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 March 18, 2013

TO: Ted Howard, principal Garfield HS; Nancy Coogan, Executive Director of Schools - Central Region;  
 José Banda, Superintendent Seattle Public Schools

It has now been four months since our daughter, student 1 was sodomized and raped on a Garfield High School field trip to the Olympic National Forest. In the months since the assault, no one in the school district has come forward with an explanation of why a rape was allowed to occur on a school-sponsored field trip. And although the school district motto includes the phrase "everyone accountable" we are unaware of anyone being held accountable for this breach in our trust. No Garfield parent, nor any Seattle school parent for that matter, would permit their child to go on a field trip if they thought their child could possibly be allowed to be sexually assaulted by a classmate. The school district must hold itself accountable when such assaults are allowed to occur and take responsibility for the devastation caused by its failed policies.

#### **Failure to responsibly assist our family**

Instead, GHS and the school district have avoided assuming any responsibility for the life-scarring events of November 6. The perpetrator is free to continue his Garfield education uninterrupted, while our attempts to set student 1 high-school education on track post-assault have been frustrated at every turn by the school administration's mismanagement and incompetence. We have documentation to substantiate the following examples, among many others:

**Fallacious statements from principal and his deplorable lack of involvement.** On November 8, Garfield principal Ted Howard told parent that a student had come forward and "admitted having sex with student 1. A lengthy discussion ensued about obtaining a restraining order. The next day Mr. Howard denied that he had shared this fact with parent. Instead he claimed that he had only said a student came forward with "information." According to the investigators' report, a student did indeed come forward to Mr. Howard and admit to having sex with student 1. Thus what Mr. Howard originally told parent was true, just as parent correspondence noted. When our daughter's principal dishonestly retracts what he told us, he has failed to meet the basic requirements we expect: honesty, integrity, transparency, reliability, and accountability.

Subsequent communications to Mr. Howard have been either ignored or forwarded on to an unknown person who does not respond. Mr. Howard also did not attend our first post-assault conference call with the school, even though it was scheduled well in advance for a time he said he could participate. Mr. Howard is principal of all Garfield students, including our daughter. His lack of transparency in his dealings with us has made it impossible to work collaboratively for the good of our child. Communications we initiated with Mr. Howard's supervisor, Nancy Coogan, have also been ignored or forwarded to another phantom person who never replies.

Contradictory information regarding accommodations. FERPA

[REDACTED]

Thwarting student opportunities to achieve semester credit. FERPA

[REDACTED]

#### Failure to acknowledge a sexual assault occurred

The school administration is content to believe the perpetrator's false claim that he had consensual sex with student 1 the night of November 6 in the presence of other students, even though the assailant's

bizarre account contradicts forensic evidence. RCW 42.56.360(2)

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Washington State Department of Labor and Industries has recognized student 1 as a crime victim after conferring with the Clallam County Prosecutor's Office.

Failure to reply to our request for relief

FERPA [REDACTED]

FERPA

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### Failure in accountability to parents and community

The school district must acknowledge the devastation caused as a result of this rape. Consider how a  
 identifier [REDACTED]

[REDACTED], has been shattered by this rape. Before the rape, music making was one of the most positive aspects of her life, but after the assault her violin has lain unplayed. Consider how her lifelong passionate connection with nature (a beautiful form of communion)—which has included banding birds in the Cascades, volunteering for Audubon, and spending countless hours *in nature*—has, by her own admission, been destroyed by an assault that occurred *in a nature camp*. After the assault she is unable to even consider completing her ecology course. These are just two examples among many—not to speak of the sense of pollution, violation, and defilement, which she has described in chilling terms in a personal essay. Consider also how her entire self-concept was shattered when a classmate assaulted her. Gone was **student 1** ability to engage in normal relationships as she knew them before the rape. According to the experts, she will revisit the rape each time she contemplates an intimate relationship. Research shows that rape victims are incapable of the deepest intimacy available to those whose life has not been scarred by rape.

No child—nor family—should have to endure the agony suffered over the last four months. No family should have to send their child off to a residential treatment center and suffer such a lengthy separation. The professionals associated with **student 1** care are shocked and outraged that **student 1** was subjected to this emotionally scarring episode on what was supposed to be a fun and educationally rewarding outing. Tragically, she now has to live with the aftermath of this sexual assault for the rest of her life.

The school district is derelict in its accountability to us as a family and to the community. Although the school was made aware of the gravity of **student 1** condition by both us and her tutor, there is complete disregard for the implications of this fact: that our daughter was assaulted on a school sponsored trip and that a rapist is freely allowed to attend school. We have provided a brief account of the district's negligence for our daughter's safety on the field trip and subsequent mismanagement of her educational needs post-assault. We must conclude that the school district believes if it ignores this inexcusable assault and its aftermath, we will soon forget about it.



On the contrary, we plan to escalate our concerns to Superintendent Banda, the Seattle School Board, and the Office of the Superintendent of Public Instruction, if necessary. We plan to ask for the full, transparent, *public* investigation we believe we are owed as the victim's family. We believe this investigation should at the very minimum answer these questions:

- Why was supervision so lax during the fieldtrip that girls and boys were allowed to go into each other's cabins after curfew? Why hasn't the school district corrected its chaperone policy in light of other incidents of this nature that have occurred on previous school trips?
- What internal investigation, if any, has the school district conducted regarding the November 6 incident, and what were the results?
- If there was an investigation, why weren't we informed and why wasn't **student 1** given an opportunity to participate?
- What disciplinary actions, if any, have been taken against the perpetrator? What required steps were taken concerning the assailant's status as registered sex offender?
- What offer will the district make to compensate **student 1** directly for her education, ongoing therapy, the loss of a normal college prep high school education, and for the enduring trauma of rape?

We expect to receive a full response on the content of this letter from a school district representative by April 1. If none is forthcoming, we will escalate our complaint to the highest local and state school officials, among others.

Sincerely,

**parent** and **parent**

April 5, 2013

*Via E-mail to* parent [REDACTED] parent [REDACTED]

parent [REDACTED]

parent [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

Re: student 1 [REDACTED]

Dear Mr. parent [REDACTED] and Ms. parent [REDACTED]

I am writing this letter in response to the questions you have raised to various District staff members regarding your daughter student 1 [REDACTED]. If you have remaining questions after reviewing this letter, or if you would like to meet with me in person to discuss this matter, please let me know. I am happy to meet with you. The District looks forward to working with you to determine how to appropriately educate student 1 [REDACTED] moving forward.

student 1 [REDACTED] Educational Placement: FERPA [REDACTED]

In order to determine whether student 1 [REDACTED] is FERPA [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The District has selected Michaela Clancy, our Central Region Special Education Supervisor and former School Psychologist for Garfield High School to FERPA [REDACTED]. Ms. Clancy will be out of the office presenting at a Special Education conference until April 8, 2013, but you can reach her thereafter at (206) 252-0807 or [cmclancy@seattleschools.org](mailto:cmclancy@seattleschools.org). As Alan Kahn has the

FERPA [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

It would be helpful for FERPA [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

FERPA [REDACTED]

You have requested that student 1 have FERPA [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

If you have additional questions or concerns about the process for student 1 to FERPA [REDACTED] please let me know and I will coordinate with you and Principal Ted Howard to clarify the process.

Investigation

It is the District's practice to refrain from initiating an independent investigation when law enforcement is conducting a criminal investigation into an incident involving District students or staff. The District only recently became aware that the U.S. Park Service and FBI have completed their investigation and that the U.S. Attorney's Office has declined to prosecute.<sup>1</sup> As the law enforcement investigation into this matter is complete, the District stands ready to begin an investigation.

In order to investigate, we will need to have our investigator interview student 1 either in person or over the phone. I understand that it may be difficult for student 1 to discuss this matter, but student 1 recollection of events must form the basis of the investigation. I also understand that student 1 was interviewed by the U.S. Park Service and have been informed that the Park Services will not release its investigation report to the District without your consent. As this report may eliminate the need for our investigator to conduct another interview of student 1 I respectfully request that you return a signed general Authorization for Exchange of Information and Records (enclosed) authorizing the District to speak with the U.S. Park Service investigator and obtain a copy of their report, to assist in our investigation. If you are unable to agree to either approach, it will be difficult for us to initiate an investigation, and we will have to consider whether it is feasible to do so. If you have any additional information you would like the District to consider in conducting an investigation, please send me that information at your earliest convenience.

I can be reached at (206) 255-5904, or via e-mail at [renglish@seattleschools.org](mailto:renglish@seattleschools.org).

Sincerely,

Ron English  
General Counsel

Enclosures

cc: Principal Ted Howard, Garfield High School  
Michaela Clancy, Central Region Special Education Supervisor  
Nancy Coogan, Executive Director—Central Region  
José Banda, Superintendent

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<sup>1</sup> With regard to your question about the alleged assailant's "status as a registered sex offender," under RCW 9A.44.130(1)(a), an individual must only register as a sex offender after that individual "has been convicted of any sex offense or kidnapping offense." As the alleged assailant has not been prosecuted, nor convicted, he is not required to register as a sex offender.

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April 6, 2013

Mr. Ronald J. English  
General Counsel  
Seattle Public Schools  
MS 32-151 P.O Box 34165  
Seattle, WA 98124-0165

Dear Mr. English:

Your letter of April 5 fails to address critical questions we raised in our March 18 correspondence. In that letter, we asked why, four months after the incident, the school district has yet to give us an explanation why our daughter was allowed to be raped on a school-sponsored field trip and why no one is being held accountable for this breach in our trust. The school administration has known about the sexual assault since the day it was committed. We also know that the next day, the perpetrator confessed to Principal Ron Howard that he had “consensual” sex with **student 1**

Instead of answering these questions, **FERPA** ■■■■■  
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In an email to us dated January 5, 2013, the district 504 program coordinator, Carole Rusimovic, states, **FERPA** ■■■■■

■■■■■ In another email to us, dated January 9, 2013, Ms. Rusimovic writes, **FERPA** ■■■■■  
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You also failed to address our question about how the district plans to financially compensate **student 1** directly for her education, ongoing therapy, the loss of a normal college prep high school education, and for the enduring trauma of rape. We first asked about this in an email to Mr. Howard on February 15. In reply to **parent** he wrote, “you will receive a written letter answering all your questions shortly.” We have yet to receive the written letter he promised.

Finally, you failed to answer our question about why supervision on the field trip was so lax that a sexual assault to our daughter was allowed to occur. The US Parks Department and FBI investigations concluded in January. Why is the district only now considering their own investigation despite our numerous inquiries? The district is free to investigate the failings of its own field trip supervision and

chaperone policies and procedures regardless of whether a criminal investigation is or is not taking place. Indeed, it seems to us as school district parents that this would be the responsible thing to do in such a critical situation. As far as we know, the school district never conducted such an investigation, or if it has, it has not shared the results with us, the victim's family.

As we explained to Seattle School Board President Kay Smith-Blum, this is a community accountability issue because parents must be assured that their children will be safe and not subject to life-scarring sexual assaults on Seattle school field trips. Would you not agree that this is a matter of such significant importance to the community that it should be immediately addressed at a public School Board meeting?

Because the school district has failed to address our questions and concerns, we now plan to escalate our complaint to the state Office of the Superintendent of Public Instruction. As the victim's family, we ask you once again to give us a complete answer to our questions.

We await your prompt reply.

Sincerely,

parent and parent

Electronic cc: Ted Howard, Principal, Garfield High School

Nancy Coogan, Executive Director—Central Region

José Banda, Superintendent

Kay Smith-Blum, President, Seattle School Board



April 7, 2013

Mr. parent

We are prepared to investigate the incident. As previously stated, we waited, at the FBI's request, until the federal authorities completed their investigation. Until I received your letter of March 18, I was not aware they completed their work some time ago, as they did not tell us. As my previous letter indicates, we will need to either interview your daughter or receive permission to obtain a copy of the federal investigation documents. Please advise how you wish to proceed.

With respect to FERPA

Your letter of March 18 suggests that FERPA

Please advise how you wish to proceed.

The fourth paragraph of your letter of April 6 asks for financial compensation. This would be called a "tort claim". You will need to provide needed documentation of the costs and the basis for recovery. We will send you the necessary materials to return to us. I caution, however, that we have not agreed that the District is liable for any recovery.

With respect to your concerns about how the district's chaperone policies, my understanding is that there were two chaperones for eight girls. This would be consistent with best practices. Again, we are willing to initiate an investigation, but need your assistance to do so.

Please feel free to call me at 206-255-5904.

Ron English

**Mr. Ronald J. English**  
**General Counsel**  
**Seattle Public Schools**  
**MS 32-151 P.O Box 34165**  
**Seattle, WA 98124-0165**

Your April 7 email to us states that you were not aware that the federal investigators had concluded their inquiries months ago. Why were we aware in January that their investigation was complete and you were not? Had we not sent you our March 18 letter, how long would it have taken the school district to follow up with them?

tell us that **student 1** FERPA

[REDACTED]. Her recovery is of paramount importance. Therefore the timing of further interviews and divulgence of information is of prime concern to us. We must consult the relevant people before deciding the next steps.

We do not see how this prevents the school district from commencing its belated investigation of why **student 1** was allowed to be sexually assaulted on a school field trip. Surely you can interview the perpetrator, the other students on the trip, the teachers, and the chaperones. It is the school district's responsibility to us and the community to explain why it considers its chaperone "best practices" to consist of permitting girls and boys to commingle in each other's rooms unsupervised before and after curfew, not to mention allowing a sexual assault to occur. You state, "we are willing to initiate an investigation, but need your assistance to do so." Why are you shifting the onus for beginning your investigation on **student 1** and our family?

You completely fail to comprehend the devastation of the sexual assault on **student 1** and the utter havoc it has caused our family. Let us be totally frank with you, Mr. English. It is our distinct impression that the Seattle School District, and you in particular, are much more concerned with the school district's potential liability in this matter than it is on examining its failed field trip supervision policies that led to the rape of our daughter. We believe that the assurance of children's safety on Seattle Public School field trips is of such vital community importance that it must be taken up immediately by the Seattle School Board. Don't you agree?

We have repeatedly asked the school district to give us the explanation we are owed as the rape victim's family. We have also asked that the district financially compensate **student 1** for the devastation she will continue to experience as a result of the rape that the school district allowed to occur.

We have not received satisfactory answers to our questions. We hope the Office of the Superintendent of Public Instruction will be able to provide them.

Sincerely,

**parent** and **parent**

Electronic cc: Ted Howard, Principal, Garfield High School

Nancy Coogan, Executive Director—Central Region

José Banda, Superintendent

Kay Smith-Blum, President, Seattle School Board

April 10, 2013

Mr. parent

As a result of our correspondence, I now understand your position on the two key points to be:

1. You ARE NOT requesting any FERPA

2. You ARE requesting monetary compensation.

Please contact me if that is incorrect, or changes.

In order to recover money from the District, you will need to file a tort claim. According to RCW 4.96.020, any person seeking money damages from the Seattle School District must first file a claim with the District. The claim gives the District an opportunity to investigate the incident and accept or deny responsibility prior to a formal legal proceeding. Please complete the form, have it notarized, and return the enclosed claim form to the General Counsel's Office. Upon receipt of the claim, the District will review the claim and may refer the matter to an independent adjusting firm to be investigated. The adjusting firm will thereafter investigate the matter and report their findings back to the District. The adjuster may be in contact with you to discuss your claim.

