

Parents of the November Garfield 2012 rape victim  
Names removed for privacy  
"Our Daughter" replaces victim's name

October 1, 2014

Dr. Nyland, School Board, and Others:

We wrote the District asking how to register a complaint of discrimination. The General Counsel, Ron English, replied us that we should retain an attorney to do so. OSPI wrote us that the District has clear obligations concerning its duties when a parent requests this information. The District failed to provide us the information when we inquired. Absent information from the District our complaint is submitted here. We expect the District to follow all required protocols concerning this complaint. Moreover, this is now a public record.

### **Gender Based Discrimination in the Seattle School District**

This is a serious case of discrimination against our daughter and a possible case of XXXX discrimination. The Seattle School District has a long history of shutting down complaints of sexual harassment, assault, and discrimination against girls as we have learned from other victims who have come forward. The most recent incidents of discrimination occurred in September 2014 preceded by egregious incidents in the last few months. Let us begin chronologically to provide the background to the ongoing discrimination.

Our entire family was devastated when Our Daughter was raped on a public high school field trip. The school district's failure to extend Our Daughter her rights, to acknowledge her report of sexual assault while privileging the male assailant's account, and to treat her with basic human dignity has been life-scaring beyond description.

On November 7, 2012, Our Daughter reported that she was sexually assaulted by a classmate on a school-sponsored field trip. The Seattle School District (the "District") was aware of the assault the same day but failed to conduct a prompt, thorough, and independent investigation as required. Additionally, the District refused to tell Our Daughter of the sanctions meted out against the assailant so she could immediately return to school, and did not protect her from retaliation. As a result, her right to an equal education free of discrimination was violated. In addition, the District failed to provide required information about educational accommodations for debilitating PTSD that she suffered as a result of the sexual assault.

In November 2012, Our Daughter was in her sophomore year at Garfield High School. She was a successful student, taking Advanced Placement classes and maintaining an A-B average. She was an active participant in the XXXXXXXXXX and had completed nearly four times her community service hours, which included giving XXXX lessons to economically disadvantaged children and serving as a summer camp counselor.

On November 7, 2012, during a school-sponsored field trip to NatureBridge on the Olympic Peninsula, Our Daughter was vaginally and anally raped by a male student. That same day the perpetrator told the school principal that the sexual activity with Our Daughter was “consensual” but also admitted she told him to stop. [see NPS and Kaiser investigation reports]. The following day a parent reported to the school that her daughter had witnessed a rape [see Samar/Howard email of Nov. 2012], but that female parent’s account was suppressed and the male principal ignored Our Daughter’s complaint. Instead privileged the assailant’s allegations of “consensual” sex. [see staff complaint against Ted Howard submitted to Tolley <http://www.scribd.com/doc/236454982/Staff-Complaint-and-Correspondence-REDACTED>]

On the field trip there was improper and inadequate adult supervision that created an uncontrolled, unsafe, and hostile environment that permitted sexual harassment/violence to occur. Chaperones did not prevent girls and boys from co-mingling unsupervised in each other’s cabins before and after curfew in violation of District and camp policy. The teachers who were supposed to be in charge slept with their children in separate cabins that were distant from the students’ cabins and were therefore unable to monitor the students for whom they were responsible. The boys were chaperoned by one unscreened/unauthorized male college student who slept with earplugs, thereby creating an environment that failed to protect girls. Because the school principal and teachers failed to follow the District required field trip planning procedures (they also failed to do so in previous years), there was only one authorized screened female chaperone for 27 students during the night in violation of District policies. Chaperones and teachers admitted they were ignorant of District policies (even though they had taken the students on this trip for three years) and lost control of the students both nights.

Our Daughter reported the sexual assault to her teacher the same morning. The teacher informed the school principal. The executive director of schools and assistant superintendent for operations were also notified. Moreover, the assailant told the school principal on the day of the assault that Our Daughter told him to stop touching her. Therefore, the District was aware of the sexual assault the day it occurred.

Our Daughter was in shock. NatureBridge staff took her to the emergency room at Olympic Medical Center in Port Angeles, where she was diagnosed and treated for sexual assault. She voluntarily agreed to a rape kit examination.

