of discipline and include termination of employment – there were some serious lapses. As the following two examples illustrate, new problems arose as a result of breakdowns at the district level as well as the failure by OLS to aggressively pursue these matters.

#### **JHS 263**

Although OSI presented OLS with clear evidence of widespread cheating during the administration of the 8<sup>th</sup> grade State reading exam in 1996 at JHS 263 in Brooklyn, the local school board refused to prefer charges against those involved. Once again, OSI was unable to locate its file and therefore provided no documentation of its investigation, and Director Malamy had no independent recollection of the case. Nevertheless, from another source, we obtained documents which indicate that OLS failed to explain the proof to district administrators and the local community school board.

In 1997, OSI Director Marlene Malamy and Supervising Investigator Elaine Smith reported to Michael Mazzariello, then-Deputy Director of OLS, that the assistant principal and certain classroom teachers at JHS 263 “violated test security” with the administration of the State reading test in 1996.<sup>105</sup> JHS 263, which is located within District 23 in Brooklyn, was a SURR school at the time and later became part of the Chancellor’s District. Despite the findings by OSI which clearly detail cheating, Community School Board 23 declined to bring charges against those involved.

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<sup>105</sup> As explained herein, these educators were not charged with cheating and therefore we do not name them.

OSI interviewed 14 students, 11 of whom described cheating. The methods ranged from educators telling students to “check it over” or “read over questions 71 and 77; they are wrong” to helping with word pronunciation or pointing to the area where the answer could be found. Moreover, SCAN conducted an erasure analysis which determined there was “a statistically significant number of erasures from incorrect to correct for the four 8<sup>th</sup> grade classes under review.” In fact, the students interviewed had anywhere from 1 to 20 changes from wrong to right.<sup>106</sup>

OLS drew up charges against the assistant principal and one of the teachers, however, the District 23 Community School Board voted against a finding of probable cause.<sup>107</sup>

Curious about that decision, investigators from this office interviewed the five Board members who voted against the charges. One explained that he believed the principal, who was not accused, was the individual actually behind the cheating; one could not believe the assistant principal would go room-to-room cheating; another concluded that the evidence was not substantial and was inconsistent, and two others did not recall the matter.

Prior to the final vote by Community School Board 23, which resulted in a decision not to charge the educators, in a letter to Mazzariello, then-Superintendent Michael Vega asserted his “discomfort” in recommending charges and noted the absence of a representative from OLS at the local board meetings when the matter was discussed.

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<sup>106</sup> One boy who correctly changed 25 answers denied being helped.

<sup>107</sup> In addition to the assistant principal, the OSI report described cheating by four teachers, yet OLS only sought charges against one. On several occasions, we sought documentation from OLS about the other three, but Deputy Counsel to the Chancellor Theresa Europe told us she was unable to find the file and could only “guess” at the outcome.

Given Vega's posture that OSI's report was "not sufficient to support charges of 'cheating'" it seems that the attorney handling the matter for the law office should have made efforts to explain the evidence, answer questions, and dispel concerns.

Not only did the District 23 Board fail to hold anyone accountable for the cheating that occurred during the State exam, they actually rewarded the fraudulent improvement in scores. Rather than disciplining the assistant principal, they promoted him to principal at another school.

### **PS 8**

In a second case, a teacher caught cheating has been removed from classroom duties for over two years, but never charged with wrongdoing. In July 1997, OSI found that Lance Green had, among other things, given answers to the 5<sup>th</sup> grade reading test to a student in his class. It referred the evidence to OLS. Thereafter, according to the legal office, proposed charges were brought to the district superintendent. As in District 23, the procedure did not go smoothly, and the superintendent declined to ask the local school board to discipline the teacher. Unlike in District 23, however, Green was not promoted, but was allowed to remain reassigned – forgotten by the Chancellor's lawyers.

In 1997, several female students in Lance Green's 5<sup>th</sup> grade class at PS 8 in District 6 in Manhattan, accused the teacher of dropping candy down their shirts and touching them in ways that made them feel uncomfortable. In the course of investigating

those allegations, OSI Chief Investigator Christopher Dalton learned that on the day of the reading test, Green gave one girl a piece of paper on which was listed the answers to the exam.<sup>108</sup> OSI substantiated both facets of the case and referred it to OLS.<sup>109</sup> A notation in OSI's file indicates that OLS decided to bring disciplinary charges against Green, but the story ends there.<sup>110</sup>

Although Lance Green has been reassigned to the Office of the District 6 Superintendent for over two years – since June 1997 – until recently, no one at the BOE could provide any information about the status of the case. First, OSI was unaware of the outcome.<sup>111</sup> Then, for six months, we attempted to obtain information from OLS, however, Theresa Europe, Deputy Counsel to the Chancellor, repeatedly responded that OLS was unable to find its file.<sup>112</sup> Finally, after we persisted in questioning her, on November 16, 1999, Europe had someone search the basement archives and the file was located.