If you have not heard from the District after sixty (60) days from the date the claim was submitted, please feel free to telephone the General Counsel's Office for an update.

A copy of the form is attached.

Ron English

General Counsel

April 11, 2013

Mr. English,

1. As we informed you, owing to the district's negligence our daughter now requires residential treatment and education. There is no need to convene a meeting to discuss FERPA [REDACTED]. If the district is offering an alternative that would meet our daughter's needs and is comparable to what is currently being provided, please advise us regarding your proposal.
2. Yes, we are seeking compensation for our daughter's educational and therapeutic needs, among other damages associated with the rape.
3. By reducing our complaint to "the two key points," you ignore the issue of accountability that we have repeatedly raised. When will the district render a full accounting of the circumstances that allowed our daughter to be sexually assaulted?

Sincerely,

parent [REDACTED]

parent [REDACTED]

From: parent [REDACTED] parent [REDACTED]

Sent: Tuesday, April 16, 2013 8:28 AM

To: English, Ron

Subject: Claim for Damages form

Mr. English,

You sent us the Seattle Public Schools Claim for Damages form. This form pertains to losses resulting from an accident. It is not appropriate for the damage caused by a sexual assault on a school field trip. student 1 [REDACTED] sustained extensive damages that will impact the rest of her life. There has been no acknowledgement nor proposal from the district to compensate her for these damages.

None of the communications we received constitutes a satisfactory response to our March 18, 2013 complaint to the school district.

Sincerely,

parent [REDACTED] and parent [REDACTED]



April 16, 2013

Ms. parent

As I have previously indicated, we cannot fulfill your request for a "full accounting" without copies of the investigation materials that were created by the federal authorities. It would also be helpful if we were able to interview your daughter. Your unwillingness to cooperate with us on these points prevents us from being able to give you a "full accounting" of events.

Nonetheless, I am able to tell you what we have learned from our conversations with the federal authorities as well as talking to the teacher in charge of the field trip.

There were 27 students and three chaperones on the trip. The boys were in a separate cabin from the girls' cabin and there were adult chaperones in each cabin. In the girls' cabin were four rooms surrounding a central hallway. The two chaperones were in the first room on the right of the entry door and your daughter was in the second room on the left, with five other female students. There were eight other female students in the other two rooms.

On the morning of November 7, one of the other female students told the teacher that your daughter said she was raped the night before, while in her own bed. The parents, the Park Ranger, local police and FBI were all notified, as well as the principal, who notified the executive director of schools and SPS security. The FBI informed the principal that the FBI would conduct the investigation. Under long-standing practice, SPS defers to criminal authorities in such cases.

The teacher observed some of the interviews. Two female students said that they and your daughter had snuck out of the girls' cabin the night before between 1 and 2 am. One male student said he witnessed another male student and your daughter having sex in the boys' cabin in the middle of the night.

A male student later approached the principal and said that he and your daughter had consensual sex in the boys' cabin. The male student was emergency excluded from school.

The FBI has reported that your daughter has admitted to "fibbing", i.e., her story changed from one interview to another. No further details were provided.

The US Attorney's office in Seattle has advised that they determined not to prosecute, but were unable to provide a date when this decision was made. Both the FBI and US Attorney's office have refused to provide any documents to us without the permission of any students or other individuals identified in the documents. We have submitted a public records request to the US Park Service, but have not received a response.

Based on the information available to us, we do not acknowledge any liability for this incident. If you have any other information you wish to share with us, please contact me.

Ron English

April 23, 2013

Mr. English,

With regards to your April 16 email message, we note it has taken five months for the district to tell us some of the information that it knew last November. Yet even to this day no one in the school district has ever answered our initial question: Why was a sexual assault allowed to occur on a Seattle School District field trip?

As we mentioned in our March 18 complaint and in subsequent correspondence, the school district knew all of the following last November:

- On the field trip, girls and boys were co-mingling in each other's rooms unsupervised before and after curfew on Monday and Tuesday nights. Apparently the co-mingling of the sexes that occurred is acceptable and permitted behavior on Seattle Public School field trips.
- There was one chaperone for 14 boys, that is, a mere 28% of its "best practices" according to your email. Similarly, the district provided fewer than the ideal number of chaperones for the girls but allowed teachers to sleep separately with their young children. The district knew, or should have known, that teenagers relish overnights as an opportunity to freely socialize; it was aware of prior incidents of failed chaperoning; it knew that sexual relations or a sexual assault could occur. Nevertheless, the district turned a blind eye on the possibility of an assault occurring.
- The perpetrator came forward and admitted having "consensual" sex with **student 1** in response to **student 1** report of having been raped by him. The school district has apparently chosen to believe the assailant's story even though we informed you of the many **RCW 42.56.360(2)** **[REDACTED]**. We also informed the district that the Clallam County prosecutor's office provided information that permitted the State of Washington to grant her crime victim's status.
- **FERPA** **[REDACTED]**  
**[REDACTED]**  
**[REDACTED]**  
**[REDACTED]**  
**[REDACTED]**.

We take strong exception to your assertion that we are unwilling to cooperate with the school district and that our family is somehow a roadblock to your conducting an investigation about why the school district's lax supervision allowed **student 1** to be raped. Had we not sent our March 18 complaint, how long would it have taken the district to respond to our repeated request for an explanation? Had we not complained to OSPI, when would we have received information that the district already knew in November? *From our perspective, it is the school district who is being uncooperative with us about*

*explaining its failed chaperone policies, shifting the blame for carrying out its investigative responsibilities on the victim and her family.*

We explained in our March 18 complaint that the school district is responsible for promptly investigating why its chaperone policies failed to prevent a sexual assault regardless of whether a criminal investigation is taking place. Indeed it is statutorily obligated to do so. Nevertheless, the district rationalized its failure to fulfill this obligation by claiming it must wait until the criminal investigation was completed. We also told you that **student 1** is **RCW 42.56.360(2)**, and that we must respect her time in recovery before any interviews or further divulgence of information can take place.

The district has always been free to interview the perpetrator, the teachers, the chaperones, and the other students on the trip, especially since the federal investigators concluded their interviews of the perpetrator and other students in November. It does not have to make excuses about waiting for **student 1** to be available for interviews, or about being unable to obtain the investigators' reports. In fact, you claim that it might not be possible to obtain these reports without permission of all of the students who were interviewed or identified in the report. *You appear to believe this relieves the district of any responsibility for carrying out its own independent investigation.*

Perhaps if you did conduct your own interviews, you might learn why the perpetrator raped **student 1** despite her repeated requests for him to stop molesting her. You might also learn why the student who purportedly witnessed the "consensual sex," and who is a friend of the perpetrator, described a girl whose appearance and dress was completely different from **student 1**. Perhaps you could learn why these boys "fibbed" to the federal investigators. Perhaps you could learn why the assailant's story contradicts forensic evidence. Perhaps you could also learn what the chaperones and teachers were doing that night instead of supervising 27 teenagers in adjacent unlocked cabins.

We escalated our complaint to OSPI because the Seattle school superintendent and Seattle school board have failed to investigate and explain why our daughter was raped on a school field trip. Superintendent Banda has been silent in response to our March 18 complaint. Must we conclude that it is his position, and the school district's, that the chaperone policies and procedures that allowed our daughter to be raped were perfectly appropriate and acceptable? Seattle School Board president Kay Smith-Blum has also been silent in response to our March 18 complaint. Must we assume that it is the school board's opinion, and the opinion of the community it represents, that chaperone policies allowing students to co-mingle after curfew unsupervised, and that permit sexual assaults on field trips, are perfectly appropriate and acceptable, and therefore it is unnecessary to hold the district administration accountable for the life-scarring damage that our daughter suffered?

The school district determined that **student 1** was traumatized by the sexual assault on the field trip but chooses not to conduct a prompt and thorough investigation on why its policies failed to prevent it. In our view, the reason is that the school district is more concerned about its potential liability that it is in the safety and well-being of students under its care. Not having heard to the contrary, we must

conclude that the School Board, as representative of the community, chooses not to hold the district accountable for this breach in our trust for similar reasons.

Because the school district and school board have failed to abide by statutory requirements for promptly and equitably addressing sexual violence on a school field trip, we plan to file a complaint with the Office for Civil Rights. We expect they will investigate why the school district is in non-compliance with federal and state regulations.

Sincerely,

parent [REDACTED] and parent [REDACTED]

April 27, 2013

Mr. parent

Thank you for getting back to me. I will try to address your concerns.

Chaperone Ratio: I do not believe I have expressed any opinion about the number of chaperones required for a field trip. The Garfield Field Trip Guidelines provide for a ratio of 1:20. Thus the ratios for this trip were well within that standard (1:14 for boys, 1:7 for girls, and 1:9 in total). Other information we have from Educational Service District 112 confirms this ratio is acceptable. If you are aware of any other guidelines that we should look to, I would appreciate hearing from you.

Crime Victim designation: We understand that this is a self-nomination process. Would you please provide documentation of that status and describe how it was determined? We have made a public records request for this document, but it was declined. Would you be willing to provide us with a copy?

RCW 42.56.360(2)

FERPA

RCW 42.56.360(2)

Co-mingling of students: Can you please be more specific as to what evidence you have of "co-mingling" of students? Also, we do not understand how this is relevant, i.e., caused the events which took place several hours later, after the students were in their respective cabins. Please explain.

Whether the boys "fibbed": Please explain evidence you have that they were not telling the truth? What is your source? (By way of clarification: The FBI told me that "fibbing" was the word used by your daughter to describe her own testimony.) With reference to your statement that the other boy was a "friend" of the boy that had sex with your daughter, and thus his testimony in favor of the other boy is not reliable, I do not know whether you are aware that two girls who were presumably "friends" of your daughter also contradicted her initial story.

Activities of chaperones: You suggest that the chaperones should have been in the individual rooms of the girls (This would require a 1:5 ratio). The configuration is that all girls and their chaperones were in a single cabin that had four rooms around a central hall. please provide any information you have that



indicates this arrangement is improper or the chaperones were not performing their duties? Please provide the source of your information on these points.

Conduct of an investigation: As is apparent from my prior email, the District has already investigated and uncovered considerable information about the events that took place. The teacher was present during the initial interviews of the students and chaperones, and has reported what she heard. This initial review of the events is supported by what I have been told by the FBI and U.S. Attorney's office. I do not know whether another interview of the students, chaperone and teacher will be helpful

As I have previously stated, the District will continue to collect and review the available information. We may or may not choose to share such information with you.

Accommodations: As I have previously stated, if you wish to request any accommodations for your daughter to assist in her education, you are free to do so. Because you have not responded to this offer so far, we assume that you have decided not to take us up on it.

Lack of a response by the Superintendent and School Board President: You should consider my responses to be made on behalf of the District, including the Superintendent and Board President.

Last, I wish to make it clear that, based upon the evidence we have to date, the District does not acknowledge that a sexual assault occurred or, if it did, that the District is at fault. We certainly disagree with your implication that the District is not concerned about the safety and well-being of its students. Nor do we agree that we have failed to properly investigate the matter. I understand nonetheless you believe the District's investigation to date is inadequate, but in order to address your concerns and further, we need the explanation and materials requested above and in my prior emails.

Ron English

General Counsel

April 28, 2013

Mr. English,

Thank you for your message.

Your reply shows that even now you fail to comprehend our most basic request. **student 1** was sexually assaulted on the Garfield field trip. She has told us what happened. **student 1** life has been a nightmare ever since. We believe the school district owes us a full explanation why this was allowed to occur. It is reprehensible that our request is not honored. The school district is statutorily obligated to promptly and equitably investigate complaints of sexual violence. It has not done so.

You tell us that the teacher observed some interviews conducted by federal investigators of students and chaperones. These interviews took place in November. It is almost May and you are just now telling us about the statements she heard six months ago.

FERPA

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

You have now told us that the student who admitted to having "consensual sex" with **student 1** was disciplined for his actions. Yet you are perplexed about what we mean by "co-mingling" of students and ask what evidence we have of this.

You write, "I do not believe I have expressed any opinion about the number of chaperones required for a field trip." Yet you told us in your April 7 email that there were two chaperones for eight girls, and that this 1:4 ratio was consistent with "best practices." Now you state that a 1:14 ratio for boys is acceptable.

You claim that we "self-nominated" **student 1** as a crime victim, as if anyone can freely designate oneself a crime victim in the state of Washington. Are you questioning the veracity of our claim and the state's evaluation? Please explain how you arrived at this conclusion.

You are correct that we find the district's investigation inadequate. Instead of plying us for information, why can't the district can interview the assailant, the teachers, the chaperones, and the students on the trip? As far as we can tell, it has not done so. Instead you have simply reported on what the teacher heard while sitting in on a few interviews with students. But you haven't reported on the teacher's observations in the emergency room following the rape. Why do you state that directly interviewing

those involved (including the assailant) would not be helpful? Why wouldn't you want to interview them more than once to arrive at the truth?

You say that you now speak on behalf of Superintendent Banda and the Seattle School Board. In that case, we conclude that it is their position that "consensual sex" between students on Seattle School District sponsored field trips is perfectly appropriate and acceptable, and that it results from adequate supervision consistent with district policy. Presumably you also believe that parents in the community would agree to send their children on school sponsored field trips knowing that district supervision policies permit sexual relations and sexual violence to occur.

parent [REDACTED] and parent [REDACTED]

May 2, 2013

Mr. **parent**

Thank you for getting back to me so quickly, I will try to address your points.

1. I have previously informed you that we had the teacher sit in on the interviews, which informed our subsequent actions. I regret that we did not provide a written report to you until my email of April 16, but we were not aware the law enforcement authorities had completed their work until you informed us on March 22.

2. With respect to FERPA [REDACTED]  
[REDACTED]  
[REDACTED]

3. With respect to discipline of the other student, an “emergency exclusion” is not discipline. It is used to remove a student from school if he presents a danger to himself or others. It is not a determination that he did or did not do anything wrong.

4. With respect to the number of chaperones: my email of April 7 said only that the number of chaperones was consistent with best practices, not that such a number was required or that a higher student to chaperone ratio was not permitted. My previous email lays out the guidelines that we are aware exist. The ratio for this trip was 1:9, and ratios as high as 1:20 are specifically permitted.

5. With respect to state designation of your daughter as a crime victim, we have no independent information about this, because you have not provided us any of the specifics about your daughter’s claim to the state. Our understanding, based upon a review of the state’s website, is that anyone can apply for such designation. We don’t know if your daughter did, or what the state’s response was, except what you have told us.

6. With respect to the District’s position on consensual sex, we obviously do not agree with your characterization that we believe it is “perfectly appropriate”.

7. With respect to the adequacy of supervision: We believe the procedures we established to identify and assure an adequate number of chaperones were present are appropriate, and that there is no evidence the chaperones did not perform their duties.

Nonetheless, based on further discussions we have decided to conduct another investigation into what happened at the park, using an independent investigator. We will provide you the results. However, in order for such an investigation to be the most useful for both you and the District, we again ask for the following:

1. An interview of your daughter

2. Information you have that indicates improper conduct of chaperones or students. In particular, you have made references to questions you believe we should be asking. A list of such questions, and who should be asked, would be very helpful.
3. Access to your daughter's health care records related to this incident
4. Copies of any investigative reports you have from the FBI, National Park Service or other law enforcement authorities
5. Copies of any materials submitted to or received from the State of Washington regarding her status as a crime victim
6. Copies of any documents from Clallam County (which you have previously mentioned)

Last, we have now written each other several times, and have made less progress towards communicating with each other than I am sure either of us desired. If you wish, I would be happy to meet with you directly to discuss things. Please call me at 206-255-5904 and we can talk or set up a meeting.

