

September 25, 2014

TO: Dr. Larry Nyland, Acting Superintendent Seattle Public Schools

FROM: PARENTS

RE: Staff Complaint in regards to the sexual assault on our daughter at NatureBridge November 2012

CC: Seattle Public Schools Board of Directors, OSPI Office of Professional Practices, ESD Superintendents

Dr. Nyland:

On August 18 we wrote you regarding the inadequate way the District responded to our staff complaint of this February. A month has passed and no one has replied to our letter nor has anyone even bothered to acknowledge it. This continues the District's pattern of ignoring and deflecting our legitimate grievances. We now ask that you request the OSPI Office of Profession Practice (OPP) to perform an investigation.

In our February complaint we asserted that Seattle Public School staff failed to follow District procedures designed to keep students safe on field trips, and by doing so created an uncontrolled and unsafe environment in which a sexual assault could and did occur. As we explained in our August 18 letter, the District improperly misframed our complaint to be about deception and intent when it was actually about noncompliance with established policies and procedures in place to ensure student safety and equitable treatment of students who report acts of sexual violence.

As listed in Exhibit A, these actions and inactions by SPS staff violate the Code of Professional Conduct for Education Practitioners published and enforced by OPP, specifically WAC 181-87-060 (1), disregard or abandonment of generally recognized professional standards.¹

We reiterate that although the District administration publicly claims to take matters of student safety seriously, its actions belie this. It refuses to hold accountable staff who ignore established procedures designed to keep students safe. The result is that staff adopt a "loose mentality" toward complying with these procedures because they know that they are not held accountable.²

Regardless of any other complaints or potential legal claims connected to this case, the facts are that SPS staff violated policies and procedures described in Exhibit A. We will not let the District sidestep its responsibilities. The District owes the community transparency concerning staff accountability in matters of student safety. The responsible action is to request an OPP investigation.

We expect the courtesy of a prompt response.

PARENTS

¹ WAC 181-87-060: "Any performance of professional practice in flagrant disregard or clear abandonment of generally recognized professional standards in the course of any of the following professional practices is an act of unprofessional conduct: (1) Assessment, treatment, instruction, or supervision of students."

² A Garfield HS internal audit dated June 19, 2014 reveals that the school still did not adhere to volunteer policies a year and a half after the NatureBridge field trip in November 2012.

Exhibit A

A. Complaints against teachers Heather Snookal, Rachel Finley, and Alicia Arnold

1. Unprofessional conduct regarding planning an overnight field trip to NatureBridge on November 5-7, 2012

Relevant SPS policies and procedures:

- Seattle Public Schools Field Trip Procedures (“Field Trip Procedures”)
- Guidelines for Volunteer Field Trip Chaperones (“Guidelines for Chaperones”)
- Seattle Public Schools Field Trip Packet and Checklists
- Policy 2320 Field Trips & Excursions

a. Teachers and the chaperones they supervised had not read the district’s field trip procedures and were therefore not aware of their responsibilities therein.

“During this investigation, I showed Ms. Snookal the relevant excerpt of these guidelines. She indicated that she had not previously seen these procedures or shown them to Ms. Finley or any of the Chaperones who went on the field trip.”³

“During this investigation, none of the Chaperones indicated that they had previously seen the District’s Field Trip Procedures.”⁴

“It also appears that Ms. Snookal was not familiar with the District’s procedures.”⁵

“Ms. Snookal also indicated that nobody ever trained her on the District’s expectations for complying with any of the procedures governing multi-day field trips.”⁶

“Ms. Snookal indicated that she did not remember reading the guidelines before she signed them.”⁷

b. The teacher in charge, Heather Snookal, did not ensure that the students’ permission forms were submitted in a timely manner.

“Did Ms. Snookal fail to timely secure the students’ Informed Consent/Permission to Participate Forms? Yes.”⁸

c. Ms. Snookal did not verify the names of all people who were to go on the field trip.