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<sup>108</sup> Investigators from this office confirmed this fact with the student witnesses.

<sup>109</sup> Green declined to be interviewed by this office without union representation. During OSI's investigation, Green denied giving any student answers to a reading exam.

<sup>110</sup> Initially, after we requested a copy of their file, OSI responded that it had no files relating to test allegations at PS 8. Almost two months later, following his testimony at this office, during which he was questioned about the Green matter, OSI Chief Investigator Christopher Dalton provided the file which he had not considered to be a testing case.

<sup>111</sup> We also attempted to obtain information from Robert Reich, Director of the BOE's Office of Appeals and Review which is handling the matter related to Green's unsatisfactory rating in 1997. Reich reviewed a computer screen which, according to him, showed that charges were preferred on June 12, 1997, but he had no other information. Moreover, Reich seemed baffled by the involvement of his office since Green is a tenured teacher whose case should be handled by OLS.

<sup>112</sup> In June 1999, Europe faxed to this office a memo written by a former OLS employee, which outlined the evidence against Green. Europe claimed then and continued to claim, until November 16<sup>th</sup>, that OLS had no other information.

Now a new problem surfaced: according to Europe, in October 1997, OLS forwarded the proposed charges against Green to Anthony Amato, then-Superintendent of District 6, who refused to ask the local board to consider them. OLS is currently deciding whether to pursue the matter again.

In the meantime, while Green remains on administrative duty, continuing to collect his paycheck on a regular basis, the students in the class he “helped” had their scores deleted “for teacher interference.”

## PART THREE

*“It should be obvious that there are serious problems with a school system whenever the parents are not kept apprised of critical events involving the students. These problems are further exacerbated by school officials who fail to respond openly and honestly to legitimate questions.”*

– Letter to Chancellor Crew from a PS 38 parent<sup>113</sup>

### WHAT EVERY PARENT SHOULD KNOW

In the course of interviewing children about testing, parents repeatedly expressed complete shock at the allegation that they were hearing for the first time. Thus, we discovered that parents rarely were informed about test irregularities – including “teacher interference” – that usually they were not told about deleted scores, and that school and OSI personnel frequently interviewed children without parental notification or permission. The following illustrate this disturbing development.

### PS 38

Earlier in this report we described the cheating committed by Dennis Rej during the 6<sup>th</sup> grade reading exam in 1998. His conduct was so outrageous that the class was re-tested. Yet, parents were not told about his conduct, the re-test, or the fact that students were questioned about the first exam. Only after one determined mother, whom we quote above, learned about the second test weeks after it was administered and persistently questioned enough BOE employees to discover the truth, was Rej’s conduct exposed.

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<sup>113</sup> Letter dated July 7, 1998. PS 38 is located in District 4 in Manhattan. Her son was in Dennis Rej’s class and was re-tested as a result of the teacher’s cheating.

In a letter to Chancellor Crew, this parent correctly noted that the Citywide exams are “an important gauge of the students’ reading and math levels....” Moreover, she accurately described the failure to notify parents of the re-test as “unacceptable.”

Responding for the Chancellor, DAA Executive Director Robert Tobias acknowledged that the Citywide reading test is “an important indicator” of a student’s ability. However, in defense of the procedure followed regarding the specific circumstances involving her son, Tobias wrote:

Typically in investigations of this nature, neither children nor parents are informed before children are questioned about the circumstances of the test administration so as not to alarm them unnecessarily. In this case, the questions were about the teacher’s behavior during the test administration, not the students’.<sup>114</sup>

### **PS 34**

A parent of a student in Teresa Czarnowski’s class at PS 34 in District 14 in Brooklyn, specifically instructed Principal Joseph Caldone that his daughter was “under no circumstances” to be interviewed without prior permission. Nevertheless, when investigators from OSI came to the school, this student was among those interviewed. Upset that his directive was disregarded, according to the parent, he confronted Caldone who explained that “these people were from the Chancellor’s office and he had no authority to stop them from speaking” to his child.

### **OSI**

In testimony before this office, OSI Director Marlene Malamy acknowledged that her office does not always notify parents that their children will be interviewed.

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<sup>114</sup> Letter dated August 19, 1998.

According to her, OSI's authority to circumvent parental permission is rooted in the Chancellor's power to investigate matters in the schools.<sup>115</sup>

Asserting that she "had no set of protocols," the decision apparently was made case by case. According to Malamy, she considered various factors, including "whether it was across a grade in which case it would take so long to tell the parents...." In other instances, her determination hinged on whether the student to be interviewed "might be tainted by the parents." Moreover, if OSI spoke with a child without contacting the parent, there was no after-the-fact notification, either.