Ron English

General Counsel

May 4, 2013

Mr. English,

In response to your May 2nd message:

Regarding student 1 FERPA

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

You said that the perpetrator of the sexual assault was not disciplined. Instead he was removed from the school because he presented a danger to himself or others. Since he claimed that he had "consensual sex" with student 1 in what way was he a danger to himself or others?

You told us in your April 7 email that there were two chaperones for eight girls, and that this 1:4 ratio was consistent with "best practices." Based on what you told us, we want to point out that chaperone "best practices" were not followed on the school trip during which student 1 was sexually assaulted.

We filed a claim for crime victim status for student 1 with the state of Washington. They approved the claim. The eligibility criteria for crime victim status appears on the state website:

<http://www.lni.wa.gov/ClaimsIns/CrimeVictims/FileCoverage/EligibilityRequirements/Default.asp>.

You state that there is no evidence that the chaperones did not perform their duties. Sexual intercourse between students is not permitted on school field trips. Neither is sexual violence. Yet the perpetrator admitted to Mr. Howard that he had "consensual sex" with student 1 (actually, rape). The chaperones allowed "consensual sex" between students to occur on the field trip. Exactly what additional evidence do you require that the chaperones did not perform their duties?

Regarding the belated investigation that you now intend to begin, how accurate do you think the information gathered from the perpetrator and other students on the trip will be six months after the assault? Where can we read the district's protocol for conducting an investigation of sexual assault?

parent and parent



May 7, 2013

Mr. English,

My husband, **parent** addressed some of the content of your May 2, 2013 email. Your email raises questions that any Seattle school parent whose daughter was assaulted deserves to know. For ease of tracking responses, we request that each answer appear directly beneath each question.

**The investigative process:**

1. What is the official written protocol for investigating sexual harassment and assault? This question stems from the disturbing fact that the district ignored its statutory obligation to conduct an investigation promptly and *concurrently* with a criminal investigation under Title IX, according to OSPI.

The district now informs us that it is commencing an investigation six months after the assault. The district rationalized its disregard for the statutory obligation by claiming it must wait until a criminal investigation was completed months ago.

What laws govern how the investigation should be conducted? What guidelines will the district give to the investigator? What is the time framework and scope of the investigation? Who will conduct the investigation and what is the investigator charged with accomplishing?

We want to be informed of all requirements/procedures/protocols that must be followed in an investigation of sexual harassment/sexual assault. Please send us all requested information by email.

2. Will the district compel students, the chaperones, teachers, and other entities to participate in an investigation? Or is participation voluntary? Are participants allowed to have an attorney or parent present?

3. Will the district provide informed consent forms to the participants? Please provide us with such forms and all others that are a part of the investigation.

4. Must students obtain the permission of the parent/guardian to participate?

5. Has the district considered the psychological effect of a comprehensive investigation on the student body? Do you believe that students will feel coerced into participating when the request comes from a person of authority because of perceived repercussions of refusing? On the other hand, may participants fear/refuse participating because they could be subject to further involvement in this case?

6. Are you aware that the students' stories or recollections are likely to have changed over the six months for a variety of reasons?
7. Is the district concerned that such an exhaustive independent investigation will bring the sexual assault into the public domain? What do you believe are the ramifications for the district, the school, and the victim? What special considerations are there when the assailant is African American and the victim is white?
8. Do you plan to interview students who weren't on the trip but have had first-hand discussions with the assailant about his actions on the trip?
9. What are the possible implications/repercussions a second investigation could cause in the student population (where word travels quickly)?
10. Has the district considered the possibility that a second and appropriately comprehensive investigation could incite the assailant and his friends? As the assailant was violent enough to rape our daughter and received an emergency exclusion for posing a threat (and appears to have a record of prior issues), have you considered that violence that could ensue from stirring up the water with the belated investigation? Has the district considered how this new investigation could impact our family's safety? What steps will you take to address this possibility?
11. Is the district obligated to record the interviews and provide recordings/transcripts?
12. What assurances do we have that the investigator will be impartial? For example, can the investigator provide his recollections of untaped interviews in court to support the district's position?
13. Who will conduct the investigation and may we see the contractual obligations between the district and the investigator?
14. Does the district intend to make the interviews and transcripts to the victim's family and all information available to the public (with names redacted) upon request? What laws govern the release of such information?
15. Are we allowed to participate in the interview process by advancing questions and observing?
16. To provide for full transparency and neutrality, will you provide us *all* information gathered, not only the district's conclusions?
17. Please explain why an independent investigation is truly independent? How does that occur when the district is the client?

18. How will you evaluate the veracity of information obtained from the assailant and other students? How would you proceed if you determine the information is not truthful?

19. Does the district plan a thorough, exhaustive, and persistent investigation into the facts? Who will you interview?

20. It's likely that conflicting information will emerge from this investigation. How will the district form its conclusions? The district already knows that the assailant admitted to having "consensual sex" to the principal, *something that should never occur on a fieldtrip*, thus chaperoning was negligent; that our daughter was dazed and taken to the emergency room by the science teacher, that she submitted a rape kit, that she was deeply traumatized and unable to attend school, FERPA [REDACTED], that the state qualified her as a crime victim, that she received treatment for the aftereffects of rape and is in residential treatment as a result of this devastating assault.

21 After her recovery, our daughter, an articulate and successful student, is willing to face her assailant in a courtroom if it must come to that. Is this what the district wants, Mr. English, after already wreaking havoc in our lives?

**The field trip:**

1. Please provide all documents pertaining to the planning and supervision of the Nov. 5-7, 2012 fieldtrip.

2. Were the chaperones volunteers or paid for their services?

3. Why were these chaperones selected and what were their qualifications?

4. Please provide links to all the guidelines and documents surrounding fieldtrip chaperoning.

5. You stated that the number of chaperones for this trip was 1:9 but in actual fact, the number was 1:14 for the boys. How could two female chaperones in a separate cabin be expected to be responsible for the behavior of 14 boys throughout the night? How could one single male chaperone be expected to watch 14 boys while he was sleeping or using the toilet outside? Wasn't the male chaperone responsible for supervising the boys on two consecutive nights as well as during the day? The risks associated with teenagers on overnights requires vigilant chaperoning. Please explain how one chaperone for 14 boys could possibly perform his duties?

6. *The evidence that chaperoning was inadequate was supplied when the assailant admitted to having sex on a fieldtrip and when our daughter informed the teachers she was raped.* Please explain why you believe the chaperones acted responsibly when the assailant admitted to having "consensual sex" (rape, actually) to Mr. Howard and the investigators.

*As the district has known that the assailant confessed to "consensual sex," yet continues to assert that its chaperoning policies were adequate, one can only conclude that the district considers consensual sex/sexual harassment/ sexual assault to be an acceptable activity on a field trip since its adequate chaperoning policies allowed it to occur.*

**Discipline:**

1. When a student admits of having "consensual sex" on a field trip, what disciplinary action must be taken? Must the parents be informed in writing of the sanction?
  
2. If the assailant was disciplined for having consensual sex, then do you believe our daughter must also have had "consensual sex?" Surely we should have received notification that our daughter violated a code of conduct. Why didn't we?
  
3. You wrote that, "With respect to discipline of the other student, an 'emergency exclusion' is not discipline. It is used to remove a student from school if he presents a danger to himself other others. It is not a determination that he did or did not do anything wrong." Although you state it is "not discipline," according to Definitions of School-Based Interventions an emergency exclusion *can indeed* be linked with a **disciplinary** action: "Emergency Exclusion is sometimes called a 'Safety Exclusion' or an 'Emergency Exclusion for Safety Reasons'. It may be linked with a disciplinary action or may stand alone as a health and safety issue."
  
4. Why have you not provided the full disclosure on emergency exclusion which is relevant to sexual harassment and assault? According to Definitions of School-Based Interventions:  
  
 "Emergency Exclusion is an immediate removal from school that is authorized where there is good and sufficient reason to believe that the student's presence poses an immediate danger to the student, other students, or school personnel, based on threatened behavior rather than past behavior. This is used when there is reason to believe that the student is suicidal, but may also be used when there is compelling evidence that the student has made a credible threat of homicide, assault, or sexual assault toward another person at school."
  
5. So emergency exclusion *can* be a discipline (contrary to what you wrote) and it may be applied in cases of sexual assault. Why did the assailant receive an immediate emergency exclusion?
  
6. Does the district believe that students who went in and out of each other's cabins during the night deserve disciplinary action? If so, what action was taken, and how many students were disciplined for

this and other disallowed activities on the fieldtrip?

**The district's view:**

Does the district now acknowledge that sex occurred on this trip after the assailant reported it to Mr. Howard in the presence of the teachers upon returning from the trip? If so, does the district believe that the assailant's story is correct, that he engaged in "consensual sex?" Does the district believe that our daughter would have "consensual sex" in a cabin with a platonic acquaintance with other students present (as opposed to finding a secluded spot)? What does the district know about the assailant's past behavior and circumstances that compelled this assault? What is known about conversations he had with peers about sexual practices on this fieldtrip? What bearing does the assailant's size as a **identifier** **██████** have in relation to a petite girl? What is the district's opinion concerning the fact that our dazed daughter immediately reported so-called "consensual sex" to the teachers and submitted a rape kit at the hospital? What does the district understand about the variety of responses to the trauma of rape? What proof does the district have that sex did *not* occur and that our daughter was *not* raped?

Parents who entrust their child to the school on a school fieldtrip deserve transparent answers and full disclosure. We intend to hold the district accountable, Mr. English.

**parent** **████████████████████**

**Subject:** policies that surrounded sexual assault of our daughter

**Date:** Wed, 08 May 2013 08:19:27 -0700

**From:** parent [REDACTED] <parent [REDACTED]>

**Reply-To:** parent [REDACTED] <parent [REDACTED]>

**To:** Smith-Blum, Kay <[ksblum@seattleschools.org](mailto:ksblum@seattleschools.org)>

**CC:** [jlbanda@seattleschools.org](mailto:jlbanda@seattleschools.org), "Howard II, Theodore" <[trhoward@seattleschools.org](mailto:trhoward@seattleschools.org)>, "Coogan, Nancy E" <[necoogan@seattleschools.org](mailto:necoogan@seattleschools.org)>, parent [REDACTED] <parent [REDACTED]>, "English, Ron" <[renglish@seattleschools.org](mailto:renglish@seattleschools.org)>, [Calandra.Sechrist@k12.wa.us](mailto:Calandra.Sechrist@k12.wa.us)

Ms. Smith-Blum,

We note from your email following that questions of policy fall under your purview yet you send our inquiries regarding policy to the General Counsel Ronald English. Are you not *our* elected representative?

For months now we have been asking for an explanation of the chaperoning *policies* that permitted our daughter to be raped on the November 5-7, 2012 Garfield field trip to the Olympic National Park. Neither Mr. English nor the Superintendent have addressed our concerns. To review, Mr. English:

- Initially wrote that "best practices" constitute a 1:4 ratio between students and teachers but later wrote that he hadn't stated this
- Later told us that a ratio of 1:20 was sufficient for the field trip during which our daughter was raped
- Wrote there was one chaperone on this trip for 14 boys (28% of "best practices" for the unlocked boys' cabin)
- There were only 2 chaperones for 13 girls (also a fraction of "best practices" for the unlocked girls' cabin)
- Says he has no evidence that chaperones didn't perform their duties appropriately although he knows that the assailant confessed to the principal, Mr. Howard, that he had "consensual sex" (rape, actually) with our daughter. He knew that the assailant also received an immediate "emergency exclusion" (which can be a disciplinary action for sexual assault). Mr. English also knows that our daughter reported the assault and was taken to the hospital in the morning by the science teacher. Clearly chaperoning policies failed on this trip.

Ms. Smith-Blum, can you tell me how one chaperone could possibly keep his eye on 14 teenage boys all night long in an unlocked cabin for two consecutive nights?? It is humanly impossible as he would have to go outside to the toilet and of course sleep.

Mr. English has *not* told us why chaperoning policy allows for a fractional number of the "best practices," why students were allowed to co-mingle in each other's' rooms before and after curfew (highly unusual behavior according to Nature Bridge's director), why students could easily leave their rooms by the doors and windows all night, whether policy includes closed bedroom doors for this trip, why teachers were allowed to sleep in a separate area with their own young children rather than increasing chaperoning to approach "best practices," whether the three non-parent chaperones were trained and qualified to serve as chaperones, whether any of the students (such as the assailant) were at high risk for acting out, among other salient facts that would necessitate a more stringent chaperoning policy for this trip. He has not yet provided us with the link to chaperoning policies and procedures which the school followed. Certainly these are questions of *policy* that *every parent in the district should know about*. In addition, Mr. English hasn't told us whether he interviewed the staff at Nature Bridge (where the assault occurred) to learn about students' conduct in light of the district's "chaperoning" policies. Such information was readily available since last November (and already known to us). In fact, it was only months later, after we escalated our complaint, that Mr. English admitted that no independent investigation of its policies had occurred. Why not?

On a very relevant question of *policy*, are you aware of *any policy* that says the district should delay its independent investigation of sexual harassment /assault until a criminal investigation is completed? Mr. English has repeatedly excused the district's failure to promptly conduct an investigation, stating that it is a matter of longstanding practice to wait for a criminal investigation to end. However OSPI informed us that "A criminal investigation into allegations of sexual harassment or sexual violence does not relieve the school of its duty under Title IX to resolve complaints promptly and equitably." Six months have passed and Mr. English has just now informed us of his intention to commence an investigation. Why isn't the district complying with Title IX regulations? Is this not a matter of policy? Is it not the obligation of the school board to investigate this rather than turning our correspondence over to Mr. English so he can continue to justify errant disregard of policy?

In another apparent breach of policy, principal Ted Howard refused to address our verbal and written concerns about our daughter's safety following the rape. **student 1** was naturally terrified of seeing the assailant at school. The day after the rape, Mr. Howard told us that a student had come forward and admitted having "consensual sex" with our daughter. We informed him that our daughter had been raped. Mr. Howard already knew the teachers took our dazed daughter to the emergency room in Pt. Angeles where she endured a rape kit. We asked Mr. Howard what measures could be implemented, such as a restraining order, transfer of the assailant, etc, to assure for **student 1** safety following the assault. Instead of informing us of the measures taken to assure for our daughter's safety at school, or whether the assailant had been removed from the school, Mr. Howard told us there was nothing he could do or say. He then instructed us in an email to take our questions to the parks department. The parks department has no jurisdiction over school safety!

Is it not a *matter of policy* that Mr. Howard inform us about actions had been taken to provide for our daughter's safety? OSPI informed us that "Schools must disclose to the complainant information about the sanction imposed on the perpetrator when the sanction directly relates to the harassed student. This includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or transferred to other classes or another residence hall." How difficult would it have been for Mr. Howard to simply tell us immediately that "The assailant will not be at school for a period of time"? Six months later we have just learned from Mr. English that the assailant received an immediate emergency exclusion. Had Mr. Howard informed us, our daughter could have returned to school.

Is there a *policy* that permits Mr Howard to ignore his obligation to answer basic questions about safety? Is there a *policy* that allows the principal to cover up the fact that "consensual sex" (rape) occurred on a Garfield field trip by retracting his earlier statement that it had occurred? Can you tell us which *policy* allows him to pass his responsibility to communicate to the parks department? Can you also explain why he repeatedly promised us prompt answers that he didn't deliver?

