

May 17, 2002

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

Re: Russell Bracher SCI Case #2002-0129

Dear Chancellor Levy:

An investigation conducted by this office has substantiated that fifty-one-year-old Russell Bracher, a teacher assigned to Samuel J. Tilden High School in Brooklyn, allowed a seventeen-year-old male student ("Student A") in his car, showed him where he lived in case the boy "ever needed to talk about anything he could come over," and gave him money.¹ Although Student A also complained that Bracher touched him inappropriately, we did not substantiate that allegation.²

This investigation began after Student A was overheard by _____
telling other students that he was tired of Bracher touching his buttocks.
_____ took Student A to _____, who had the student write down what happened. _____ then
forwarded the information to _____ who reported it to this office.

Student A told investigators what he claimed happened with Bracher. He gave a detailed version of an incident in Bracher's office, inside the music room, during which the teacher touched him. However, Student A's account was inconsistent with every other witness and was not credible.

Student A's allegations of what happened in the music room were discredited by three other students ("Student C," "Student D" and "Student E"). According to Student

¹ Bracher was not reassigned during this investigation.

² Because Student A alleged criminal conduct, we contacted the Kings County District Attorney's Office and reported our findings. That office declined to review the case further.

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C, he was in the music room during the period in which Bracher's conduct was alleged by Student A to have occurred. However, he saw Student A and Student E playing the piano during the entire period and Student A never went near Bracher's office. At one point, Student C went to Bracher's office to inform him that it was almost time to go to the basement for band instruction and he observed Bracher's office door locked with the teacher alone inside. Bracher then came out and they all headed to the basement.

Student D also refuted Student A's claim that he was in Bracher's office. According to Student D, during the period, Student A and Student E were playing the piano, and Student D went to Bracher's office to get something. The teacher asked him to leave because he was on the phone and Bracher then locked the door. Bracher was alone in the office. Student D added that he sat down in front of Bracher's door and no one entered the office. Further, according to Student D, Student A never left the stage where he was playing the piano with Student E.

Student E also contradicted Student A's allegation of what occurred in Bracher's office. According to Student E, he and Student A were on the stage playing the piano until it was time to go.

During the investigation of his original claim, Student A added new allegations. Student A stated that sometime prior to the music room incident, while the boy was out on the street, he heard a car horn beep and saw Bracher waving him over. When Student A approached, Bracher asked him to get in the car, which he did. The two talked about an incident that occurred at the school involving stolen sneakers and schoolwork.

According to Student A, they drove by Bracher's home, which he pointed out, while telling the boy that if he "ever needed to talk about anything he could come over." The teacher also called him "sweetie." Additionally, Bracher gave him ten dollars.³

Bracher denied to investigators that he ever touched Student A inappropriately. According to the teacher, the day after the allegation was made, Student A called him to apologize and told him that he wanted to retract his statement. Regarding the day in his car, Bracher admitted that he called Student A over. According to the teacher, he wanted to talk about an incident at the school where Student A was accused of stealing a pair of sneakers. Bracher knew that the boy was upset about being accused. Bracher admitted that he showed the student where he lived and told him that if he ever had any issues and needed to talk in private, Student A could come to his house. He then gave Student A "some money, less than five dollars," and drove him to his basketball game. Bracher asserted that he has never hesitated to give money or food to a child who needed it. Often, he drove students home or gave them money for the subway because by the time they got out of band practice, their school issued Metrocards were no good. Bracher suggested that Student A made up the allegation because he was going to get a failing grade.

³ Student A also claimed that Bracher touched his knee and kissed him on the cheek. This conduct could not be confirmed.

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In fact, in a second interview with our investigators, Student A said that he never intended to make a big deal about what happened. However, according to the student, insisted on reporting it.

While this is not the first time that Bracher was accused of inappropriate behavior regarding students, no allegation of sexual impropriety has ever been sustained. However, in 1986, after a Technical Assistance Conference, it was recommended that the teacher be warned about lending money to students. A 1997 allegation of touching was unsubstantiated when, as in this case, the purported corroborating witnesses, in fact, disproved the complainant's claims. However, Bracher did admit then, as now, that he often drove students home in his car.

In the present case, while we did not substantiate the claims that Bracher touched Student A in an inappropriate manner, Bracher confirmed having committed other conduct described by the boy. His decisions to pick up Student A in his car, show the boy where he lived, and give him money, demonstrate the need for Bracher to be reminded of the boundaries that should be in place between students and teachers. At the very least, his conduct raises the appearance of impropriety. At worst, a student might misconstrue the teacher's actions. Moreover, Bracher's behavior leaves ample room for a child to allege wrongdoing by him whether actual, misinterpreted, or made up. It is therefore the recommendation of this office that he be warned of the dangers and consequences of his conduct and be advised to stop it. Moreover, he should be advised that the failure to end this behavior could result in disciplinary action.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We are also forwarding a copy of our report to the State Education Department for whatever action it deems appropriate. Should you require a copy of our report, or have any inquiries regarding the above, please contact Vicki Multer Diamond, the attorney assigned to the case. She can be reached at (212) 510-1454. Please notify Ms. Multer Diamond within 30 days of this letter of what, if any, action has been taken or is contemplated against Russell Bracher. Thank you for your attention to this matter.

Sincerely,

REGINA A. LOUGHRAN Acting Special
Commissioner of Investigation for the New York City School District

RAL:VMD:rew
c: Chad Vignola, Esq.