Malamy's position is curious since OLS, the Chancellor's legal office, has consistently taken the view that a parent's permission must be obtained before its lawyers interview a student. In fact, OLS often will not proceed at all until written authorization is obtained.

Regarding the invalidation of test scores, Malamy asserted that the decision to do so was made by Tobias's office. Moreover, OSI played no role in alerting the district, the school, or the parent that a deletion had occurred.

## **DAA**

According to the Executive Director of DAA, Robert Tobias, superintendents, principals, and parents are notified when scores are deleted, as well as when children are re-tested. However, DAA is not involved directly in that process, relying instead on the DAL to pass on the information.<sup>116</sup>

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<sup>115</sup> Malamy did not have a specific conversation with the Chancellor in which he delegated the authority to interview children without notifying a parent; she could not cite any written authority either.

<sup>116</sup> According to Tobias, the District Assessment Liaison position, also known as the DAL, is funded "50-50" by his office and the particular district.

According to Tobias, the DAL, in addition to informing the superintendent, should also notify the principal who contacts the parent. Obviously, as is illustrated by the investigations in this report – including the case in which he was called upon to explain to a parent why she was not told about an invalidated score and a re-test at PS 38 in District 4 – the procedure does not work as smoothly as explained by the DAA Executive Director.

*“It is time to begin holding the adults responsible for what our students learn – or don’t learn. Standardized tests are a major tool in making this judgment.”*  
– New York City Public Schools’ Chancellor Rudolph F. Crew<sup>117</sup>

## CONCLUSION

As demonstrated by the evidence described in this report, we discovered extensive cheating by educators. Moreover, this information should come as no surprise to the BOE because it has known about the problem for years. Nevertheless, educators were not held fully accountable for their misconduct.

Despite being put on notice, the BOE has not developed an organized, coherent strategy for detecting, investigating, and punishing misconduct committed by proctors during the administration of standardized tests. Several units at the BOE have been involved, yet the overlapping jurisdiction has been an impediment rather than a safeguard.

DAA Executive Director Robert Tobias and his staff referred certain allegations of impropriety and suspicious test results to investigative units. However, the DAA threshold for concern was too high and, thus, it missed several opportunities to proactively root out the problem. Moreover, although SCAN, a unit within the division, compiled the data necessary to look for patterns which could be the result of cheating, that information was ignored.

OSI took several approaches to cheating allegations, however none was effective. Too often, investigations were delegated to the district or school personnel who had no incentive to perform a complete and independent evaluation of an allegation. Moreover,

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<sup>117</sup> *The case for using standardized tests*, by Rudolph F. Crew, New York Daily News, September 20, 1999, at page 31.

OSI readily accepted the findings of these inherently biased inquiries. Further, that unit's failure to substantiate cheating allegations cannot fully be explained by its limited staff size. Even when an investigation was actively pursued, it is impossible to say with any certainty what that unit actually did or even determine the ultimate outcome of its case because OSI frequently lost its file or documents pertaining to the matter. Furthermore, neither the director nor her staff investigators, when questioned under oath, could remember any significant details about the steps they took or the conclusions they reached.

As a result, this investigation was hindered by OSI's failure to provide requested files and otherwise cooperate as required by the Mayor's Executive Order and the Board Resolution which created this office. The only possible explanations are gross incompetence or an intentional obstruction of our inquiry. In any event, it is clear that OSI failed to perform as a reliable investigative unit.<sup>118</sup>

Even when OSI gathered evidence of serious impropriety and referred it to the Chancellor's law office, the educator responsible for it escaped punishment. In two cases reported on here, OLS was ineffective in its attempts to take disciplinary action against cheaters.

All units of the BOE showed too little respect for both the parents and the children. When testing misconduct was alleged, students were interviewed and scores were deleted – often without any notification to or involvement of the parents.

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<sup>118</sup> Many weeks before the OSI director and her staff gave testimony at this office, they had been asked to produce information about the cases included in this report. Therefore, their failure to recall specifics cannot be attributed to surprise or a lack of opportunity to review files and prepare for questioning.

When cheating occurred, it rendered the use of standardized tests as a diagnostic tool – to evaluate not only student performance, but educator performance as well – meaningless.