Ms. Smith-Blum, because you wrote that policy falls under your purview, is it not a matter of accountability that you address the questions above and

- Explain why one chaperone for 14 boys is sufficient and why Mr. English can assert that chaperoning was sufficient when "consensual sex" (rape, actually) occurred?
- Explain why teachers are allowed to take their children on trips and sleep separately from students when chaperoning was a mere fraction of "best practices"?
- Explain why chaperone policy is so lax that boys and girls visited each other's cabins before and after curfew both nights?
- Explain why Mr. English says the district can delay an investigation of sexual harassment/assault for 6 months when the district is required to undertake an investigation promptly regardless of any criminal investigation underway?
- Explain why Mr. Howard can create a policy that withholds information that the victim requested so she could return safely to school?
- Explain why Mr. Howard could retract statements freely made and cover up the fact that wrongdoing occurred?

We contacted you because no one in the district has addressed our inquiries about policy. Isn't the school board an independent entity that exists to hold the district accountable for its policies? Yet for some reason all our inquiries to the board are passed on to the General Counsel, as though the board is an extension of the Counsel. Is it not your responsibility to address our questions of policy, as you say below? Based on your response, it appears you are unwilling answer questions of policy previously



raised in correspondence. If you are unwilling to address our questions of policy, perhaps other board members will.

Sincerely,

parent

parent As I explained to you in our one phone call, this incident is not the purview of the Board. The Board deals at a governance and policy level. I simply made sure the general counsel was aware of your concerns and that they were responding to your contacts. Your correspondence and concerns are being handled through our Superintendent and general counsel's office, per our procedures. Ron English has been corresponding with you accordingly around steps that have and can be taken. Kay Smith-Blum SPS Board President Director, District 5 --

From: parent <parent@mailto:parent> Reply-To: parent <parent@mailto:parent> Date: Thursday, April 25, 2013 9:41 PM To: Kay Smith-Blum <[ksblum@seattleschools.org](mailto:ksblum@seattleschools.org)<<mailto:ksblum@seattleschools.org>>>

May 9, 2013

Mr. parent

I will try to respond to the questions in your May 4 email to me in the order you raise them.

1. Regarding the FERPA [REDACTED], please see item 2 in my email of May 2. I believe I have already responded to your questions concerning this issue.
2. Regarding exclusion of the male student, I do not currently know the basis for the action. Please see item 3 in my May 2nd email.
3. Regarding the actions of the state with respect to crime victims' benefits: since you have not provided us with any documentation of this action, we are unable to comment further on this point. Please see item 5 in my May 2nd email.
4. Regarding whether the chaperones "allowed" sexual intercourse to occur: the information we have is that three girls (including your daughter) left their cabin after hours without permission. If you have information that the chaperones participated in, or condoned that activity, please provide us with that information.
5. Regarding the accuracy of information that will be obtained in the pending investigation: I think it would be premature for anyone to question the accuracy of the information obtained because we have yet to receive the results of that investigation. We have previously provided you with the information we learned during the initial investigation. See my email of April 16. You have requested a second independent investigation be conducted and we are doing so.
6. Regarding the District's protocols for conducting an investigation of a sexual assault: I am not currently aware of any such protocol. However, our Safety and Security Department has published a "Quick Reference Guide", which sets forth steps to be taken when staff is notified of an allegation of sexual abuse. All of the steps listed were taken, including notification of the police, parents and appropriate medical treatment.

We assume by your choice not to provide any of the information requested in my email of May 2 that you are unwilling to do so. If our assumption is incorrect, we would greatly appreciate receiving the requested material at the earliest opportunity. Thank you for your consideration.

Ron English

General Counsel

May 9, 2013

Ms. parent

Rather than attempting to answer your questions at this point (while the investigation is pending) I believe it would be better to allow that process to complete itself, then see if you still wish to raise the questions. I will forward your letter to the investigator, Rick Kaiser.

In the meantime, however, it appears that you have made requests for several documents:

1. Procedures and protocols to be followed in an investigation of sexual harassment/sexual assault.
2. Consent forms from participants in the investigation.
3. Documents pertaining to the planning and supervision of the Nov. 5-7, 2012 field trip.
4. Guidelines and documents surrounding field trip chaperoning

I will ask our Public Records Officer, Colleen Carlson, to obtain and provide you any documents that we have. If you desire to obtain additional documents, please let her know.

Ron English

May 9, 2013

Mr. English,

We strongly disagree that it would "be better to allow that process to complete itself" before you address our questions pertaining to the investigation. It is the district's statutory responsibility to answer our questions promptly and equitably. Clearly it is disadvantageous to our understanding *and* participation if you withhold the information we requested.

Moreover, several of the questions we asked pertain to the investigation process and content. If we wait until the investigation is completed, the ability to participate/generate content in the ways we asked about will be eliminated.

You have asked us to participate in the investigation but fail to provide us the answers we require to fully understand the process.

You also asked us to request additional documents from public records. Are parents expected to know which forms surround an investigation of sexual assault or is it the district's responsibility to provide us with *full information including all forms and documents relevant to our case?*

As requested please provide us with *all relevant information, all forms and documents (in addition to those mentioned below)* which are germane to the investigation (both blank and all those which have been completed by the teachers and the responsible parties).

We reiterate our request for a prompt response to the questions submitted on May 7, 2013.

Sincerely,

parent

May 10, 2013

Ms. parent

You have requested that we conduct another investigation of what happened on the field trip. We are doing so. The investigator is Rick Kaiser. We will provide you a copy of his contract.

You are of course free to pose questions for the investigator to consider proposing to the interviewees. We provided him a copy of your March 18 letter, as well as my correspondence with you. We gave him a list of the teachers, chaperones and the five students, with contact information. We did not restrict his investigation to those individuals. I do not know whether he will be taping or transcribing his interviews.

We asked him to determine what happened on the field trip. We did not provide a list of questions to be asked, nor do we ask students or parents to complete consent forms. The investigator is given discretion to conduct the investigation as he determines best. We have not restricted or otherwise controlled the manner or means by which he decides to conduct his investigation.

Your letter indicates that your daughter is willing to testify. Can Mr. Kaiser interview her? Again, can you provide any of the documentation requested in my prior emails to assist in his investigation?

We have not set a deadline for completion of Mr. Kaiser's work, but I do know he has started the interviews.

Ms. Carlson has already sent you some materials, and will send you Mr. Kaiser's contract as well. If after reviewing this material, you believe something is lacking and would like to request additional documents, please feel free to do so.

Ron English

General Counsel

May 10, 2013

Mr. English,

We wish to clarify a few points in your email of May 10. You wrote that we "have requested that we conduct another investigation of what happened on the field trip." We have not requested that you conduct "another" investigation. We are requesting that the district fulfill its requirement under Title IX to undertake the investigation that *should have been initiated last November*. Title IX states that it is incumbent upon the district to begin a prompt investigation regardless of whether a criminal investigation is underway. Unfortunately the district rationalized its failure to do so because it insisted it should wait until the criminal investigation ended.

Without having the answers to the questions we provided (which you forwarded to the investigator), we wouldn't know how to begin participating in the investigation.

We again reiterate that it is the district's responsibility to answer the questions we asked rather than passing them on to the investigator who is not positioned to answer questions of policy. Such examples include the district's disciplinary policies for students who have "consensual sex" on a field trip, whether the parents are notified, why wasn't our daughter disciplined if the district believes the assailant's story that she engaged in "consensual sex," questions of safety, etc. We strongly object that our questions were sent to the investigator when the district could address our questions now. Between the General Counsel (who speaks for the district) and the investigator, most, if not all, of the questions we asked could be answered. *Why hasn't this occurred? We wrote months ago how the district has continually ignored questions concerning our daughter's education, safety, welfare, and accountability following the assault. We are owed a prompt explanation to these questions.*

In addition to these answers, we again request that you provide us with *all* the policies/materials surrounding the Nov. 2012 field trip. As we stated, the district knows about these policies/materials but the parents cannot identify/access them. In other words, how can request materials that are unknown to us? Therefore we ask that you provide us all additional materials relating to chaperoning, risk disclosure, discipline, sexual harassment, policy revisions owing to policy failures, etc. We have already noted certain omissions regarding the materials which you directed should be sent.

We have not included Colleen Carlson on this communication.

Sincerely,

parent and parent

May 10, 2013

Mr. English,

We note that the Seattle School District Guidelines for Field Trip Chaperones states:

Student behavior is your responsibility. School rules related to student behavior apply. Go over rules and standards of behavior, safety rules, and any site specific rules with students. Ensure that students do not get involved in any extra activities not pre-approved by administrators and parents.

We expect that the investigator you retained will ask the chaperones why they did not comply with these and other guidelines. We expect that he will obtain an accurate picture concerning the events that allowed numerous children, not just the few you mentioned, to go into each other's cabins unsupervised for two consecutive days and nights.

We explained to you in earlier correspondence that **student 1** is currently admitted to an out-of-state residential treatment program due to the trauma she continues to experience in the aftermath of the rape. Our primary concern is to ensure her complete recovery. Therefore we must consult with her therapists and others to determine the proper timing of any further interviews in which she would be asked to revisit the details of this life-scarring incident.

Regarding access to **student 1** medical records and other documents you request, we are bound to respect the privacy laws governing dissemination of these documents. We are seeking guidance regarding the implications of disclosing confidential material to others who might indiscriminately distribute them further. Please also note that we are outside the Northwest for an extended period and are currently unable to access documents we have in our Seattle home.

We understand that you can submit public record requests directly to the law enforcement agencies.

Sincerely

**parent** and **parent**

May 10, 2013

Mr. parent

I have forwarded the email below to Mr. Kaiser for his use. Regarding interviewing your daughter, I understand your concerns about putting her health first. In the meantime, Mr. Kaiser will proceed. If she becomes available let us know.

We have contacted the law enforcement agencies involved (FBI and US Attorney), and they have indicated we will not be receiving any documents.

Ron English

General Counsel



May 14, 2013

Ms. parent

The investigation you have requested is under way. I have previously indicated that the investigator has been given discretion to conduct the investigation in a manner that he deems best. We do not agree with your assertion that the District failed to conduct a required investigation.

We also do not agree with your assertion that if sex occurred this proves the chaperones somehow failed to perform their duties. That depends on the specific circumstances. Nor do we believe it is appropriate to comment on whether your daughter should be disciplined for her conduct, prior to the present investigation being completed. Given that she is not currently enrolled at any school at the District, I doubt that would be appropriate in any case.

With respect to your request for additional documents, I have asked Public Records Officer Colleen Carlson to confirm that she has sent you all documents related to chaperone policies for overnight trips and the other material you previously requested. She will do so directly to you.

Your generalized request for all information relating to discipline and sexual harassment is not specific enough for the District to compile a response, so please clarify what additional materials you are specifically seeking. There are substantial materials on the District website on both subjects, which may meet your request, or help you to clarify your request for any additional documents or policies you are seeking. Some links to the District's website are:

Also there is the Student's Rights & Responsibilities, which spells out the code of conduct, discipline, and due process. That's available at this link:

<http://www.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Departmental%20Content/general%20counsel/SRR-English.pdf?sessionId=75db5c6f701a1b72f0689602ee9843e0>

Prohibition of Harassment, Intimidation and Bullying - Policy 3207:

<http://district.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Policies/Board/series3000/3207.pdf?sessionId=75db5c6f701a1b72f0689602ee9843e0>

Prohibition of Harassment, Intimidation & Bullying - Students - Supt. Proc. 3207SP.A:

<http://district.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Policies/Board/series3000/3207SP.A.pdf?sessionId=75db5c6f701a1b72f0689602ee9843e0>

Sexual Harassment - Policy 3208:

<http://district.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Policies/Board/series3000/3208.pdf?sessionId=75db5c6f701a1b72f0689602ee9843e0>

Sexual Harassment - Supt. Proc. 3208SP:

[http://district.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Policies/Board/series3000/3208SP\\_sig.pdf?sessionId=75db5c6f701a1b72f0689602ee9843e0](http://district.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Policies/Board/series3000/3208SP_sig.pdf?sessionId=75db5c6f701a1b72f0689602ee9843e0)

Please work with Ms. Carlson to refine your request.

Ron English

General Counsel

May 16, 2013

*Mr. English and Superintendent Banda,*

*We sent a formal letter of complaint (dated March 18, 2013) after our questions regarding the November 2012 sexual assault of our daughter, student 1 [REDACTED] were not answered by Garfield High School. As we indicated in correspondence, because we didn't receive a satisfactory answer, we appealed to Superintendent Banda, and absent a response, we continued our appeal to the school board and OSPI.*

*Does the Seattle School district believe it has provided an official response to our complaint?*

*Sincerely,*

*parent [REDACTED] and parent [REDACTED]*

May 17, 2013

Mr. English,

1. You wrote on May 14th that sexual activity on a field trip doesn't prove that the chaperones failed to do their duty: "We also do not agree with your assertion that if sex occurred this proves the chaperones somehow failed to perform their duties. That depends on the specific circumstances."

How can this be? Neither sexual activity nor sexual harassment/assault are permitted on field trips. A chaperone's duty is to protect our children who are developmentally in need of supervision. Since when is any sexual activity allowed on a field trip when it is the chaperones' responsibility to prevent harmful activity? Under what circumstances could sexual activity occur that would excuse the chaperones from responsibility? Please tell us which "specific circumstances" would relieve the chaperone of his/her responsibility.

And who decides which specific circumstances would relieve a chaperone of responsibility?

You have written that you speak on behalf of the District, the Superintendent, and the School Board. Do they concur with this belief, and if so, do you decide when sexual activity may occur without the chaperone being negligent?

2. Please note the definition of Sexual Assault in the Seattle Schools Code of Prohibited Conduct

#### E-215 Sexual Assault

Sexually assaulting or taking indecent liberties with another person.

Sexual assault includes unwanted touching or grabbing of sexual parts, indecent exposure, using force to engage in intercourse, oral sex, or other sexual contact, — pantsing behavior by other than elementary-age students, engaging in intercourse or oral sex whether or not the other person clearly refuses or does not have the mental or physical ability to consent. Sexual assault does not include incidental touching unless it is flagrant, purposeful, or repeated.

In addition to our daughter reporting the rape, the assailant admitted to sexual activity that falls under E-215 of prohibited conduct. We know he confessed to the principal upon returning from the trip. Mr. Howard told us so before he denied saying so the next day, and the parks department report verifies that the assailant admitted this to the principal. We know that our daughter submitted a rape kit at the hospital.

How can the district continue to deny that our daughter was assaulted and that its chaperoning was inadequate? Sexual activity is never permitted on school trips, Mr. English. Please explain why you think it could occur under "specific circumstances" without the chaperones failing to uphold his/her duty to protect our children. Please explain what "specific circumstances" those would be. Please explain who decides whether "specific circumstances" excuses a chaperone from failing to prevent sexual activity/harassment/assault on a field trip. Please tell us whether the district and school board (for

whom you speak, you say) concur with your statements that sexual activity may occur without indicating negligent chaperoning---in light of policies that prohibit it on field trips as well as policy E-215. Please explain why the district believes that sexual assault didn't occur in light of the definition above?

parent [REDACTED] parent [REDACTED]

May 20, 2013

Ms. parent

We received your March 18 letter on March 22, 2013. The law enforcement authorities asked that we not interview witnesses until they completed their investigation. There was no need to take any additional action at that time, since your daughter has not returned to either Garfield or the other school we offered for her to attend.