“The Site Approval Checklist also requires the certified staff member in charge of the trip to verify the names of all persons who actually go on the trip one week prior to the field trip. Nobody verified this list.”⁹

³ SPS-Garfield HS Investigative Report July 5, 2013 prepared by Richard Kaiser (“Kaiser Report”), page 5

⁴ Ibid, page 6

⁵ Staff Investigative Reports July 15, 2014 prepared by Richard Kaiser (“Kaiser Staff Reports”), page 19

⁶ Ibid, page 51

⁷ Ibid, page 54

⁸ Ibid, page 55

⁹ Ibid, page 21

d. The teachers brought their small children on the trip without the principal's approval, as required by the "Guidelines for Volunteer Field Trip Chaperones," which the teachers had signed and attested that they had read and had agreed to comply with.

"Did Ms. Finley fail to obtain an administrator's approval prior to taking her daughter on the field trip? Yes."¹⁰

"Did Ms. Snookal fail to obtain an administrator's approval prior to taking her son on the field trip? Yes."¹¹

e. Teachers did not set up a pre-trip informational meeting with parents during which teachers could inform parents of their children's sleeping arrangements (in adjacent unlocked cabins), chaperoning (one male chaperone for 14 boys and absence of a night watch), and offer parents an opportunity to ask questions so as to evaluate the risks to their children and make informed decisions.

"For more involved field trips (out of country or overnight stays), provide a more formal opportunity for questions, such as an informational meeting for parents/guardians. Discuss pertinent information regarding the proposed trip."¹²

2. Unprofessional conduct regarding supervision of students during the field trip to NatureBridge on November 5-7, 2012

Relevant SPS policies and procedures:

- Field Trip Procedures
- Guidelines for Chaperones
- Policy 2320 Field Trips & Excursions

a. Chaperones under the teachers' supervision admit they could not control students' comings and goings after curfew the first night but made no effort to rectify the situation the following evening, when the assault occurred, or enforce rules by administering consequences.¹³

"One of the duties owed to students in schools and on field trips is proper supervision. The main purpose of supervision is to help protect students from injury or diminish risk of student injury. Adults do not automatically have the skills necessary to appropriately supervise students. Teach chaperones applicable school district policies and procedures and their duties and responsibilities.

"Chaperone responsibilities and training: Presence and attentiveness. Being with students at all times and keeping students easily in sight. (If one of the chaperones cannot see the students, the students are not being properly supervised.) Not becoming distracted from duties. Student behavior monitoring and intervention.

¹⁰ Ibid, page 39

¹¹ Ibid, page 54

¹² Field trip procedures, page 16

¹³ Kaiser Report, pages 5-10

“Being knowledgeable of and consistently enforcing school rules and policies. Restricting students from leaving the group, roughhousing, horseplay, or other inappropriate behavior. Taking appropriate action when rules are not followed or a student is in danger.”¹⁴

“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.”¹⁵

b. Teachers slept with their small children in separate cabins, which were distant from the students’ cabins and out of line-of-sight in the dark, and from which the teachers could not see or hear the students they were responsible for.¹⁶

“Family members or friends of a chaperone may not participate in a District-sponsored field trip or event unless prior approval has been obtained from the building principal. Additional small children can distract you from your duties as a chaperone.”¹⁷

c. Teachers and chaperones failed to enforce the NatureBridge student code of conduct that forbade students from entering the cabins of the opposite sex. Although the teachers required students to sign this code of conduct, they did not enforce it. The teachers permitted students to leave their cabins and wander the grounds during the night without supervision.

Chaperone agreement:

- I understand that my primary responsibility while at NatureBridge is to supervise students. I am directly responsible for students during free time and meals, as well as in the cabins overnight. I will not give students permission to leave campus or be on the lakeshore without an adult present.
- I have reviewed the STUDENT CONTRACT, which outlines the behavior we expect from students during our program. I will guide student behavior using this contract as a framework to prevent any unacceptable behavior that may result in a negative program experience.