We asked the school principal the next day about what disciplinary actions had been meted out to the perpetrator so Our Daughter could return to school, but the principal refused to tell us. It was not until April 16, 2013, more than five months later, that the District informed us that the perpetrator had been emergency excluded from school, but did not tell us when the exclusion occurred or for how long. The District later told us that, emergency exclusion “is not a determination that he did or did not do anything wrong.” How could this be?

The Washington State Office of the Education Ombudsman publication *Discipline in Public Schools* states that:

Districts can expel students on an emergency basis when there is good and sufficient reason to believe that a student's presence would be unsafe to him/herself or to others. Districts can also order an emergency expulsion if a student's presence presents an immediate and continuing threat of substantial disruption to the education process. Emergency expulsions have no definite ending time. They continue until the school district says that the "emergency" is over or until a hearing officer changes it as a result of a hearing.

It was not until the end of June 2013 that we learned that the perpetrator was allowed to return to school on November 21, 2012, but there was no explanation of why the District believed his presence no longer contributed to a hostile environment against Our Daughter.

Because seeing the perpetrator may be traumatic, a complainant in a sexual harassment case may continue to be subject to a hostile environment if he or she does not know when the perpetrator will return to school or whether he or she will continue to share classes or a residence hall with the perpetrator.

Because Our Daughter was terrified of seeing the assailant at school and the principal would not reveal that he had been emergency excluded, Our Daughter did not want to return to school. Moreover, she learned that retaliation against her report of a sexual assault had begun. (This is detailed in the documentation included.)

In June 2013 we learned that the perpetrator had previously been emergency excluded from a District middle school for having sexual intercourse with a peer on school grounds during lunch period, which could have been another incident of sexual harassment perpetrated by the assailant. The District was aware or should have been aware that the perpetrator presented a risk of sexual harassment in an under-supervised setting, such as occurred on the November, 2012 field trip. School personnel ignored this risk. Instead, teachers and chaperones failed to read and abide by the District's own policies and procedures governing overnight field trips, thus creating an uncontrolled, unsafe, and hostile environment in which sexual harassment and sexual assault could and did occur.

School District personnel botched and mismanaged educational accommodations for Our Daughter, who suffered disabling PTSD post-assault and was unable to return to school. In December, 2012, the District qualified Our Daughter for a 504 accommodation based on a diagnosis of PTSD following the rape. The District then withdrew its 504 plan in response to our questions. During the months following the assault, we received contradictory information from the school administration. We asked the 504 coordinator to explain and describe the accommodations for Our Daughter, but she ceased and refused to communicate with us in January 2013. Moreover, the 504 coordinator's correspondence revealed a stark denial of the impact of rape and the ensuing disability Our Daughter suffered.

The District granted Our Daughter a school transfer with the November rape as the basis, yet the 504 coordinator would not explain how Our Daughter would be accommodated in a new school. Without providing us with this information, Our Daughter's attendance at

the new school would have placed her at an educational disadvantage compared to her peers. Further, the District did not provide required information on procedural safeguards. After already qualifying Our Daughter for a 504 accommodation in December, 2012, the District proposed to re-qualify her in April, 2013 when it was far too late to help her. The inability of Our Daughter to resume her education has been devastating.

In the months following the sexual assault, Our Daughter was subjected to retaliation from her peers, who accused her of lying about being raped and framing the perpetrator. This created a hostile environment under which she did not want to return to school, as documented by the therapist who treated her and by postings on social media. The school did nothing to pre-empt this retaliation. No school personnel ever inquired about retaliation against Our Daughter or informed us how to report retaliation. Moreover, they ignored our written concerns about retaliation.

On March 18, 2013, we wrote a complaint to the District Superintendent requesting an explanation of why the District had not investigated why Our Daughter was allowed to be sexually assaulted on a school field trip. The District wrote that it had not conducted its own investigation because of its longstanding practice to await the conclusion of a law enforcement investigation. The District also wrote that it was not aware that law enforcement had completed their investigation until we informed them in March 2013.

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. 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. (Dear Colleague Letter, 2011)

(Subsequently the District told the media that the FBI investigators told them not to investigate but this was an excuse for trying to shut down the complaint. KIRO 7 TV reported that the FBI never told the school to hold off an investigation. See media link.