As you know, we do not have any sort of a report from the law enforcement authorities, and were not notified that they had completed their investigation. You did not inform us of that fact until your March 18 letter. I immediately contacted both the FBI and US Parks Service as well as the Attorney General's office, but they refused to provide us with any records. We have filed a public records request for their report, but anticipate they will refuse to provide or will heavily redact anything they have. You have refused to allow us to interview your daughter, and have not provided us with any of the documents you possess.

I provided a substantive response by email on April 16, 2013, detailing all of the facts we had at that time. At your request, we are now conducting an additional independent investigation of the facts, and will provide you with the results of that investigation when it is complete. You have made public records requests for documents, and we have responded to those requests.

We have advised you of your daughter's rights to request accommodations and you have stated none are required. We have notified you of the procedure for asserting a financial claim against the district, and you have not submitted anything.

We anticipate Mr. Kaiser will complete his work in the near future. When Mr. Kaiser has submitted his written report, we will have the Superintendent to review it and we will notify you of his conclusions, as well as provide you a copy of the report.

In your email to me of May 17, you asked several questions about the roles of chaperones and whether sexual intercourse could occur if the chaperones were performing their duties. I reiterate my statement of May 14: it depends on the circumstances. I will not speculate. Given that Mr. Kaiser is reviewing the facts of what happened, I will wait until he is finished.

Ron English

General Counsel

May 21, 2013

Mr. English,

Ms. Sechrist of the OSPI Office of Civil Rights explained to us that sexual violence falls under the umbrella of sexual discrimination governed by regulations under Title IX, which protect students from sexual harassment and sexual violence in all school activities, including field trips. These regulations oblige the school district to "take immediate action to eliminate the harassment, prevent its recurrence, and address its effects." A law enforcement investigation does not relieve the district of its obligation to investigate the complaint "promptly and equitably." The guidelines state that "schools should not wait for the conclusion of a criminal investigation or criminal proceeding to begin their own Title IX investigation and, if needed, must take immediate steps to protect the student in the educational setting." Whether **student 1** was attending her classes at Garfield at the time is irrelevant. We presume that you are prepared to explain why Seattle Schools did not comply with Title IX regulations in this case.

Contrary to what you suggest, it is not the responsibility of law enforcement or the victim's family to exercise due diligence for the Seattle School District. The district is responsible for carrying out its own parallel investigation and informing itself of the status of the interviews carried out by law enforcement. A teacher observing a couple of FBI interviews is not an independent investigation. Had we not raised our March 18th complaint, the district would still not have conducted its obligatory investigation to this very day.

As we have told you several times previously, the school district already **FERPA**

**[REDACTED]**  
**[REDACTED]**  
**[REDACTED]**. We previously told you that the financial claim form you sent us was for medical expenses arising from accidents. It is not applicable to damages suffered from sexual assault. We asked you to send the appropriate financial claim form. We have not received it.

We have explained all of these points to you repeatedly. There is no need to prolong this correspondence unless you are willing to address them.

Sincerely,

**parent** and **parent**

May 21, 2013

Mr. English,

Regarding your email of May 20<sup>th</sup> (nb my last name is **parent**):

You wrote: "We received your March 18 letter on March 22, 2013. The law enforcement authorities asked that we not interview witnesses until they completed their investigation. There was no need to take any additional action at that time, since your daughter has not returned to either Garfield or the other school we offered for her to attend."

1. Title IX says that an investigation *must* proceed regardless of any criminal investigation underway. This is a federal requirement.

Contrary to Title IX requirements, you wrote us on April 5, April 16 and May 20 that the district policy is to wait until a criminal investigation is completed before undertaking an investigation. Why? Title IX *unequivocally states that an investigation is not to be delayed by any criminal investigation underway*:

"Police investigations may be useful for fact-gathering; but because the standards for criminal investigations are different, police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation. In addition, a criminal investigation into allegations of sexual violence does not relieve the school of its duty under Title IX to resolve complaints promptly and equitably."

"Schools should not wait for the conclusion of a criminal investigation or criminal proceeding to begin their own Title IX investigation and, if needed, must take immediate steps to protect the student in the educational setting. For example, a school should not delay conducting its own investigation or taking steps to protect the complainant because it wants to see whether the alleged perpetrator will be found guilty of a crime."

Moreover, why didn't the Title IX official reach out to us as required by law?

We believed that the district stalled and ignored our questions about accountability to circumvent responsibility for its failed chaperoning policies, hoping the "problem" would evaporate over time.

2. "There was no need to take any additional action at that time," you wrote. Why not? First, whether or not our daughter was at Garfield or any other school does not excuse the district from its responsibility to conduct a prompt and equitable investigation.

Second, and contrary to what you wrote, there most certainly *was need* to conduct an investigation. Our daughter was a successful student and was **[REDACTED]**. Had Mr. Howard informed us that of the sanctions imposed upon the assailant as we requested on November 8 and as required by Title IX, our daughter could eventually have returned to Garfield. Had the school



taken note of the assailant's self-incriminating remarks that met the district's standard for sexual assault: E-215 made to the investigators, principal, and teachers, he could have been transferred. Instead, absent the required action on the part of the principal to inform her of the sanctions imposed, our daughter could not return for fear of retaliation and further harassment. *To assert that there was no need to take actions that would have allowed our daughter to return to Garfield is grossly incorrect!*

3. As you know, the investigators completed their witness interviews at Garfield in **November**, just a few weeks after the assault. This was obvious since the investigators ceased coming to the school. There was no reason to desist from the required investigation for five months (until you relied upon us to inform you that the investigation ended months earlier). While those interviews were taking place and subsequently, you were free to obtain information from numerous sources,

Had the district conducted a proper and timely investigation, you'd have had the information you lacked in early correspondence (e.g. April 7) regarding chaperone responsibility, the correct number of chaperones and participants, and other basic facts known since last November. Even to this day, we still haven't been given basic teacher-completed planning and parent informational forms the teachers supplied and would be in the file had a proper investigation occurred.

4. The onus was upon the district to conduct a prompt and equitable investigation and inform us of the results. Instead you say you relied on others, including the FBI and the parents of the victim to inform you when the investigation ended. Since when does the FBI notify all parties in an investigation that it has completed its interviews and report?

5. Rather than beginning promptly, you wrote on April 7 that you would *initiate* an investigation *five months after the assault*. On April 16th you provided a few tidbits of information that was known since November. You relied on the teacher's observations of a few interviews, you wrote, rather than directly interviewing the students and assailant. This scant information is an unfortunate commentary on the "substantive investigation" you claim the district conducted. How does relaying a few comments from a teacher five months after the assault constitutes a prompt and equitable investigation? Why does the district rely on such second hand testimony? How does the district's policy of interviewing students six months after the assault assure for accurate information after students have processed it amongst themselves?

For these and other reasons, we do not agree that the district fulfilled its Title IX obligation to our daughter. Moreover, you have failed to address our repeated questions of safety and retaliation that could ensue as the investigation is rekindled. We understand these are also Title IX questions that deserve a prompt response. Why haven't you addressed Title IX responsibilities? Not once have the words "Title IX" been mentioned to us by the school or the district.

You wrote: "As you know, we do not have any sort of a report from the law enforcement authorities, and were not notified that they had completed their investigation."

1. What bearing does this have on your responsibility to conduct an investigation? Why did you expect the FBI to notify you or volunteer a report? Surely as an attorney you know how these matters progress. How did we find out the investigation was finished, Mr. English? By taking the initiative to ask.

If the school district were truly invested in fulfilling its statutory responsibility, it would have inquired after it saw the parks department complete the interviews on campus in *November*. *But you tell us you did not inquire*. Why didn't the district take initiative to fulfill its obligation instead of relying on the victim's parents to escalate a complaint? Not once over the months did the district offer us any tangible assurance that they were attending to our questions responsibly. Mr. Howard promised us answers in writing that never materialized.

You wrote: "You did not inform us of that fact until your March 18 letter. I immediately contacted both the FBI and US Parks Service as well as the Attorney General's office, but they refused to provide us with any records. We have filed a public records request for their report, but anticipate they will refuse to provide or will heavily redact anything they have. You have refused to allow us to interview your daughter, and have not provided us with any of the documents you possess."

1. It was never our responsibility to inform the district that the investigation ended. We expected that the district would be vitally interested in following up on this case of assault. Nor did the district have to wait months to learn from the victim's family that it had ended. Had we not written on March 15, you would still be waiting to hear from the FBI. *You only acted "immediately" five months after the assault when obliged to owing to our complaint.*

2. As stated previously, we have not "refused to allow" you to interview our daughter. We have explained repeatedly that she is in treatment from the trauma of rape and the therapists have warned us about re-traumatizing her. Is it fair to subject her to a relapse? Do you know anything about the insidious nature of rape? For example, the mention of the assailant's first name is a tremendous trigger. Mr. English, why would you want to subject her to this when she has already suffered so much? You have ample sources of information available to explain why a sexual assault was allowed to occur.

3. Our job is not to provide you with information. We *know* what happened. Your job is to explain why chaperoning was so lax that both boys and girls entered each other's cabins day and night. Your job is to find out why the assailant raped our daughter. He already told the teachers, Mr. Howard, and the investigators what he did. *By his own admission, he met the standards for sexual assault. Have you not read the statute E-215?*

4. We already explained to you that the documents we possess are privacy protected and require

**Student 1** release. *Are you again asking us to violate privacy laws by giving you documents?* You can conduct a thorough investigation without our documents. We wrote that we can substantiate all our claims. It is your responsibility to substantiate yours.

You wrote: "I provided a substantive response by email on April 16, 2013, detailing all of the facts we had at that time. At your request, we are now conducting an additional independent investigation of the facts, and will provide you with the results of that investigation when it is complete. You have made public records requests for documents, and we have responded to those requests."

1. We disagree that the short April 16 email based on the teacher's second hand reports of a few interviews constitutes a "substantive response." Was that the prompt and equitable investigation report we are owed under Title IX?

Why did you conduct an "additional investigation" at our request if you had already provided a "substantive response? Had we not challenged the district on March 15th, the only information we'd have had was the meager information already known to us since November.

2. We are not requesting a second, additional investigation. No, we are holding the district accountable for undertaking the substantive, prompt, and equitable investigation that should have begun months ago. It is a sad state of affairs when parents must expend so much energy hounding the district to take responsibility.

3. The district has *not* adequately responded to our requests for documents. We have *repeatedly* requested all the completed planning forms (not blanks) and communications sent to the parents concerning the field trip. We have received only a few documents with *obvious omissions*. Ms. Carlson has *not* provided the documents.

You wrote: "We have advised you of your daughter's rights to request accommodations and you have stated none are required."

1. Contrary to this assertion, we didn't require your advice in March and April about our daughter's rights to request accommodations. Immediately following the rape, we asked Mr. Courtney for the full array of services available. No one volunteered such services as FERPA or Title IX resources. FERPA

We learned about Title IX from OSPI, not the Seattle school district.

Where was the information we needed months ago? Our requests for accommodations were mangled by the district. One of the most important accommodations, that of safety/retaliation, was brushed aside by Mr. Howard on November 8. **Student 1** had the basic right to be informed of sanctions against the

assailant. That was the first accommodation that would have allowed her the option of going back to school. We asked Carol Rusimovic for accommodations appropriate to a rape victim and she ceased communicating with us. We asked FERPA [REDACTED]. The time to assist our daughter was months ago. To assert that you have helped us in your March correspondence is yet another attempt to appear responsible long after the damage was done.

You wrote: “We have notified you of the procedure for asserting a financial claim against the district, and you have not submitted anything.”

1. We already pointed out that the district sent us a form for medical/accidental injury. This form is irrelevant to student 1 injury. The district has also told us it assumes no responsibility for the damages she sustained, *so kindly inform us why a form for accidental injury is of any value.*

You wrote: “We anticipate Mr. Kaiser will complete his work in the near future. When Mr. Kaiser has submitted his written report, we will have the Superintendent to review it and we will notify you of his conclusions, as well as provide you a copy of the report.”

1. Please note that we asked to have the all information from this investigation and for the opportunity to raise questions that the investigator may not have considered.

You wrote: “In your email to me of May 17, you asked several questions about the roles of chaperones and whether sexual intercourse could occur if the chaperones were performing their duties. I reiterate my statement of May 14: it depends on the circumstances. I will not speculate. Given that Mr. Kaiser is reviewing the facts of what happened, I will wait until he is finished.”

1. Sexual contact, touching sexual organs oral sex, sexual harassment, sexual intercourse, sodomy, sexual harassment, sexual assault, etc. are prohibited on school field trips as defined in E-215.

#### E-215 Sexual Assault

Sexually assaulting or taking indecent liberties with another person.

Sexual assault includes unwanted touching or grabbing of sexual parts, indecent exposure, using force to engage in intercourse, oral sex, or other sexual contact, — pantsing behavior by other than elementary-age students, engaging in intercourse or oral sex whether or not the other person clearly refuses or does not have the mental or physical ability to consent. Sexual assault does not include incidental touching unless it is flagrant, purposeful, or repeated.

Do Superintendent Banda and the School Board agree that such activities can occur under certain circumstances? Who will decide if it is permissible? Who may have sex? If sex on school trips is permissible under certain circumstances, then the school board will have to re-write and publicize its policies. *It would be interesting to hear public opinion on this question, and to know whether the Superintendent and School Board Director (for whom you say you speak) concur that sexual assault, sodomy, and other E-215 violations could exist concurrently with appropriate chaperoning. Parents will undoubtedly be interested in such novel policies.*

*Chaperoning exists to protect our children from prohibited behaviors. There is no circumstance that could ever justify sexual assault on a fieldtrip*

Regarding your letter of May 14.

Regarding question of discipline you wrote: "Nor do we believe it is appropriate to comment on whether your daughter should be disciplined for her conduct, prior to the present investigation being completed."

You stated that the district conducted the required investigation. Now you state you must reply on a second investigation (which you say was undertaken only to satisfy us) to determine whether our daughter might be disciplined. The district has had six months to determine whether our daughter had "consensual sex" on this field trip. Why weren't we informed as a result of your prior "findings" that she should be disciplined like the assailant was six months ago? The assailant received an immediate emergency exclusion and he admitted to the investigators, the principal, and others that he "had sex" on the trip. If Garfield has proof that our daughter had "consensual sex" on this fieldtrip, then she should have been disciplined at the same time as the assailant was.

You wrote that the lack of discipline as irrelevant at this point since [REDACTED] doesn't attend a Seattle School. Since when does a school district fail to discipline a student and make note of it on the transcript because the student withdraws from school a few months later? This begs the questions: how many other instances of discipline have failed to reach student records, particularly students on the November fieldtrip? Why weren't *numerous* students disciplined for being outside their rooms? How many disciplinary actions weren't enforced or recorded on students' records? Has the assailant's prior disciplinary record been cleansed?

Because the district never admitted that [REDACTED] had or could have been raped, it must have concluded that she had "consensual sex." Wasn't it the district's responsibility to promptly mete out required discipline to the assailant *and* to our daughter if they felt she had consensual sex?

At the same time it appears the district never believed she had consensual sex, because we weren't informed of her transgression. In addition, the district wrote [REDACTED]

[REDACTED]

How do you explain these contradictions, Mr. English?