Student contract:

- I agree to respect the privacy, property, and feelings of others. I understand that we will be living together in cabins and sharing the campus.
- I agree to treat my fellow students, chaperones, and educators with respect. I understand that how I talk to people is important. I will also do my best to pay attention when someone is talking to me, whether it is a chaperone, a NatureBridge Educator or my best friend.
- I agree to stay out of other students’ cabins.
- I understand that lights out is at 9:30 pm. I agree to be quiet and respectful in the evening so that everyone can get enough sleep to participate and stay healthy.¹⁸

¹⁴ Field trip procedures, page 18-19

¹⁵ Guidelines for chaperones, page 2

¹⁶ Kaiser Report, page 7

¹⁷ Guidelines for chaperones, page 2

d. Garfield teachers in charge of all three NatureBridge trips 2010-2012 failed to follow the required field trip planning procedures.

B. Complaints against Garfield counselor Kenneth Courtney

1. Unprofessional conduct regarding counseling the victim about accommodations and educational alternatives post-assault, which hampered the victim's family in choosing the best educational option for the victim given the hostile environment at Garfield.

C. Complaints against Garfield Assistant Principal Brad Westering

1. Unprofessional conduct regarding planning an overnight field trip to NatureBridge on November 5-7, 2012

Relevant SPS policies and procedures:

- Seattle Public Schools Field Trip Procedures ("Field Trip Procedures")
- Guidelines for Volunteer Field Trip Chaperones ("Guidelines for Chaperones")
- Seattle Public Schools Field Trip Packet and Checklists
- NatureBridge Field Trip Itinerary and Roster
- Policy 2320 Field Trips & Excursions

a. Mr. Westering failed to comply with District timelines for completing required pre-trip documents.

"Mr. Westering did not comply with the timelines in the Principal's checklist and Site Approval Checklist."¹⁹

b. Mr. Westering signed off that he had verified that all students had submitted their permission forms, when in fact they had not.

"Mr. Westering verified that all of the participating students had turned in their Consent/Permission to Participate Forms. As indicated above, this wasn't true.

"Mr. Westering also did not ensure that the students had timely turned in their Consent/Permission to Participate forms."²⁰

c. Mr. Westering signed off that he approved the chaperone list, even though the chaperone list did not contain the names of Nick Ward and Shelley Stromholt (who went on the field trip as chaperones) nor the required adult male to supervise the boys' cabin.

"Mr. Westering did not know Mr. Ward and Ms. Stromholt were serving as chaperones on the field trip."²¹

¹⁸ NatureBridge Chaperone and Student agreements

¹⁹ Kaiser Staff Reports, page 20

²⁰ Ibid, page 21

²¹ Ibid

d. Mr. Westering was not trained or familiar with District field trip procedures.

Mr. Westering was “not trained or familiar with field trip procedures.”²²

D. Complaints against Garfield HS Principal Ted Howard

1. Unprofessional conduct regarding staff supervision in planning an overnight field trip to NatureBridge on November 5-7, 2012

Relevant SPS policies and procedures:

- Field Trip Procedures
- Guidelines for Chaperones
- Seattle Public Schools Field Trip Packet and Checklists
- NatureBridge Field Trip Itinerary and Roster
- Policy 2320 Field Trips & Excursions

a. As Garfield Principal, Mr. Howard did not properly oversee and train his staff to comply with District field trip policies and procedures regarding an overnight field trip to NatureBridge on November 5-7, 2012

“Ms. Snookal also indicated that nobody ever trained her on the District’s expectations for complying with any of the procedures governing multi-day field trips.”²³

“Mr. Westering had no prior experience working as a District administrator and he was thus not trained or familiar with the field trip procedures.”²⁴

“During this investigation, I showed Ms. Snookal the relevant excerpt of these guidelines. She indicated that she had not previously seen these procedures or shown them to Ms. Finley or any of the Chaperones who went on the field trip.”²⁵

2. Unprofessional conduct regarding failure to respond to reported retaliation against our daughter after she reported a sexual assault

Relevant SPS policies and procedures:

- 3208 Sexual Harassment

a. Mr. Howard received correspondence from the victim’s family that documented harassment against the victim shortly after she reported a sexual assault, but he took no action to protect the victim from retaliation and remedy a hostile environment that prevented her return to Garfield HS.²⁶