The District subsequently alleged that it had already conducted the required independent investigation, even though it had previously told us that it was waiting for the conclusion of the law enforcement investigation before commencing its own investigation. This so-called independent investigation consisted of one teacher's second-hand report of a couple of interviews she observed. The teacher did not ask questions. In addition, the teacher did not observe the FBI interviews with Our Daughter or with the assailant. Therefore the District's so-called investigation was neither equitable nor substantive. In addition, the District never informed us of the findings of this so-called investigation until April 2013, five months after it occurred. Once we explained to the district why this "investigation" was inadequate, it decided "after further consideration" to conduct its own independent investigation, beginning in May, 2013, six months after the assault. This violates federal directives, which state that schools should not wait for a parent complaint before launching their own investigation:

The quality of the District's investigation was greatly undermined as a result of this delay as we detailed to the District. For example, the District did not interview Our Daughter in the three and a half months before she entered residential treatment in February 2013. Moreover, Our Daughter's educational opportunities were unfairly compromised because the District failed to conduct a prompt and equitable investigation so she could have returned to school. Her inability to return to school without harassment and to rebuild her life was devastating.

The District's independent investigator wrote a draft report dated June 28, 2013. He requested us to contribute additional information, which we did on October 18, 2013, including Our Daughter's written account of events, law enforcement reports, verification of her Washington State crime victim's status, information concerning chaperone negligence from our public records search, screenshots demonstrating retaliation, and objective medical evidence corroborating Our Daughter's treatment for sexual assault and PTSD as a result of the assault. The independent investigator did not have an opportunity to incorporate the information we supplied into his final report because the District terminated his investigation. The information we provided, including an account from a mother that her daughter witnessed a rape, exposed the District's culpability.

On January 15, 2014, we wrote to the District asking why it had not responded to the information we supplied on October 18, 2013. The Superintendent replied to our March 18, 2013 complaint on January 23, 2014 informing us that the District had determined that there was "insufficient evidence" to conclude Our Daughter "was the victim of harassment." The District reached its conclusion ten months after our March, 2013 complaint and more than 14 months after the assault. This can hardly be considered a prompt investigation. Our Daughter's high school educational opportunity was derailed as a result of the District's failure to promptly investigate. The District's failure to promptly and equitably respond to the report of sexual assault was devastating for Our Daughter. As will be seen this decision was grossly biased against the female victim and designed to relieve the District of liability for the assault.

On February 14, 2014, we appealed the Superintendent's decision to the District Board of Directors. In our appeal, we noted that the District had not addressed our complaint regarding, among other things, the improper and inadequate adult supervision on the field trip that created an unsafe environment in which sexual assault could and did occur. The District justified its decision on the grounds that the US Attorney's Office did not file criminal rape charges against the perpetrator, even though we cited correspondence from the National Park Service Chief Ranger that stated, "The US Attorney has not determined that no sexual assault occurred." The District's rationale contradicts its responsibilities and their excuse was exposed to be a lie by KIRO 7 media.

In its memoranda to the School Board, the District devalued, discounted, and ignored objective information that we supplied demonstrating that Our Daughter did not welcome the sexual conduct of the assailant and was immediately thereafter treated by medical professionals for sexual assault and the ensuing PTSD. The District possessed both the account provided by Our Daughter, and the perpetrator's own account that he gave to the National Park Service investigators after the assault, both of which state that Our

Daughter clearly told the perpetrator to stop the sexual conduct multiple times. The perpetrator acknowledged that Our Daughter used a code word to tell him to stop, but he continued sexually touching her in increasingly more invasive and aggressive ways. By telling the perpetrator to stop more than once, Our Daughter made it clear that his conduct was unwelcome, as defined by Washington State law and OCR:

Conduct is considered unwelcome if the student did not request or invite it and considered the conduct to be undesirable or offensive. The age of the student, the nature of the conduct, and other relevant factors affect whether a student was capable of welcoming the sexual conduct. A student's submission to the conduct or failure to complain does not always mean that the conduct was welcome. (Sexual Harassment: It's Not Academic, 2008)

Moreover, the objective medical reports and diagnoses we supplied to the District support that Our Daughter suffered physical and psychological trauma from the sexual encounter, which is inconsistent with the perpetrator's claim that the sexual touching was welcome. In addition, the assailant told law enforcement investigators that he never ejaculated, which contradicts the medical evidence we provided to the District. Further, the District's own investigator was skeptical of the assailant's claim that Our Daughter would have welcomed 10 minutes of anal sex.