Clearly the preponderance of evidence demonstrates that our daughter—taken to the hospital for sexual assault by the teacher following the rape, treated by RCW 42.56.360(2)

—must have been sexually assaulted. The school acknowledged this when it failed to punish her for "consensual sex" and wrote FERPA

Why did the school ignore the preponderance of evidence? Why did it fail to extend her all Title IX rights and services?

"Thus, in order for a school's grievance procedures to be consistent with Title IX standards, the school must use a preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred). The "clear and convincing" standard (i.e., it is highly probable or reasonably certain that the sexual harassment or violence occurred), currently used by some schools, is a higher standard of proof. Grievance procedures that use this higher standard are inconsistent with the standard of proof established for violations of the civil rights laws, and are thus not equitable under Title IX. Therefore, preponderance of the evidence is the appropriate standard for investigating allegations of sexual harassment or violence."

"In addition, schools should ensure that complainants are aware of their Title IX rights and any available resources, such as counseling, health, and mental health services, and their right to file a complaint with local law enforcement."

No school official ever offered an explanation of Title IX rights. Why not? Only when we escalated our complaint did OSPI make it known that our daughter was protected under Title IX.

Lastly, we repeatedly asked the district about retaliation and safety immediately after the assault and more recently with the new investigation. Our queries were not answered. Mr. Howard instructed us in writing on Nov. 9, 2012 to communicate with the parks department investigators yet they had no jurisdiction over school safety. We note that you recently sent our concerns about retaliation on to the investigator. What ability does a private investigator have to address concerns about retaliation? We have heard nothing from him regarding our concerns. We believe the failure to address this important issue constitutes another violation of Title IX.

Sincerely,

parent



May 21, 2013

Mr. [REDACTED] and Ms. [REDACTED]

I have previously responded to all of the points you have raised. I provided the District's response to your latest question yesterday, by email. The District has nothing more to say on the subject until the investigation is complete.

The only exception is your request, first made in today's email below, asking for a different claim form for you to submit. We do not have such a form. I suggest you submit a signed statement of the basis for your claim, the amounts sought, and all supporting documentation as to both entitlement and amount. You may do so at any time.

Otherwise, I agree with Mr. [REDACTED] that there is no need to prolong this correspondence until we receive the investigator's report, and the Superintendent's decision based on that report.

Ron English

General Counsel

May 21, 2013

Mr. English,

Are we correct in concluding that your May 20 email constitutes the official response to our complaint/appeal?

Because you wrote that you speak on behalf of the School Board, does your May 20 also constitute the School Board's official response to our complaint/appeal?

Please confirm promptly whether your May 20 email constitutes the school district and school board's official response.

parent [REDACTED] and parent [REDACTED]



**Subject:** official response to complaint/field trip documents incomplete

**Date:** Thu, 23 May 2013 17:14:27 -0700

**From:** parent [REDACTED] <parent [REDACTED]>

**Reply-To:** parent [REDACTED] <parent [REDACTED]>

**To:** English, Ron <[renglish@seattleschools.org](mailto:renglish@seattleschools.org)>

**CC:** Banda, Jose L <[jlbanda@seattleschools.org](mailto:jlbanda@seattleschools.org)>, Calandra Sechrist <[Calandra.Sechrist@k12.wa.us](mailto:Calandra.Sechrist@k12.wa.us)>, [Calandra.Sechrist@k12.wa.us](mailto:Calandra.Sechrist@k12.wa.us)>, Howard II, Theodore <[trhoward@seattleschools.org](mailto:trhoward@seattleschools.org)>, Smith-Blum, Kay <[ksblum@seattleschools.org](mailto:ksblum@seattleschools.org)>, parent [REDACTED] <parent [REDACTED]>

Mr. English,

We acknowledge that neither you nor Ms. Smith-Blum (copied) have confirmed whether your correspondence constitutes an official response to our complaint/appeal.

We acknowledged that the remaining field trip planning forms (completed by the teachers, not blank) and parent informational sheets which you directed Ms. Carlson to send have *not* been sent to us.

parent [REDACTED]

parent [REDACTED]

May 23, 2013

Ms. parent and Mr. parent

I have already sent you numerous emails. The District has nothing further to add at this time.

Ron English

General Counsel

From: parent [REDACTED] parent [REDACTED]

Sent: Friday, June 14, 2013 1:07 PM

To: Carr, Sherry L

Cc: Peaslee, Sharon D; Martin-Morris, Harium; DeBell, Michael; McLaren, Martha; Patu, Betty; Smith-Blum, Kay; Banda, Jose L; parent [REDACTED] English, Ron

Subject: sexual activity on school field trips

Dear School Board and Superintendent,

May we conclude that the School Board and Superintendent will not provide an independent answer to our questions concerning Mr. English's statements about sexual activity on field trips?

Unless otherwise informed, we would have to conclude that the School Board and Superintendent concur with Mr. English's statements (below) about sexual activity on field trips.

Mr. English's statement that sexual activity can occur in the context of appropriate chaperoning violates, in our view, our children's right to an education free of sexual harassment and assault. Please note that we intend to share this correspondence with the United States Office of Civil Rights which is evaluating our complaint as well as OSPI.

Sincerely,

parent [REDACTED] and parent [REDACTED]

----- Original Message -----

Subject: RE: sexual activity on school field trips

Date: Sun, 16 Jun 2013 03:37:22 +0000

From: English, Ron <renghish@seattleschools.org>

To: parent [REDACTED] <parent [REDACTED]> "Carr, Sherry L" <slcarr@seattleschools.org>

CC: Peaslee, Sharon D <sdpeaslee@seattleschools.org>, Martin-Morris, Harium <hmmorris@seattleschools.org>, DeBell, Michael <midebell@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>, Smith-Blum, Kay <ksblum@seattleschools.org>, Banda, Jose L <jlbanda@seattleschools.org>, parent [REDACTED] <parent [REDACTED]>

Ms. parent

On behalf of the District, I will reply that my previous correspondence speaks for itself. Neither chaperones nor the District can guarantee that incidents will not occur, even with the best of efforts. Nor does the fact that an incident occurs prove that the chaperones were at fault or that the District is liable.

If you wish to make a claim against the District, we repeat our invitation for you to submit a written claim, setting forth the basis for recovery, and the monetary relief you seek.

I will not attempt to elaborate further at this time, except to state that your "conclusions" are your own, which we do not share. We will provide you a copy of the investigative report when it is completed.

Ron English

General Counsel

Subject: Re: sexual activity on school field trips

Date: Mon, 17 Jun 2013 11:12:49 -0700

From: parent <parent>

Reply-To: parent <parent>

To: English, Ron <renglish@seattleschools.org>

CC: parent <parent> "Carr, Sherry L" <slcarr@seattleschools.org>, "Peaslee, Sharon D" <sdpeaslee@seattleschools.org>, "Martin-Morris, Harium" <hmmorris@seattleschools.org>, "DeBell, Michael" <midebell@seattleschools.org>, "McLaren, Martha" <mlmclaren@seattleschools.org>, "Patu, Betty" <bpatu@seattleschools.org>, "Smith-Blum, Kay" <ksblum@seattleschools.org>, "Banda, Jose L" <jlbanda@seattleschools.org>

Mr. English,

We again remind you that the district is legally obligated to provide its students with an environment free from sexual violence both on campus and extra-curricular activities, including school-sponsored field trips. The district failed to do so on the November field trip during which our daughter was sexually assaulted. We have repeatedly asked how this was allowed to happen. We have not received an answer after more than six months. The reason is that despite its motto of "everyone accountable" the school district believes that it is not accountable to anyone in this matter. Instead of accountability, it is only concerned with its liability.

We find remarkable your claim that this sexual assault "incident" occurred as a result of adequate adult supervision. Would you explain what constitutes adequate adult supervision in this case, bearing in mind that 27 teenagers slept in adjacent unlocked cabins? Please explain why you believe the adult supervision was adequate on this trip and why you believe it was excusable for the chaperones to allow conditions for sexual assault to occur. Parents in the Seattle School District, whom the school board represents, would not agree to send their children on field trips knowing that their children could be sexually assaulted, and if a sexual assault were allowed to occur, that the district would deny any responsibility.

Perhaps you can also explain why the district has refused to reexamine and revise its chaperone policies in light of this "incident." Is it because the district places its own potential liability ahead of the safety of the students under its care? We believe this would be a topic of interest to all district parents and one that should be brought before the school board at its next public meeting.

parent and parent

----- Original Message -----

Subject: RE: sexual activity on school field trips

Date: Tue, 18 Jun 2013 19:30:02 +0000

From: English, Ron <renglish@seattleschools.org>

To: parent <parent >

CC: parent <parent > "Carr, Sherry L" <slcarr@seattleschools.org>, "Peaslee, Sharon D" <sdpeaslee@seattleschools.org>, "Martin-Morris, Harium" <hmmorris@seattleschools.org>, "DeBell, Michael" <midebell@seattleschools.org>, "McLaren, Martha" <mlmclaren@seattleschools.org>, "Patu, Betty" <bpatu@seattleschools.org>, "Smith-Blum, Kay" <ksblum@seattleschools.org>, "Banda, Jose L" <jlbanda@seattleschools.org>

Mr. parent and Ms parent

As I have previously stated, the District is conducting the investigation you requested, into the circumstances of the field trip. We will provide you a copy. Until the investigation is complete, I have nothing more to offer.

Ron English

General Counsel

----- Original Message -----

Subject: Title IX regulations ignored

Date: Sat, 22 Jun 2013 22:20:04 -0700

From: parent [REDACTED] <parent [REDACTED]>

Reply-To: parent [REDACTED] <parent [REDACTED]>

To: Carr, Sherry L <slcarr@seattleschools.org>

CC: Peaslee, Sharon D <sdpeaslee@seattleschools.org>, Martin-Morris, Harium <hmmorris@seattleschools.org>, DeBell, Michael <midebell@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>, Smith-Blum, Kay <ksblum@seattleschools.org>, Banda, Jose L <jlbanda@seattleschools.org>, parent [REDACTED] <parent [REDACTED]> English, Ron <renglish@seattleschools.org>, Howard II, Theodore <trhoward@seattleschools.org>, Coogan, Nancy E <necoogan@seattleschools.org>, Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>

The Seattle School Board:

We wrote of our intentions to inform you about policies implemented by the Seattle School District which contradict Title IX regulations. The following letter to the Title IX coordinator, Paul Apostle, summarizes our complaint.

Mr. English, General Counsel, has written that he speaks on behalf of the Superintendent. Therefore we can conclude that Mr. Banda, like Mr. English, also believes that Title IX requirements (such as the statutory obligation to conduct an investigation into a sexual assault concurrently with a criminal investigation) can be ignored. Consider how Mr. English has written us that it is the district's procedure to wait until a criminal investigation is over before undertaking its own investigation, a direct contradiction of Title IX regulations. Our email to the Title IX coordinator, Mr. Apostle, describes how the school district ignored several Title IX regulations. For this reason OSPI advised us to file a complaint with the US Office of Civil Rights (OCR).

In his last email in which you were copied, Mr. English wrote that he was conducting the investigation we requested. Clearly he has admitted that it was necessary for the victim's parents to request the very investigation which the district should have initiated last November according to Title IX regulations.

Sincerely,

parent [REDACTED] and parent [REDACTED]

----- Original Message -----

Subject: RE: Title IX regulations ignored

Date: Sun, 23 Jun 2013 16:46:03 +0000

From: English, Ron <renglish@seattleschools.org>

To: parent <parent> "Carr, Sherry L" <slcarr@seattleschools.org>

CC: Peaslee, Sharon D <sdpeaslee@seattleschools.org>, Martin-Morris, Harium <hmmorris@seattleschools.org>, DeBell, Michael <midebell@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>, Smith-Blum, Kay <ksblum@seattleschools.org>, Banda, Jose L <jlbanda@seattleschools.org>, parent <parent> Howard II, Theodore <trhoward@seattleschools.org>, Coogan, Nancy E <necoogan@seattleschools.org>, Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>

Ms parent

You sent us a letter on March 22, asking us to respond to your complaints. We responded with the information we had on April 16. You asked us to conduct a further inquiry, and we are doing so.

Your email to Mr. Apostle provides new information (at least to me, you have told the investigator already). I am forwarding your email to the investigator to make sure he is aware of this new information.

As I have previously written, we disagree with your characterizations of Title IX requirements, District procedures, etc. The second investigation report will be complete shortly and we will provide you a copy.

Ron English

General Counsel



----- Original Message -----

Subject: Title IX regulations ignored

Date: Mon, 24 Jun 2013 10:06:17 -0700

From: parent [REDACTED] <parent [REDACTED]>

Reply-To: parent [REDACTED] <parent [REDACTED]>

To: English, Ron <renglish@seattleschools.org>, Banda, Jose L <jlbanda@seattleschools.org>

CC: Carr, Sherry L <slcarr@seattleschools.org>, Peaslee, Sharon D <sdpeaslee@seattleschools.org>, Martin-Morris, Harium <hmmorris@seattleschools.org>, DeBell, Michael <midebell@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>, Smith-Blum, Kay <ksblum@seattleschools.org>, parent [REDACTED] <parent [REDACTED]>, Howard II, Theodore <trhoward@seattleschools.org>, Coogan, Nancy E <necoogan@seattleschools.org>, Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>, Apostle, Paul A <paapostle@seattleschools.org>

Mr. English, Mr. Banda, School Board, and Others:

The facts speak for themselves. After our daughter reported the rape/sodomy on November 7, 2012, not a single person from the school district administration, including the Title IX coordinator, acknowledged that she was assaulted. Mr. Howard promised us answers that never materialized. We turned to OSPI. They informed us of the many procedures that should have been implemented, including an immediate investigation independent of a criminal investigation. Contrary to this Title IX regulation, you wrote that the district's policy is to wait until a criminal investigation is completed.

It appears that the district knows very little about Title IX. No one answers our questions. Mr. Apostle forwarded our inquiry to you, but after a month no one addresses our questions about Title IX procedures. The current investigation has no bearing on the questions we asked about procedures that should have been implemented when the assault was reported in November. When will you answer our questions about Title IX if Mr. Apostle won't?

You refer to a "second investigation report." Where is the substantive and equitable report from your "first" investigation? You wrote to us several times that the school district did not conduct an investigation of its own because a criminal investigation was taking place. Instead, the science teacher observed a couple of interviews conducted by the FBI in November. You then send us an email in April with a few second-hand facts known to us since last November. This does not constitute an independent investigation required by federal regulations. Furthermore, it was the district's responsibility to voluntarily undertake an investigation and provide information rather than waiting for the victim's family to prompt you to fulfill your obligations under Title IX. Instead of acting promptly and equitably, the district did nothing, ignored our questions, and hoped this problem of sexual assault by a popular

Identifier would go away. Mr. English, if your daughter were raped and sodomized, if the district failed to acknowledge that injury and provide mandatory services, if it were necessary to escalate a complaint in the absence of an explanation, if no one held the district accountable, I doubt that you would remain silent. Too many students stand to suffer when the district's chaperones literally fall asleep on the job.

Kindly inform us of the "new information" our email contained. Everything we mentioned has been common knowledge since Nov. 2012. Unfortunately my husband and I were not invited to participate in the investigation by Mr. Kaiser. You may we recall that we wrote a list of our questions regarding the investigation which you forwarded to Mr. Kaiser. We asked to participate but were not invited.