## RECOMMENDATIONS

In our view, the most obvious solution is also the simplest:

The Chancellor must unequivocally state that misconduct performed during the administration of a standardized test – whether it is called cheating, interference, tampering, or any other name – is wrong and will not be tolerated. In fact, those who are caught cheating must face serious disciplinary action, including loss of employment.<sup>119</sup>

Consequently, regarding those named in this report, we recommend:

The misconduct committed by the following educators, as described on the pages indicated, was so egregious that their employment must be terminated and they should be barred from future work with the BOE:

- Evelyn Hey – pages 1-2, 12, 22
- The CES 90 conspirators – pages 6-8
  - Richard Wallin
  - Gail Fisher
  - Eugene Mendelsohn
  - Susan Tasch
  - Allan Zeman
  - William Hegarty
  - Nancy Mendelsohn
- Virgeous Bridgett – pages 16-17
- Geraldine Williams – pages 17-18
- Dennis Rej – pages 18, 27-30
- Lance Green – pages 53-55

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<sup>119</sup> In recommending that disciplinary action be taken against specific educators, we do not include the four JHS 263 educators who were not charged by the local school board in District 23 or those sources at CES 90 and CES 88 who participated in cheating, but cooperated with this investigation.

The misconduct committed by the remaining educators named below was so serious that strong disciplinary action, which may well include termination of their employment, must be taken against them:

- Janet Zeman – pages 8-9
- Anna Rivera – page 9
- Teresa Czarnowski – pages 11, 30-33
- Glenda Jordan – page 12
- Daniela Bona<sup>120</sup> – pages 12, 22
- Lorraine Rokoff – page 12
- Eileen Mitchell – pages 12, 20
- Robin Smith – pages 12-13, 45
- Syble Ellis – pages 13-14
- Stafford Gayot – page 13-14
- Thomas Fransko – pages 14-15
- Dulcelina Sepulveda – page 15
- Louisa Ganis – pages 15-16
- Ivy Zeiger – pages 17, 21
- Mary Culhane – page 18
- Guillermin Montano – page 19
- Nancy Duran – page 19
- Sally Jones – page 20
- Barnabas Quist – page 20
- Monica Rivers – pages 20-21
- Cecily Beasley – pages 20-21
- Joan Newfield – pages 21, 30-33
- Karen Aldorando – pages 22-23
- Mira Feess<sup>121</sup> – pages 22-23
- Sharon Finder – page 24
- Robert Smith – page 24
- Lagrimas Castellano – pages 24-25
- Stephanie King – pages 33-35
- Elizabeth White – pages 35-37
- Clara Steingrub – pages 37-38
- Yvonne Wilson – pages 39-40
- Carin Rubin – pages 42-43
- Rebecca Ballantine – pages 46-48
- Mary McGovern – pages 46-48

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<sup>120</sup> We note that Bona has resigned. Her conduct should be considered should she ever apply for reemployment with the BOE.

<sup>121</sup> We note that Feess has resigned and most likely moved to California. Her conduct should be considered should she ever apply for reemployment with the BOE.

- Lillie Williams – pages 48-49

In addition, the following administrators' actions warrant disciplinary action:

- Valeria Godbred – pages 13-14 – instructed proctors to use scrap paper, purportedly to learn how the children did before the official results were available. However, in the course of our investigation into cheating at her school, she incredibly claimed that she had rescinded her directive to have the children record their answers on a separate sheet of paper.
- Margaret Darraugh – page 21 – dismissed the information provided by children who told her about cheating by a teacher. Instead, she reported that she had found “nothing to substantiate test tampering.”
- Ethel Zai-Guerrero – pages 27-30 – failed to recognize or intentionally ignored clear evidence of cheating by one of her teachers, Dennis Rej.<sup>122</sup>
- Bruce Berkowitz – pages 37-38 – concluded that students did not report anything “unusual” about the administration of the test. Yet, four students had their scores deleted. Moreover, in the course of our investigation, as children described the cheating to us, they noted that they informed Berkowitz about the same facts.
- Alice Stabiner – pages 42-43 – ignored four children who reported cheating by a teacher. In reporting the results of her “investigation,” she misrepresented the scope of her inquiry.

Looking toward the future, in order to enforce the strong edict against cheating, the BOE must devise a coherent procedure for identifying misconduct – not only as a result of specific allegations, but proactively as well – and exposing it.

DAA must assist whatever agency or units that take on these cases and assume an active role in rooting out cheating. OLS must aggressively pursue disciplinary action against those who commit wrongdoing.

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<sup>122</sup> We note that Zai-Guerrero has resigned. Her conduct should be considered should she ever apply for reemployment with the Board.

It is clear that as currently staffed and constituted, OSI is incapable of handling test-cheating cases. For the reasons stated in our conclusion section and as a result of the evidence described in this report, that unit must be re-organized or another entity must be given responsibility for investigating test irregularities which are not investigated by this office.

Finally, the BOE and the Chancellor must ensure that parents are consistently and fully informed about circumstances – such as educator cheating – involving their children.