The District ignored this evidence and instead adopted an advocacy role for the perpetrator, claiming that although Our Daughter told to him to stop touching her, the male student "believed he then persuaded her to allow him to continue," as stated in its legal memorandum to the School Board. The District apparently believes that the male student "persuaded" his victim to consent when he actually overpowered her. The District accepts the assailant's story as credible at face value, notwithstanding his prior discipline record of sexual misconduct at school. For these and other reasons, including its failure to consider a report from a mother who said her daughter witnessed rape, the District clearly discounts the testimony of females and fosters a culture of sexual violence and discrimination against the female victim of sexual assault.

For the appeal hearing, we provided the School Board with ample information to make an informed decision, including state and federal definitions of sexual harassment, rape, and Title IX requirements. Yet District legal staff wrongly counseled the Board that Title IX requirements were irrelevant to our appeal hearing. Only after the School Board had rendered a decision based on faulty and incomplete information from the District legal department did a School Board Director write to OSPI requesting the same Title IX information we had earlier provided to the District and the School Board. Moreover, this information should have been made available through the District's Title IX officer.

The District has evidence that the sexual touching by the perpetrator was more likely than not unwelcome by Our Daughter. But because the District has repeatedly voiced to us its concern about its potential liability for the assault, we find it difficult to believe that its adjudication process was impartial, as evidenced by the District ignoring our inquiries, attempting to shut down the report of sexual assault, failing to commence an independent investigation in a timely manner, ignoring objective medical and forensic evidence that

we provided, advocating for the perpetrator, and terminating its own independent investigation without allowing the investigator to incorporate the documentation we provided in a final report. The latter raises a question of conflict of interest with respect to the District adjudicating evidence when it has an avowed concern about its liability.

Additionally, the District refused our offer to participate in interviews while it invited other parents to, and it hid essential information from its report, such as a mother (another female) reporting her daughter witnessed a rape. We further have doubts about the impartiality of the District's regularly hired investigator, Richard Kaiser, who denied our request to record his interview with us, even though he permitted recording of his interview with another informant. The District simply didn't want information that validated Our Daughter's account of events.

**The District discriminated on the basis of gender by not giving Our Daughter's report of sexual assault equal credence with the perpetrator's claim of a consensual sexual encounter.** The male school principal initially told us that perpetrator admitted to having consensual sex with Our Daughter, but then reversed himself and falsely stated that he had only told us that a student came forward with "information." He further insinuated that she had made a false allegation of assault absent any objective information and without acknowledging that the assailant could have falsely alleged that the sexual encounter was consensual. In addition, the principal already knew directly from the assailant on November 8, 2012 that Our Daughter told him to stop touching her and that "stop" is an indication of unwanted touching. Rather than commencing the required prompt and equitable investigation, the principal and District effectively shut down the report of sexual assault and failed to inform the victim of her rights. All of the above is documented in correspondence and the investigation reports.

Considering the assailant's prior record of sexual misconduct in 2010, the school should have transferred him and recommended counseling. This is detailed in a recent letter challenging the District to explain why he wasn't appropriately disciplined. We believe the failure to determine whether he sexually assaulted a girl in 2010 and the failure to acknowledge that he raped Our Daughter in 2012—which would have given him more serious consequences—was discriminatory.

Clearly, the District privileged the assailant's allegation of consensual sex to permit him, a valued XXXXXX, to remain at school rather than promptly remedying the hostile educational environment for Our Daughter to afford her the right to an equal education free of sexual harassment.