This communication will be included in our complaint to OCR (Office of Civil Rights).

Sincerely,

parent and parent

----- Original Message -----

Subject: RE: Title IX regulations ignored

Date: Mon, 24 Jun 2013 21:58:15 +0000

From: English, Ron <renghish@seattleschools.org>

To: parent [REDACTED] <parent [REDACTED]> "Banda, Jose L" <jlbanda@seattleschools.org>

CC: Carr, Sherry L <slcarr@seattleschools.org>, Peaslee, Sharon D <sdpeaslee@seattleschools.org>, Martin-Morris, Harium <hmmorris@seattleschools.org>, DeBell, Michael <midebell@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>, Smith-Blum, Kay <ksblum@seattleschools.org>, parent [REDACTED] <parent [REDACTED]> Howard II, Theodore <trhoward@seattleschools.org>, Coogan, Nancy E <necoogan@seattleschools.org>, Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>, Apostle, Paul A <paapostle@seattleschools.org>

Ms. parent [REDACTED]

We will provide you a copy of the report when it is completed. You are free at any time to file a claim for damages against the District, or to file a complaint with OCR, or take other action as you deem appropriate.

I have nothing more to offer at this time.

Ron English

----- Original Message -----

Subject: district's non-response to title IX inquiries

Date: Mon, 24 Jun 2013 21:35:10 -0700

From: parent [REDACTED] <parent [REDACTED]>

Reply-To: parent [REDACTED] <parent [REDACTED]>

To: English, Ron <renglish@seattleschools.org>

CC: Banda, Jose L <jlbanda@seattleschools.org>, Carr, Sherry L <slcarr@seattleschools.org>, Peaslee, Sharon D <sdpeaslee@seattleschools.org>, Martin-Morris, Harium <hmmorris@seattleschools.org>, DeBell, Michael <midebell@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>, Smith-Blum, Kay <ksblum@seattleschools.org>, parent [REDACTED] <parent [REDACTED]> Howard II, Theodore <trhoward@seattleschools.org>, Coogan, Nancy E <necoogan@seattleschools.org>, Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>, Apostle, Paul A <paapostle@seattleschools.org>

Dear All,

This confirms that the Seattle School District is unwilling to address our numerous inquiries about our daughter's rights under Title IX. The school district's belated investigation mentioned below does not excuse it from extending our daughter Title IX rights when a sexual assault is reported.

parent [REDACTED] and parent [REDACTED]

----- Original Message -----

Subject: RE: district's non-response to title IX inquiries

Date: Tue, 25 Jun 2013 23:57:08 +0000

From: English, Ron <renglish@seattleschools.org>

To: parent [REDACTED] <parent [REDACTED]>

CC: Banda, Jose L <jlbanda@seattleschools.org>, Carr, Sherry L <slcarr@seattleschools.org>, Peaslee, Sharon D <sdpeaslee@seattleschools.org>, Martin-Morris, Harium <hmmorris@seattleschools.org>, DeBell, Michael <midebell@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>, Smith-Blum, Kay <ksblum@seattleschools.org>, parent [REDACTED] <parent [REDACTED]>, Howard II, Theodore <trhoward@seattleschools.org>, Coogan, Nancy E <necoogan@seattleschools.org>, Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>, Apostle, Paul A <paapostle@seattleschools.org>

Ms. parent [REDACTED]

As I have previously indicated:

If you have a request to make for services, please put in writing what you want.

If you want monetary recovery, please put it in writing, listing the amount and basis.

I am unable to help you unless you do this.

Ron English

Subject: OSPI re Superintendent's/district's non-response to Title IX inquiries/accountability

Date: Wed, 26 Jun 2013 19:03:19 -0700

From: parent [REDACTED] <parent [REDACTED]>

Reply-To: parent [REDACTED] <parent [REDACTED]>

To: Banda, Jose L <jlbanda@seattleschools.org>, Carr, Sherry L <slcarr@seattleschools.org>, Peaslee, Sharon D <sdpeaslee@seattleschools.org>, Martin-Morris, Harium <hmmorris@seattleschools.org>, DeBell, Michael <midebell@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>, Smith-Blum, Kay <ksblum@seattleschools.org>

CC: Apostle, Paul A <paapostle@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>, parent [REDACTED] <parent [REDACTED]>, Howard II, Theodore <trhoward@seattleschools.org>, Coogan, Nancy E <necoogan@seattleschools.org>, Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>, English, Ron <renglish@seattleschools.org>

To The Seattle School Board:

Please find comments from OSPI below. In their words, Superintendent Banda did not follow the prescribed complaint pathway and failed to provide the required information following our complaint. Will you hold him accountable?

Please note that OSPI directed us to write Mr. English for an official response to our complaint. Although we complied by writing twice, Mr. English refused to tell us simply "yes" or "no" --when asked whether he provided an official response. He only wrote that he sent us a number of emails but wouldn't answer this simple question with a yes or no. Why doesn't the School Board require its apparent representative, Mr. English, to answer correspondence OSPI said should occur?

OSPI referred us to Mr. Apostle. When we asked Mr. Apostle about Title IX, he wouldn't address our questions. He forwarded our email to Mr. English who wrote that he had "nothing more to offer." More than what? He offered nothing in response to our Title IX questions. Why does the School Board allow its representative and the district to ignore our questions about its Title IX obligations?

The School Board must be aware that Mr. English has ignored Title IX to suit the district's own agenda. Please note the statute OSPI provided concerning the school's responsibility to conduct its own investigation concurrently with a criminal investigation. Mr. English repeatedly wrote that the district's policy is to wait until a criminal investigation is over. Then he claimed that he didn't know when the criminal investigation ended. Why? Because the district hoped that by ignoring this devastating assault we would be thwarted in our attempts to seek accountability and justice. You should realize that the more the district fails to perform, the more we will hold it accountable. No family should have to endure the nightmare that we have lived through for the last 7 months after sending their child on a "life-altering" educational experience, according to those who engineered this disastrous filed trip. "Life

scarring." What responsibility will each one of you take as our elected representatives besides passing our correspondence on to Mr. English?

Mr. English invites us to submit a tort claim without ever addressing the district's failure to provide its students with an environment that is safe from sexual violence. As we have stated repeatedly, this is not just an issue concerning our family. It is a community safety issue. When parents send their children on school field trips, they expect adequate adult supervision so that their children are safe from sexual violence. We have already heard of one parent who, after learning what happened to our daughter, said that she would not send her daughter on a Seattle public school field trip. What will happen when other parents hear of our family's experience? Will they ask why Superintendent Banda did not order an immediate, thorough evaluation of the district's chaperone policies? Will they ask why, after learning about what happened to our daughter, the school board turned a deaf ear and did absolutely nothing to hold the district accountable for a community safety issue? What will you say when parents ask why the school board did absolutely nothing when the district failed to abide by its own Title IX grievance procedures, thwarting our attempts to learn exactly why our daughter was allowed to be sexually assaulted on a field trip? Are you prepared to respond to parents who raise these questions?

From the non-response of the School Board, it seems that no one cares enough about accountability to the community to take a stand. Instead you turn our questions over to the very individual who rationalizes the district's failure to implement prescribed policies, the individual who creates new policies to cover liability for the district's failure to perform appropriately, the individual who does not answer our questions. Why does the school board do this?

Sincerely,

parent [REDACTED] and parent [REDACTED]

From: parent [mailto:parent]

Sent: Tuesday, July 02, 2013 10:14 PM

To: English, Ron

Cc: Carr, Sherry L; Peaslee, Sharon D; Martin-Morris, Harium; DeBell, Michael; McLaren, Martha; Patu, Betty; Smith-Blum, Kay; Banda, Jose L; parent Howard II, Theodore; Coogan, Nancy E; Calandra.Sechrist@k12.wa.us; 'rhk@rickkaiser.com'

Subject: Title IX regulations ignored

Mr. English,

We asked you, as the self-described spokesperson for the district, Superintendent Banda, and School Board, why the district did not implement mandatory Title IX procedures after our daughter reported a sexual assault in November. We also asked why the Title IX coordinator (Mr. Apostle) would not answer our questions. After all, Title IX is a federal program that must be implemented as a condition of receiving federal funding.

We also asked Superintendent Banda and the School Board why Mr. Banda did not follow the prescribed complaint pathway. We included the statutes OSPI provided verifying this requirement. The district was aware of a reported sexual assault the same day it occurred. In cases of reported sexual assault, there are procedures that must be followed under Title IX regulations. The district failed to comply with those regulations. We have asked you why this happened. You have not provided an answer.

You wrote us that you will respond once the investigation report is available. We have seen a draft of that report. It does not answer the questions regarding Title IX, the Superintendent's failure to provide the required response, among many other questions.

You write that we should pursue other remedies. Why does the district refuse to answer these basic questions that any responsible family would want addressed? Why does the district fail to follow the prescribed complaint procedures, and why does the district refuse to address questions pertaining to Title IX? Why does the school board fail to hold anyone accountable?

Sincerely,

parent and parent



----- Original Message -----

Subject: RE: Title IX regulations ignored

Date: Wed, 3 Jul 2013 23:01:46 +0000

From: English, Ron <renglish@seattleschools.org>

To: parent <parent>

CC: Carr, Sherry L <slcarr@seattleschools.org>, Peaslee, Sharon D <sdpeaslee@seattleschools.org>, Martin-Morris, Harium <hmmorris@seattleschools.org>, DeBell, Michael <midebell@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>, Smith-Blum, Kay <ksblum@seattleschools.org>, Banda, Jose L <jlbanda@seattleschools.org>, parent <parent> Howard II, Theodore <trhoward@seattleschools.org>, Coogan, Nancy E <necoogan@seattleschools.org>, Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>, 'rhk@rickkaiser.com' <rhk@rickkaiser.com>

Ms. parent

My understanding is the investigator's report is close to being finalized. Once that occurs, it will be provided to Superintendent Banda for a decision, which you may appeal to the School Board if you are dissatisfied.

With respect to your other concerns expressed below, I believe a brief recap of the facts in order.

Immediately upon your daughter making her allegations, the school staff responded by contacting medical and criminal authorities. You were also contacted. Staff observed the initial interviews of your daughter and other students. The male student involved asserted that the sex was consensual. Nonetheless, he was excluded from school, which would have permitted your daughter to immediately return to school if she chose.

In the following months, at your request we prepared accommodations for your daughter, in the form of FERPA

We have repeatedly asked you to identify any additional accommodations she may need, but you have not requested any.

Immediately upon receiving your written complaint on March 22, 2013, we reviewed the facts as directed by applicable regulations. We asked both you and the federal authorities to provide any records that might address what happened. Neither you nor the federal authorities have provided us with any of these requested records.

We responded to your complaint within 30 days, on April 16, 2013, informing you of our findings, including the fact that your daughter's story changed from one interview to another. You asked for

additional investigative work, including interviews of the other students. We hired an investigator and he has interviewed the other students, as well as other individuals identified in his draft report. He asked to interview your daughter, and you declined that request, as well as his request for documents. He has prepared a draft report, based on the evidence he was able to obtain, and you have seen the draft report.

In the context of the above facts we do not agree that there are “mandatory Title IX procedures” that the District did not implement. To the contrary, the District took prompt steps to address the situation and prevent a reoccurrence. It is unfortunate that it has taken this long for the latest investigator to prepare a written report, but we do not believe this had any effect on the results of the investigation or, more importantly, on the care and well-being of your daughter.

I hope you will promptly provide any additional information you have to the investigator, so that he may conclude his investigation. We anticipate that Superintendent Banda will issue his decision shortly after receiving the final report.

Again, if you desire any accommodations or want to file a claim for money damages, please submit a written demand to my office on the claim form we previously provided to you. If your daughter wishes to return to Seattle Schools, let me know and I will make sure that you receive information on how to accomplish this.

Ron English

General Counsel

----- Original Message -----

Subject: Garfield Field Trip

Date: Sat, 6 Jul 2013 23:41:28 +0000

From: English, Ron <renglish@seattleschools.org>

To: parent <parent>

CC: Carr, Sherry L <slcarr@seattleschools.org>, Peaslee, Sharon D <sdpeaslee@seattleschools.org>, Martin-Morris, Harium <hmmorris@seattleschools.org>, DeBell, Michael <midebell@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>, Smith-Blum, Kay <ksblum@seattleschools.org>, Banda, Jose L <jlbanda@seattleschools.org>, parent <parent> Howard II, Theodore <trhoward@seattleschools.org>, Coogan, Nancy E <necoogan@seattleschools.org>, Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>, 'rhk@rickkaiser.com' <rhk@rickkaiser.com>

Ms. parent

Thank you for your email. I hope the relocation of your daughter went well. Since Mr. Kaiser's request to review the report was made on June 29, I hope you have now had time to review it.

On March 22, 2013 we received your written complaint asserting that your daughter had been raped during a Garfield field trip on November 6-7, 2012. We responded on April 16, with a report of the information we had been able to gather at that time. This report did not have any information from your daughter, nor did it have any records of her investigation conducted by the federal authorities, in part because you declined our request to have your daughter interviewed and because you declined to make any documents available to us. For example, you refer below to a parks department report of a confession by an unidentified assailant. We do not have a copy of any such document and request that you provide it to us.

In April you requested that we conduct a further investigation. We retained Rick Kaiser to serve as an independent investigator, to determine what happened to your daughter that night. His report is attached.

Your email below complains that the report did not address all of the issues you have raised. That was not the purpose of the report. Its focus was limited to determining what happened to your daughter on the field trip, and did not include a general review of such issues as chaperoning policies or prior discipline of students. Further, it was never intended that you should direct the conduct of the investigation.

Please review the report and provide any additional information you have, so that we may submit it to the Superintendent for his decision on your complaint. The report notes that Mr. Kaiser still was unable

to interview your daughter and that you still have not provided any records for his review. We renew those requests.

If you have any additional information to provide, please do so by Wednesday, July 10.

Thank you,

Ron English

General Counsel

----- Original Message -----

Subject: Reply to general counsel email of July 6

Date: Sun, 07 Jul 2013 22:33:35 -0700

From: parent [REDACTED] <parent [REDACTED]>

Reply-To: parent [REDACTED] <parent [REDACTED]>

To: English, Ron <renglish@seattleschools.org>

CC: Carr, Sherry L <slcarr@seattleschools.org>, Peaslee, Sharon D <sdpeaslee@seattleschools.org>, Martin-Morris, Harium <hmmorris@seattleschools.org>, DeBell, Michael <midebell@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>, Smith-Blum, Kay <ksblum@seattleschools.org>, Banda, Jose L <jlbanda@seattleschools.org>, parent [REDACTED] <parent [REDACTED]>, Howard II, Theodore <trhoward@seattleschools.org>, Coogan, Nancy E <necoogan@seattleschools.org>, Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>, 'rhk@rickkaiser.com' <rhk@rickkaiser.com>

Mr. English,

You have missed the focus of our July 5, 2013 email. We stated that we are unable to participate in a review just now because of family demands. On June 5th, 2013 we notified you and Mr. Kaiser that we would not be available to review this report until late July/early August. That is why we strongly objected in our last email to receiving this report exactly at the time when we stated we would be unavailable. The report should have been provided months ago. Title IX states when a sexual assault is reported, which it was on November 7th, the district must conduct a prompt investigation concurrently with the criminal investigation. Even though we informed you of our unavailability, you are asking us to review Mr. Kaiser's report by July 10th, just as we are moving a considerable distance with our daughter. We go on record for saying this is inequitable.

