

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

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VIA ELECTRONIC MAIL

March 16, 2023

Hon. David C. Banks
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Raylissa Rivera
SCI Case #: 2022-4795

Dear Chancellor Banks:

An investigation conducted by this office has substantiated that 28-year-old New York City Department of Education (“DOE”) Special Education Teacher Raylissa Rivera (“Rivera”), assigned to In-Tech Academy MS/HS 368 (“In-Tech”) in the Bronx, behaved improperly and engaged in inappropriate communications with a 17-year-old female student (“Student A”).^{1,2}

I. Investigation and Findings:

The investigation began in June 2022, when the office of the Special Commissioner of Investigation for the New York City School District (“SCI”) received an online complaint from ██████████ with allegations of misconduct committed by Rivera. In her complaint, ██████████ reported that Student A had received text messages from Rivera wherein Rivera had expressed “crush” feelings for Student A. According to ██████████ Rivera admitted that she had feelings for Student A in the past; however, she insisted that she no longer had such feelings and would “try” to stay away from her. ██████████ added that this information was disclosed by the 16-year-old sister (“Sister B”) of Student A’s 18-year-old girlfriend (“Student B”).

¹ Rivera was reassigned during the pendency of SCI’s investigation. There is a problem code associated with her personnel file.

² Students’ ages referenced herein are as of the date of their interviews with SCI investigators.

The assigned SCI investigator spoke with ██████ who repeated the information she had previously provided to SCI. ██████ further stated that she learned about Rivera's misconduct from ██████ ██████ said that Sister B approached ██████ and informed her about the text messages Student A received from Rivera. ██████ told investigators that she spoke with Sister B prior to reporting the matter and she had Sister B write a statement about what had transpired.³

SCI investigators spoke with Sister B who said that during a conversation with her sister, Student B, she learned about a text exchange between Student B and Student A that involved Rivera. Specifically, Student B told her about text messages Student A received from Rivera wherein Rivera disclosed to Student A that she previously had feelings for her. Sister B continued that in her text messages, Rivera indicated that she no longer had "feelings" for Student A, and intended to stay away from her. According to Sister B, Student A sent screenshots of the messages she had received from Rivera to Student B – who subsequently showed them to Sister B.

Sister B further stated that in June 2022, she spoke with ██████ about the conversation she had with Student B and showed her the screenshots of the text exchange between Student A and Rivera. Sister B recounted that ██████ took photos of the messages with her phone. Student B told investigators that she had no knowledge about a sexual relationship existing between Student A and Rivera.

In an interview with SCI investigators ██████ corroborated Sister B's statements concerning the text messages Rivera sent to Student A, and that ██████ took screenshots of them. ██████ said she notified ██████ about the matter, and provided the screenshot messages to the assigned SCI investigator.

A review of the messages revealed that Rivera wrote the following to Student A:⁴

- "I had a crush on you for like a little and that was wrong cause clearly im an adult and thats super wrong so I had to fall back and shit given the circumstances it wasn't right. So it ent away after time."
- "I fucked up with putting it on you and shouldn't have told u but it happened. I don't have it no more and it went away it didn't even last that long just a lot was going on and like being there for you and I don't even know if I would call it a crush idk but I would never do anything weird or something and like I know imam be looked at different and I get that. Imma keep my distant from you, wont text and stuff but imam still be there for you if you need me."

SCI investigators interviewed Student B who recounted an occasion in June 2022, when Student A messaged her about a text exchange she had with Rivera. According to Student B, Student A took screenshots of the conversation and forwarded them to Student B. During the interview, Student B identified the above messages as the ones she received from Student A and that she sent to Sister B. Student B said she had no information about a sexual relationship between Student A and Rivera.

³ Sister B's statement was provided to the assigned SCI investigator.

⁴ These quoted messages were copied verbatim.