The District treated the reported sexual assault with deliberate indifference, writing us that there was no need for the District to take action to remedy the hostile environment after the assault because Our Daughter was not attending school, even though it was the hostile environment and fear of retaliation that prevented her from returning to the school in the first place. To further relieve itself of responsibility for protecting its students against sexual harassment/violence, the District adopted the ad hoc policy that on school-sponsored field trips, sexual intercourse between students, wanted or unwanted, can still occur under unexplained "specific circumstances" even when chaperones are performing

their duties. This cavalier attitude targets girls who are most likely to be assaulted.

## **Summary**

The District has an obligation to extend to all of its students protection from sexual violence. The plain truth is that the Seattle School District completely ignored its obligations towards Our Daughter in the aftermath of the rape. It did not conduct the required prompt and equitable investigation because it offered the excuse that a federal investigation was ongoing, it failed to inform the victim of the sanctions it applied against the perpetrator and to take steps to defuse a hostile environment at Garfield High School so Our Daughter could continue her education there, it failed to inform Our Daughter of her civil rights, and it failed to take prompt actions to correct its policies that lead to the assault in the first place. Instead, the District was first and foremost concerned about its potential liability, informing us more than once that it “does not acknowledge that a sexual assault occurred or, if it did, that the District is at fault.” The discrimination did not end with the assault. It has continued to the present day as documented below.

## **Ongoing and Recent Related Gender Based Discrimination.**

January-March 2014. School Board privileges assailant’s testimony that he “persuaded” the female student to have vaginal sex and 10 minutes of anal sex. Ignoring all medical documentation and the assailant’s own testimony that she told him to stop multiple times, the board upholds the Superintendent’s decision that she was not even the victim of sexual harassment. (This is clearly documented in a PDF entitled Sexual Assault Case Documents. In particular see the McEvoy and Cerqui memos in which the legal department improperly narrowed our complaint and assumed an advocacy role for the assailant).

May 21, 2014 District continues to refuse informing the female victim, as required, on the procedure to file a complaint of discrimination. District attempts to shut down the complaint of gender based discrimination. See letter of 21 May 2014 and correspondence regarding District’s responsibilities.

Beginning in July 2014, the district releases numerous documents with FERPA violations that discriminate against the victim who reported sexual assault. The violations were so obvious, spread across pages, that they couldn’t be accidental. These violations have a chilling effect and discourage others from reporting sexual harassment and gender- based discrimination. Several letters indicating FERPA violations are included.

July 2014. District insists, despite our objections, on releasing its “unbiased” investigation report from July 2013 report with second hand information about the female’s mental health condition. The person who made those remarks, the School Counselor, was the subject of the parents’ staff complaint (among others), for providing misinformation about educational accommodations needed after the assault. We believe this is retaliatory and casts the female victim in a negative light. The inclusion of this unverified information adds nothing informative to the account. We believe this information also violates privacy protected medical information and is included only to



disparage the female victim. This is documented in correspondence available upon request.

On August 19 and Sept. 3 2014 the Seattle School Board's president Peaslee made outrageous remarks that engendered public outcry. See parents' letter to Peaslee/School District of Aug. 22, 2014. Ms. Peaslee lied about the facts of the case and tried to deflect responsibility for the District's failure to protect students and lawfully follow the required steps after the assault was reported. In her remarks Peaslee assumed an advocacy role for the assailant but discounted the retaliation the female victim received when she reported the rape (and was unprotected from retaliation by the school, as she should have been). Peaslee stated numerous time that the failure to prosecute was relevant when in actual fact she had numerous statements from the Chief Investigator that the failure to prosecute had no bearing on the case. Peaslee's remarks discriminated against the female victim and cast her in a negative light. They have been interpreted by the public as victim-blaming. The school district made these remarks to improve its image in the public eye but the effect was to cast aspersions on the female victim. Peaslee's Aug. 20 remarks can be seen at the end of this

<http://www.seattlechannel.org/videos/video.asp?ID=6560&file=1>

Outrage here: <http://slog.thestranger.com/slog/archives/2014/08/21/school-board-presidents-comments-on-alleged-garfield-rape-case-appall-and-dishearten>

<http://www.capitolhillseattle.com/2014/08/seattle-schools-responds-to-mistakes-made-in-garfield-high-rape-investigation/>

Peaslee's September 3, 2014 remarks are quoted on the Save Seattle Schools blog or viewed at the end of this link: <http://www.seattlechannel.org/videos/video.asp?ID=6564> There UW researcher Kelly Kajumulo informs Seattle School Board president Peaslee how her fallacious rhetoric violates victims; civil rights. Scroll to minute 3.