²² Ibid, page 19

²³ Ibid, page 51

²⁴ Ibid, page 19

²⁵ SPS-Garfield HS Investigative Report July 5, 2013 prepared by Richard Kaiser (“Kaiser Report”), page 5

²⁶ Parents’ email message to Mr. Howard, December 22, 2012

“Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.”²⁷

E. Complaint against Assistant Superintendent Paul Apostle²⁸

1. Unprofessional conduct regarding nonperformance of duties as Title IX compliance officer.

Relevant SPS policies and procedures:

- Superintendent Policy 3208SP Sexual Harassment

a. Mr. Apostle failed to discharge his duties as Title IX compliance officer in response to a reported sexual assault in November 2012. The parents corresponded with Mr. Apostle regarding his responsibilities as Title IX officer. He did not answer the parents’ repeated inquiries and ultimately abandoned his responsibilities to the office of the General Counsel.²⁹

“The compliance officer shall receive and investigate all formal, written complaints of sexual harassment, or information in the compliance officer's possession that the officer believes requires further investigation.”³⁰

F. Complaint against Executive Director Nancy Coogan³¹

1. Unprofessional conduct regarding supervision in planning an overnight field trip to NatureBridge on November 5-7, 2012.

“Dr. Coogan approved the field trip even though the Principal’s checklist was incomplete....Mr. Westering told me that he signed section 3 because Dr. Coogan’s assistant directed him to do it even though he did not verify all of the students had turned in their Consent/Permission to Participate Forms.”³²

G. Complaint against Superintendent José Banda³³

1. Unprofessional conduct regarding failure to file a complaint when in the possession of information that staff committed unprofessional conduct.³⁴

²⁷ Policy 3208 Sexual Harassment, page 1

²⁸ Mr. Apostle is no longer employed by the District, but was a District employee at the time of our February 2014 complaint. The District never investigated our complaint while Mr. Apostle was a District employee.

²⁹ Parents’ correspondence with Mr. Apostle May 13, 15, 20, June 22, 2013

³⁰ Superintendent Policy 3208SP, page 2

³¹ Dr. Coogan is no longer employed by SPS.

³² Kaiser Staff Reports, page 20

³³ Mr. Banda is no longer employed by the District, but was a District employee at the time of our February 2014 complaint. The District never investigated our complaint while Mr. Banda was a District employee.

³⁴ WAC 181-86-110, 181-87-095: “The intentional or knowing failure of an educational service district superintendent, a district superintendent, or a chief administrator of a private school to file a complaint

Mr. Banda was in possession of the Kaiser Report and numerous correspondence that detailed the noncompliance with District policies by District staff, including Garfield HS teachers, Garfield administrators, and District administration, including Paul Apostle.

2. Noncompliance with procedures following reported sexual harassment and the complaint of the victim's family dated March 18, 2013.

a. The superintendent replied to our March 18, 2013 complaint in January 2014, fourteen months later.

“(2) Following the completion of the investigation, the designated employee or employees must provide the district superintendent with a full written report of the complaint and the results of the investigation. The district superintendent must respond in writing to the complaining party as expeditiously as possible but in no event later than thirty calendar days following receipt of such complaint by the school district, unless otherwise agreed to by the complainant.

(3) The response of the school district superintendent required by this section must include notice of the complainant's right to appeal to the school board, as set forth in WAC 392-190-070.”³⁵

3. Noncompliance with the requirement to inform the student of the procedures for filing a complaint of discrimination.³⁶

pursuant to WAC 181-86-110 regarding the lack of good moral character or personal fitness of an education practitioner or the commission of an act of unprofessional conduct by an education practitioner is an act of unprofessional conduct.”

³⁵ WAC 392-190-065. OSPI wrote that this did not occur.

³⁶ Letter from Calendra Sechrist, OSPI, May 22, 2014 “As best practice, the district should certainly refer people to the appropriate policies and procedures to file complaints.”