In an interview with investigators, Student A said that she graduated from In-Tech in June of 2022, and that Rivera was never her teacher. Student A explained that her contact with Rivera was as a result of Student A's participation on the basketball team, and Rivera's attendance at games. Student A said that Rivera was not a part of the team but was there for "support." Student A said that her interactions with Rivera began in January 2022, after a basketball game in which Rivera was very upset with the results. According to Student A, Rivera comforted her and subsequently displayed an interest in Student A's studies. Student A and Rivera then began texting one another about "random stuff," which Student A described as being about school issues. Student A continued that she and Rivera texted one another more than 10 times a week and on weekends – and some of the text messages were as late at 11:00 p.m. Student A insisted that none of their text exchanges were inappropriate. Student A added that Rivera never displayed any "outward actions" towards her that led her to believe that Rivera had sexual feelings for Student A.

Student A recounted that during the beginning of June 2022; she received text messages from Rivera wherein Rivera indicated that she had previously had a "crush" on Student A, and knew it was wrong. Student A said that Rivera stated in her messages that she no longer felt that way, and Student A maintained that she did not feel uncomfortable with the messages. When presented with the text messages, Student A identified them as the ones she received from Rivera and the ones she forwarded to Student B. Student A told investigators that she was not on any social media sites with Rivera, and she was never alone with her outside of school premises.

A review of Student A's and Rivera's cellular phone records for the time period from January 2022 through June 2022, revealed there were approximately 40 contacts between the two of them.

In an interview with SCI investigators, Rivera acknowledged that Student A was not one of her students at In-Tech; however, she became acquainted with her through the school's basketball team. Rivera explained that in the past, she played on the girls' basketball team, and she attended the games to show support for a former student of hers who was on the team. Rivera stated that Student A began speaking with her about her schoolwork and other personal issues, such as a past sexual assault. Rivera confided to investigators that she could "relate" to Student A and her issues.

According to Rivera, the "talking and texting" with Student A approximately began in December 2021, and ended in June 2022. Rivera continued that after a period of communication between the two, "things began to go sideways," and Rivera starting to "have feelings" for Student A. Consequently, she told Student A that they had to cease communicating with one another, and she distanced herself from Student A because she was an adult. When questioned whether she expressed her feeling to Student A, Rivera admitted that she sent a text message. Rivera was then shown several text messages which she identified as the ones she sent to Student A. Rivera insisted that she never had any sexual contact with Student A and was never alone with her in any activities outside of school. Rivera added that she was not on any social media site with Student A.

II. Conclusion and Recommendation:

Upon review of the above facts, SCI substantiated that Teacher Raylissa Rivera behaved improperly and engaged in inappropriate communications with Student A. All parties interviewed – including Rivera – agreed that she sent the text messages as depicted above. These messages included Rivera’s admission that she had a “crush” on Student A which she knew was “wrong,” because she was an adult and, as such, needed to keep her distance from Student A. Rivera demonstrated highly unprofessional and unacceptable conduct for a DOE employee. Therefore, SCI recommends that the DOE take appropriate disciplinary action, up to and including termination of her employment.

Please respond in writing within 30 days of receipt of this letter as to what, if any, action has been taken or is contemplated regarding Raylissa Rivera or the recommendation made herein. We are forwarding a copy of this letter to the Office of Legal Services. We are also forwarding our findings to the New York State Education Department for whatever action it deems appropriate.

In addition, SCI offers the following Policy and Procedure Recommendation (“PPR”):

1. The DOE social media policy should be amended so that all DOE personnel or employees of its vendors are prohibited from contacting students using personal cellphone numbers, personal social media accounts, and other associated applications.⁵

Should you have any inquiries regarding the above, please contact Special Counsel Valerie A. Batista, the attorney assigned to the case. She can be reached at (212) 510-1417 or vbatista@nycsci.org. Thank you for your attention to this matter.

Sincerely,

ANASTASIA COLEMAN
Special Commissioner of Investigation
for the New York City School District

By: /s/ Daniel I. Schlachet
Daniel I. Schlachet
First Deputy Commissioner

AC:DS:VB:lr

cc: Elizabeth Vladeck, Esq.
Karen Antoine, Esq.
Katherine Rodi, Esq.
Monica Davis-Thorne - Director

⁵ SCI has made similar recommendation in the past. See *i.e.* SCI cases 2018-6208, 2019-2183, 2019-9283, 2020- 3205, 2021-1339, and 2021-4394.