August 2014. The District prepared a report in response to the parents' Staff Complaint of Feb. 2014. This District's findings of August 2014 distort and trivialize the original Staff Complaint that included a complaint of gender discrimination. Thus the August 2014 report continues this discrimination against the female victim.

September 28, 2014. A member of the public reported that the District's documents have numerous Ferpa and other privacy violations that are discriminatory. For example, the male assailant's extracurricular identifying information (XXXXXXXXXX) is redacted but the female's identifying extracurricular activities (elite instrumental ensemble) are not.

### **Discrimination based on XXXXXXXX**

This sensitive issue merits exploration. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX. The District has protected the male assailant by not appropriately disciplining him for sexual assault even though he admitted to the principal when the bus



community. Insofar as this was not the first year in which the principal authorized overnight field trips without screening or naming all chaperones, and insofar it was the third year that the teachers had failed to read chaperone rules, the school has a track record of failing to provide a safe environment that protects girls from sexual assault. The tragedy that befell Our Daughter should serve as an important lesson to those who seek to combat sexual assault at the secondary school level. To spare others the life-scarring trauma and derailment of education that Our Daughter experienced, we ask you to find an entirely independent agent with no prior association with the District to investigate this complaint.

Sincerely,

The Parents of the Garfield Rape Victim

### **Additional information**

#### **Other examples of sexual harassment of girls at Garfield High School:**

1. <https://www.facebook.com/pages/Garfield-High-School/10548330281928>

“Our Daughter took french her junior year planning to take it again her senior year to meet college admission requirements. However, French was cancelled for her senior year. She was told to go to another school for french class each day or to take a night class at a Community College. The story was that they had to either cancel a security person, the school nurse or french class to make the budget year. The following year they hired a special spanish teacher who held a class for THREE school athletes who needed to pass spanish to continue their athletic career in college. It is difficult for me to put my anger and frustration into words.

I would guess that those who give the school high ratings are either athletes, or AP students. If you're not one of these two things, you are 100% off Ted Howard's radar.

During freshman year Our Daughter was sexually harassed by another student. Over and over he would get her up against a wall and put a hand on either side of her then harass her to go out with him, and try to make her kiss him before she could walk into the classroom. She had no luck going to administration so we, her parents, stepped in. Finally got an in school restraining order against him and guess what. The next quarter she was placed in a class with him and nothing could/would be done to change this.

Senior year a student wrote a pornographic poem about Our Daughter, put it on his twitter, and it was all over the school within days. Students were showing it to Our Daughter, She was humiliated and afraid to go to school. We sent eight e mails to the administrator in charge with no response. I finally contacted the school board and lo and behold the administrator got in touch with us. She arranged a meeting with Our Daughter,

my husband and I, the student who wrote the poem, and his mother.

During the entire meeting the administrator kept making statements to cover her own behind. Things about going through the correct channels, she had planned on getting back to us etc. etc. The parents ultimately worked out a plan to help solve the problem. The boy apologized, the parent of the boy and my husband and I explained to him why/how he had hurt Our Daughter. We made a plan for going forward....all without an iota of input from the administrator. She did not care a bit about the students. Just covering her own backside since I had contacted the school board.

I will stop for now but oh the stories I could tell. A fine, fine school indeed!"

2. A current Garfield student, Yonathan beruk Beruk, wrote about the rape of his friend at a dance on a petition site to remove the Garfield principal who discriminated against Our Daughter: <https://www.change.org/p/seattle-public-school-board-new-garfield-principal-for-2014-2015-school-year>

"I am a student at Garfield. My close friend was raped at a School Dance freshman year. Nothing was done in response to multiple reports. I was suspended & almost expelled for an accusatory claim that I "assisted" the theft a phone on a witness report THAT DID NOT EXIST. My uncle, who is a lawyer, had to come & show the superb garfield staff that falsifying evidence & effecting disciplinary action without proof of misconduct (which, as later-found had not occurred) is lawsuit-worthy. I was searched without cause or evidence of association with a crime twice, and found of nothing. The abuse of power, inflation of ego & appearance of control is more important than the welfare of the students & upholding a supportive educational environment prioritizing moral justice over institutional brand. Garfield has untapped potential & wondrous talents. Allowing budget cuts to the arts & vocations & teaching staff is an action that limits the encouragement & discovery of these talents & potentials. Garfield needs a new leader. One that encourages, helps, improves, maintains & protects the academic & moral virtues of this institution (as much as I hate school). Not one that uses detention slips as currency."