No, Mr. English, the district did not first learn our daughter had been raped in March as you wrote below. Our daughter reported the rape to the teachers the morning it occurred, November 7, 2012. She was taken to the hospital the same morning. Mr. Howard received emails from us asking for help and an explanation. We sent numerous emails to persons in the district regarding the assault. The district

FERPA [REDACTED] When we were still hopeful that she could be accommodated in the district, she received FERPA [REDACTED]

Knowing this long history, we can't find any legitimate explanation for your claims. We've sadly concluded that you continue to "refashion" information without regard to the facts we have presented repeatedly.

You continue to fault us because we haven't handed over the National Park Service investigation report or "allowed" student 1 to participate. We have explained that we can do neither.

We obtained the Park Service report through a FOIA request. The Park Service declined to provide you with the report. You are asking us to give you a copy of a report that the Park Service declined to give you. We cannot do this. You also continue to ask for our daughter's medical records, even though we have repeatedly told you that we cannot legally give you her records without her consent. Why do you ask us time and again to circumvent the law and then continue to assert that we are somehow compromising your investigative work?

Your repetition of this request can only be seen as attempting to disparage our family's willingness to be of help. On the contrary, when the investigator asked for our input on the investigation, we provided a long list of concerns, topics, and information that could have been taken up. The list was ignored. It is disingenuous to purport that we are compromising your investigation by not handing over documents. On the contrary, it speaks poorly of the district when it continues to ask us for items we are unable to legally provide.

We have also explained time and again that student 1 is in treatment in another state and her therapists do not recommend her being interviewed yet. It is one thing to interview the assailant, who made the decision to rape and sodomize our daughter. He does not relive a scene of horror and vulnerability. He is absorbed in trying to exonerate himself. It is quite another to interview our daughter, who would have to relive the assault when describing it. This isn't about a broken leg or "consensual sex."

The following information should be included in Mr. Kaiser's report to make it more equitable and accurate:

1. The parents of Student 1 have written numerous times to the school district and associated entities that the assailant (Student #2) told Park Service investigators that he engaged in behavior with Student 1 that corresponds with section E-215 of the district's codes of prohibited behavior. His statement appears in the Park Service investigator's summary report. In this summary, the assailant recounted that our daughter repeatedly told him to stop but he raped and sodomized her anyway.
2. The parents of Student 1 informed the district that they cannot supply a copy of the Park Service report, obtained through a FOIA request, because the Park Service declined to provide this same report directly to the district.
3. The parents of Student 1 informed the district that the victim's medical records are privacy-protected and cannot be released without their daughter's permission.
4. The parents of Student 1 disagree with statements and behaviors attributed to Student 1 by the assailant (Student 2) among other statements in the report.

You write that the focus of the report was to explain what happened to our daughter. We know what happened to her. She told us. We never asked the district to explain to us what happened to her. You

have written repeatedly that "we are providing the investigation you requested." If so, then you should address the question that has always been foremost in our correspondence: how was it that a sexual assault could occur on a Seattle Public Schools field trip? It is critical to find out why this assault occurred so that such negligent chaperoning can be rectified and other students and the families could be spared life-scarring trauma.

There is a disturbing distortion in your July 6 email. There has never been an "unidentified assailant." You know full well we have been discussing student #2. We have mentioned numerous times in correspondence that he confessed to Mr. Howard on Nov. 7th at the conclusion of the field trip to having "consensual sex". Scores of emails have discussed how this assailant reported engaging in behavior that corresponds to E-215 of the school's codes of prohibited behavior. We have copied you on this correspondence. You yourself informed us he was given an emergency exclusion. And now you say he is an "unidentified assailant?"

From the inception of this assault, the district has been concerned with one thing: liability. That is why you have only grudgingly agreed to conduct a belated investigation. After the investigation is over, you tell us that it was never about answering the one question we have asked since the very beginning.

Sincerely,

parent [REDACTED] and parent [REDACTED]

July 8, 2013

Mr. English,

We disagree with your recital of facts in your July 3 message.

*Staff observed the initial interviews of your daughter and other students. The male student involved asserted that the sex was consensual. Nonetheless, he was excluded from school, which would have permitted your daughter to immediately return to school if she chose.*

If you claim that school district staff observed the FBI interviews of our daughter, we can most assuredly tell you that is false. We took our daughter to those interviews. There were no school district staff present. According to the information we have seen, a teacher was present at only one student interview conducted by the FBI. The teacher was not present at the FBI interview with the assailant.

“Nonetheless,” you write “he was excluded from school.” What do you mean by “nonetheless?” According to the disciplinary codes, all students must be disciplined for engaging in sex at school or on a school sponsored field trip.

The district’s investigator, Mr. Kaiser, reported that the assailant was previously disciplined for “lewd conduct” in 2010 after having sexual intercourse at Mercer Middle School. He received an emergency exclusion (designated for dangerous persons and/or sexual assault) and a short term suspension. After assaulting our daughter in November 2012, the perpetrator was emergency excluded/short term suspended for a second time, again for “lewd conduct.” Astonishingly, the district did not even adhere to its own disciplinary code for punishing a second offense of lewd conduct. He should have received a long-term suspension. Why wasn’t the assailant disciplined according to the district’s code?

Not only was the assailant inappropriately disciplined, he was only charged with lewd conduct even though he admitted in November to actions that met the standard for sexual assault (E- 215). No one promptly probed further into his confession and the information we provided based on the National Park Service investigator’s report. What will the district do now that the assailant reaffirmed his assault by telling Mr. Kaiser he sodomized our daughter for 10 minutes after she told him to stop?

Considering that the assault of our daughter was labeled “lewd conduct,” isn’t it possible that the assailant’s previous offenses of “lewd conduct” were also sexual assault? How many times has the assailant committed sexual assault? In the event the assault of our daughter was at least his second sexual assault, he should have received even steeper consequences. Why didn’t the district immediately investigate our daughter’s sexual assault? Had the district done so, the assailant would have been disciplined for sexual assault, not lewd conduct.

Owing to the district’s failure to immediately acknowledge the assault and provide required Title IX services, we can only conclude that the district “bought” the assailant’s story of consensual sex without giving equal consideration to our daughter’s report of sexual assault. This is astonishing since the district knew of the assailant’s disciplinary history.



Why weren't we informed at the time that the assailant was emergency excluded? We only learned he was emergency excluded from school when you told us in April. We should have been told immediately, at the time he was excluded, as required by Title IX. The principal refused to tell us in November of any sanction applied to the assailant. If no one told us at the time the assailant had been excluded, how could our daughter return to school as you said she could have? This was the time for the Title IX officer and the safety department to facilitate our daughter's return to school. No one informed us of these services. After Mr. Howard refused to communicate with us about these sanctions, he wrote that we should address our concerns to the Park Service—which lacked any jurisdiction over the school environment!

*In the following months, at your request we prepared accommodations for your daughter, in the form of* FERPA [REDACTED]

[REDACTED] *We have repeatedly asked you to identify any additional accommodations she may need, but you have not requested any.*

We previously informed you about months of frustrations we experienced when attempting to obtain accommodations for our daughter after the assault. We detailed how we received contradictory information regarding FERPA [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The accommodations you refer to came five months too late. FERPA [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

We also have detailed the district's inept handling of our request to give our daughter FERPA [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

*We responded to your complaint within 30 days, on April 16, 2013, informing you of our findings, including the fact that your daughter's story changed from one interview to another. You asked for additional investigative work, including interviews of the other students. We hired an investigator and*

*he has interviewed the other students, as well as other individuals identified in his draft report. He asked to interview your daughter, and you declined that request, as well as his request for documents.*

What was the “investigative work” that formed the basis of your findings revealed in your April 16 letter? First you tell us that it is not the district’s long-standing practice to undertake an independent investigation concurrently with a criminal investigation conducted by law enforcement. Now you tell us that the district did indeed carry out “investigative work” by having staff observe a few interviews conducted by the authorities in November, even though you didn’t tell us of your “findings” until April. Which is it, Mr. English?

The “additional investigative work” conducted by Mr. Kaiser should have been done in November. Indeed, the district was obligated to carry out a “prompt and equitable investigation” when a sexual assault is reported, according to the federal directives related to Title IX. It was not until we escalated our complaint to OSPI and insisted on an independent investigation did the district “after further discussion” agree to fulfill its obligations six months later.

It was because we insisted that the district comply with federal Title IX directives that we now have Mr. Kaiser’s report. In it we learn that the perpetrator has now changed his story considerably from what he told the FBI and attributes false statements to our daughter. We also find that other students’ accounts of events to Mr. Kaiser do not match up with their original stories. Moreover, your remarks regarding our daughter fail to acknowledge how traumatized victims of sexual assault require time to be able to recount the nightmare of rape. Our daughter gave a full accounting of the assault.

You also fail to mention the reasons why we declined Mr. Kaiser’s request to interview our daughter and supply medical records and other documents. As we have explained time and again, our daughter is in residential treatment owing to the aftermath of the assault. She is not available for interviews, on advice of her therapists. Do you not consider that interviewing an assailant and a victim are two separate matters? The assailant chose to rape our daughter. Our daughter, on the other hand, was traumatized. As for the district’s numerous request for her personal records, we have told you time and again that we cannot supply privacy-protected documents without her consent. Are you expecting us to circumvent the law?

You mention responding within 30 days of our complaint. The school board should be reminded of the facts. Absent the required official response to our complaint with appeal directions from the Superintendent, OSPI advised us to seek an acknowledgement of our complaint. When it was not forthcoming we twice wrote asking you to answer with a “simple yes or no” whether you had provided the official response. You would not tell us yes or no. We also provided you and the school board correspondence from OSPI stating that Mr. Banda failed to provide the required response with appeal instruction. OSPI has been copied on the relevant correspondence.

*In the context of the above facts we do not agree that there are “mandatory Title IX procedures” that the District did not implement. To the contrary, the District took prompt steps to address the situation and prevent a reoccurrence.*

In the context of what facts, Mr. English? Whenever a sexual assault is reported, the district **MUST** immediately implement Title IX procedures.

This is the first time we have heard that the district “took prompt steps to address the situation and prevent a reoccurrence.” Exactly what were the “prompt steps” the district took to address the situation? We haven’t seen any. What “situation” did the district address? How do those steps prevent a reoccurrence? And a reoccurrence of what, exactly? If you indeed took these steps, why have you not reported them to us as required by Title IX?

Do these “prompt steps” include remedying the negligent chaperoning that permitted the sexual assault of our daughter? Do these steps include policy revisions that take into account students who have previously been disciplined for having sexual intercourse at school? We learned from Mr. Kaiser’s report that none of the teachers or chaperones were aware of or had read the district’s chaperone policies. We read how the male chaperone admitted to not being able to control the boys’ behavior. We learned that he wore earplugs and could not hear the comings and goings of students entering and leaving the cabin after curfew. We heard how male and female students texted each other for assignments after curfew. We read of female students (not our daughter) sleeping in the boys’ bedroom until 5 AM. We heard about the female chaperone not monitoring whether the girls returned from their trips to the bathroom. We read about a paranoid student on drugs hiding in the girls’ cabin.

According to Title IX, the district is required to provide students with an environment free from sexual discrimination, including sexual harassment and sexual violence. When our daughter reported a sexual assault, the district should have immediately conducted its own investigation instead of claiming it must wait until a criminal investigation is concluded. Why? The focus of a criminal investigation is entirely different from the school’s investigation of sexual assault and that is why a different standard of evidence is applied, as you should know. The focus of the district’s investigation is to examine how sexual assault could occur, to review its policies, and to discipline the assailant appropriately, among other tasks. It did not do so. From what you wrote previously, it appears you “bought” the assailant’s story of consensual sex rather than affording our daughter’s report of assault equal consideration. Had you taken her report of assault seriously, you would have investigated it as required by Title IX. In our view, no one in the district knew anything about how Title IX applied in this case, including the Title IX coordinator, Mr. Apostle. It was not until we escalated our complaint to OSPI, did we learn of the district’s obligations under Title IX. Apparently this was also the first time the district had heard of its obligations.

You will no doubt again disagree with our statements. But the facts speak for themselves. Every one of the district administration staff and every school board member should be asking themselves: What if my child were sexually assaulted on a school field trip? Wouldn’t I want to know why this was allowed to occur? Wouldn’t I demand answers and accountability? How would I feel if the district failed to provide those answers and made excuses because it prioritizes its liability over my child’s safety? How would I feel if the school board knew of the assault but did absolutely nothing to hold the district accountable for my child’s safety and the safety of all students on school field trips?

When the community learns of our family's devastating experience, we believe they will be asking these same questions. Are you prepared to answer them with full transparency?

Sincerely,

parent and parent

----- Original Message -----

Subject: GARfield Assault Claims

Date: Mon, 8 Jul 2013 21:14:21 +0000

From: English, Ron <renglish@seattleschools.org>

To: parent <parent >

CC: parent <parent > "Carr, Sherry L" <slcarr@seattleschools.org>, "Peaslee, Sharon D" <sdpeaslee@seattleschools.org>, "Martin-Morris, Harium" <hmmorris@seattleschools.org>, "DeBell, Michael" <midebell@seattleschools.org>, "McLaren, Martha" <mlmclaren@seattleschools.org>, "Patu, Betty" <bpatu@seattleschools.org>, "Smith-Blum, Kay" <ksblum@seattleschools.org>, "Banda, Jose L" <jlbanda@seattleschools.org>, "Howard II, Theodore" <trhoward@seattleschools.org>, "Calandra.Sechrist@k12.wa.us" <Calandra.Sechrist@k12.wa.us>

Ms. parent and Mr. parent

Thank you for your quick responses.

If you need more time to provide information, we are happy to allow you to do so. Please let us know when you are prepared to provide that information. We will not present the report to the Superintendent for his decision until you have submitted any comments or information you may have regarding the investigator's report, or until September 30, 2013, whichever comes later. If you have not contacted us by September 30, we will present the investigator's report to the Superintendent at that time.

I cannot agree to Ms. parent suggested additions to the investigator's report.

Thus far, the investigator's report does not include anything but his direct interviews and copies of several documents he examined. Asking him to rely upon your description of a document you have seen but refuse to show him or the Seattle School District would not be appropriate. Were he to do so, it would open the door to including other similarly unverifiable information he has received which contradicts your daughter's description of the event as a "rape." My understanding is the investigator did not include such information in his report because it was regarded as third party "hearsay" information similar to your statement about the alleged contents of the Park Service report.

I would also point out that I am unaware of any legal impediment to you providing any of the documents in your possession, with the possible exception of your daughter's medical records. Your continued insistence that you are somehow prevented from providing documents such as the Park Service report is misplaced. In response to Mr. parent email of July 8, he is correct, we do disagree with most of the characterizations given in his attached letter. For example, your requests for information and demands for additional disciplinary action regarding Student 2 are not within the scope of this

matter. The District took several steps to assist your daughter to return to school and/or to complete her course work, well before April.

The key disagreement, however, is that you rely upon reports you claim to have, but have never given us, to conclude that your daughter was raped. This assertion is at odds with a number of witnesses, including not just Student 2, but other students who corroborate his description of the events on key points. Absent proof of your allegations about what the other witnesses said, I see no reason to doubt the findings in the report.

With respect to the chaperones, I believe the report fully describes what they did and did not do. If you have additional information, please provide it when you are able to do so.

Until then, we will await your response before taking further action.

Ron English

General Counsel