3. Another victim of assault in the same school system wrote us: (Redacted to protect her privacy but we have her name and phone number).

"I am writing to you, because after reading the Aljazeera piece, I can't even describe to you the uncanny parallels between your Daughter's and my cases. I was assaulted by two boys on an REDACTED overnight field trip. I did everything I was supposed to do, I waited till I was safe and told and adult what had happened. I was immediately put into quarantine on the field trip as they "investigated." Aka, I sat in my hotel room and watched the boys play with my friends in the hotel pool, below. The boys got their stories straight, and I was told that "they've got rights too." In a matter of minutes, all of my friends had the boys' "sides of the story," and I learned who my true friends were...next to no one. In the days than ensued, I became everything from "the slut who wanted it" to "on my period so nothing even happened." It was like the district was acting for the defense the entire time. Every piece of evidence I had against them was discounted, while

shoddy "witness" testimony or random and honestly ridiculous lies were being taken as serious evidence of my story.

Unlike your daughter, I did return to school. I had no friends, and I felt unsafe constantly. It took two years, but I finally transferred schools away from Garfield (where me and the two boys went). This finally came about, when a member of the district who had been involved in my "investigation" came to visit me at school two years later and wanted to 'check in.' His visit triggered my own PTSD, and I became a wreck. The school "suggested" that it might be best if I transfer, so I did. I felt like they had won at first, although after some time I just felt relief. I was able to talk about what had happened, without people judging me based on their preconceived notions of what they felt happened. Now I am not so sure how I feel about it, even after years of counseling and healing. My anger lies more with the XXX and XXXX and the school district than with the two boys, honestly. Although it would be nice if they would just admit to what they did to me.”

**Here is a list of relevant documents:**

Any and all documents or correspondence to or from Richard Kaiser referencing or regarding his Report to Seattle Public Schools dated July 5, 2013 and staff misconduct report of August 2014.

1. Any and all data, documents, or other tangible evidence reviewed or relied upon by Richard Kaiser in creating his Report to Seattle Public Schools dated July 5, 2013
2. Any and all disciplinary documents for “Student 2” in Richard Kaiser’s Report to Seattle Public Schools dated July 5, 2013
3. Any and all documents or correspondence regarding "a student to student sexual assault that took place on school grounds and is centered on the level of supervision that should have been provided to the students at the time the assault took place" as described in the Proposed Action Report to the Seattle School Board of Directors dated October 28, 2013
4. Any and all documents regarding incidences of Lewd Conduct (ID #42857) that occurred on 10/30/2010 at XXXXX Middle School
5. Any and all disciplinary documents for all unnamed students in Richard Kaiser’s Report to Seattle Public Schools dated July 5, 2013
6. Any and all documents or reports pertaining to violations of E-215 including lewd conduct, harassment, sexual harassment, sexual assault from 2009-2014 in the District.
7. Any and all documents or records from 2009-2014 pertaining to violations of E-215 including lewd conduct, harassment, sexual harassment, sexual assault in the District.

8. Any and all documents or records, including the Seattle Public School's responses, pertaining to complaints of discrimination on the basis of XXXX and gender from 2009-2014.
9. Any and all documents, records, or correspondence pertaining to the report of the rape of Our Daughter by XXXXXXXX to Serena Samar and Ted Howard
10. Any and all documents, records, or correspondence between the administration and families whose students were interviewed in the Kaiser investigation
11. Any and all documents, records, or correspondence to or from the School Board regarding or referencing Our Daughter complaints against the SPS
12. Any and all documents, records, or correspondence concerning media coverage or responses thereto of sexual assault involving Garfield High School students, the Nov. 7, 2014 assault, Our Daughter, Title IX investigations, the parents of Our Daughter, sexual assault involving Garfield High School Students, Garfield High School field trips, Nature Bridge, and/or Title IX compliance
13. Any and all documents, records, or correspondence regarding the allegations of sexual assault that occurred during the Garfield High School field trip to Nature Bridge on November 5-7, 2012
14. Any and all documents, records, or correspondence regarding sexual assaults reported to the Seattle Public Schools from 2009-2014
15. Any and all documents, records, or correspondence provided to OCR, regarding Our Daughter, after Sept 1, 2014
16. Any and all documents, records, or correspondence regarding the sexual harassment/assaults of XXXXXXXXXXXXX, Yonathan Beruk, assaults at Garfield High School dances, Nan Stephens, XXXXXXXXXXXXXXX, and sexual assaults on field trips to Ghana
17. Any and all documents, records, or correspondence to or from the Seattle Public Schools with the FBI including FBI directives to the Seattle School District from November 5, 2012 to present
18. Any and all documents, records, or correspondence regarding accommodations made or offered by the Seattle Public Schools for Our Daughter.
19. Any and all documents, records, or correspondence to or from Seattle Public Schools and/or its employees, board members, or agents concerning the staff investigation conducted by Richard Kaiser and Michael Tolley
20. Any and all documents or records relied upon by the Seattle Public Schools in making its determination that Our Daughter was not sexually harassed or raped
21. Any and all documents, records, or correspondence to or from Seattle Public Schools and/or its employees, board members, or agents concerning the medical records of Our Daughter
22. Any and all documents, records, or correspondence to or from the 504 coordinator Carol Rusimovic/staff and the SPSA concerning the withdrawing of the District's signed 504 plan for VICTIM.
23. Any and all documents, records, or correspondence to or from Seattle Public Schools and/or its employees, board members, or agents concerning the SPSA's decision to grant a school transfer for Our Daughter

24. Any and all documents, records, or correspondence to or from Seattle Public Schools and/or its employees, board members, or agents concerning the report by XXXXXX that her daughter witnessed a rape
25. Any and all documents, records, or correspondence to or from Seattle Public Schools and/or its employees, board members, or agents concerning Richard Kaiser's investigations
26. Any and all documents, records, or correspondence to or from Seattle Public Schools and/or its employees, board members, or agents concerning Title IX failures or failures to follow field trip procedures that occurred before, during, or after the Garfield High School field trip to Nature Bridge on November 5-7, 2012
27. Any and all documents, records, or correspondence to or from Ron English regarding sex during school field trips
28. Any and all documents, records, or correspondence regarding the SPS's practice of delaying investigations when law enforcement is conducting an investigation
29. Any and all documents, records, or correspondence showing the District's compliance/non-compliance with requirements pertaining to harassment, sexual harassment/assault, and all forms of violence on campuses or during field trip from 2009-2014.
30. Any and all investigation reports into sexual harassment/violence from 2009-2014
31. Any and all documents, records, or correspondence to or from Seattle Public Schools and/or its employees, board members, or agents regarding FERPA and the Victim's family
32. Any and all documents, records, or correspondence to or from Seattle Public Schools and/or its employees, board members, or agents, including John Cerqui, explaining that an assailant may persuade his/her victim to have sex
33. Any and all documents, records, or correspondence regarding students' reports to GHS/SPS about the assault of Our Daughter
34. Any and all documents, records, or correspondence to or from Kenneth Courtney, counseling staff, Carol Rusimovic, and others concerning the contradictory information given Victim/family about academic accommodations post assault
35. Any and all documents, records, or correspondence concerning the inclusion of undocumented medical information provided by Kenneth Courtney in the District's June 2013 Kaiser report.
36. Any and all documents, records, or correspondence concerning the District's decision not to immediately disclose the emergency exclusion of the assailant after the assault to the victim as required by Title IX
37. Any and all documents, records, or correspondence concerning Seattle Police Officer Bernie Radford's and other officers' knowledge of the assailant's identity.
38. Parent's August 2014 response to District's staff misconduct report.

We will provide any necessary assistance with locating/identifying documents to prove discrimination.

