

## Contents

Staff complaint

Correspondence with Michael Tolley

Mr. Tolley,

All the points raised in our October 18, 2013 report and its supporting documents (pdfs accessed via the dropbox link we provided) should be considered a part of our complaint.

All points raised in our previous email correspondence to you and all others should be considered a part of our complaint.

Some individuals are referenced under complaints against others. For example Banda, English, and Howard are mentioned in connection with a complaint against Paul Apostle. In all such circumstances, the complaint should extend to all individuals mentioned.

This staff complaint is completely separate from our complaint against the school district for sexual assault. The district failed to address any of the staff complaints. Please find a synopsis of our complaint below which, again, extends to the above-referenced materials.

### **Complaint concerning Banda/Ron English**

Because General Counsel Ron English states that he speaks on behalf Superintendent José Banda, our personnel complaint applies to both individuals, even when one name is mentioned.

As the victim's parents, we believe the school district owes us an explanation of why our daughter was sexually assaulted on a school field trip. We expected Mr. English, and by extension Mr. Banda, to act in a timely, fair, and transparent manner. They did not. By not doing so they derailed our daughter's high school education trajectory and caused our daughter and entire family severe emotional and financial hardship.

**Failure to convey accurate information in a timely manner.** Mr. English, on behalf of Banda and the district, claimed to have provided a substantive investigation in the early months after the assault but failed even to know basic facts about the fieldtrip (number of students/chaperones) months after the trip had taken place, despite claims that the district had performed sufficient inquiries. (See correspondence pdf). We object to his failure to provide the required Title IX substantive and equitable investigation in a timely manner.

Instead of conveying accurate information and conducting the required investigation, English reversed/contradicted his assertions numerous times. (See correspondence pdf.) First he said it wasn't the district's policy to conduct an investigation until a criminal investigation is completed (in direct violation of Title IX requirements), then he said he actually had conducted an investigation, which consisted of a few bits of second hand

information. Ultimately we were obliged to write him “Which is it, Mr. English?” We object to these tactics designed to cover Banda/English’s failures.

English/Banda contended in writing that the district conducted a so-called investigation based on a few second-hand facts from teachers who were themselves culpable for failing to chaperone appropriately. This does not constitute an impartial and complete investigation.

English/Banda failed to voluntarily report on the district’s so-called investigation in the early months following the assault as required by Title IX.

English/Banda only commenced an investigation in May 2013 upon parents’ insistence and thereby failed to undertake the prompt and equitable investigation required by Title IX.

By delaying the investigation 7 months after the assault the investigation lost its opportunity to capitalize upon fresh information, instead allowing the assailant’s tales to become entrenched myth at Garfield High School.

English/Banda failed to seek a timely interview with our daughter in the 3.5 months she was in Seattle before she left for residential treatment in another state.

English claimed that the district’s policy is to wait for a criminal investigation to end before undertaken an investigation. This directly contradicts Title IX directives that require an investigation is to commence promptly regardless of a criminal investigation.

Even though Banda and English rationalized that their policy is to wait for a criminal investigation to end, they failed to inquire whether the FBI had completed its investigation and made no steps to commence their investigation promptly as required. Instead they did nothing until we informed them that the FBI investigation had been completed months earlier. We object to their excuses and failure to act as required by federal statutes.

English/Banda failed to conduct the required substantive and equitable investigation. Instead, they conducted a superficial investigation focusing on the stories of the assailant and his friend rather than addressing the chaperoning issues that allowed students to violate camp and district rules, unchecked by unscreened, unauthorized chaperones.

English/Banda failed to conduct an investigation to explain the circumstances that led up to the sexual assault of our daughter. They failed to uncover basic information critical to the investigation of sexual assault as detailed in our communications of September and October 2013.

Mr. English refused to allow us to participate in the investigation as we proposed in our correspondence of May 7, 2013 and detailed in our October 18, 2013 report. Had we participated, we could have generated far more substantive information than the district obtained from its interviews.

We object to Mr. Banda and Mr. English's failure to consider /comment upon the objectivity of teacher contributions to the investigation when these teachers' professional reputations are now at stake after failing to implement the prescribed fieldtrip pre/post planning and chaperoning protocols.

Banda and English provided a skewed picture of the circumstances surrounding the assault when they failed to disclose that the teachers slept completely out of sight of the students they were to be chaperoning, thus masking the chaperone circumstances that led to an assault. They failed to investigate and disclose critical information as detailed previously. They failed to provide the public with an accurate rendering of the facts that allowed our daughter to be damaged.

They failed to provide an objective investigation: instead they deflected attention from the teachers and pre-planning negligence to focus on the assailant's tale of consensual sex in an obvious attempt to mitigate liability. We object to this tactic.

English/Banda failed to explain why teachers brought their young children on the trip (one of whom was not authorized to attend), and why teachers slept in a distant location out of sight from the students whom unauthorized/unscreened chaperones lost control of.

Failed to explain why teachers did not participate in night-time chaperoning.

Failed to explain why the teachers, after seeing that chaperones lost control of the students the first night, did not make alternate chaperone arrangements for the second night when our daughter was assaulted.

English/Banda failed to explain why chaperones and teachers did not enlist assistance of NatureBridge staff to control the students' nocturnal wanderings.

Failed to explain why teachers/chaperones did not enforce NatureBridge's rules that prohibited boys and girls from entering each other's cabin. Students entered each other's cabins day and night.

English/ Banda in their investigation only relied upon tales of the assailant and his friend. They failed to delve into the chaperoning circumstances that led to harm, or focus on extensive factual information provided by the National Parks Service and our daughter's medical providers, as detailed in our Sept. 7 and October 2013 report.

English/Banda failed to consider the remarks made by the assailant's long time friend, the "eyewitness" to consensual sex to the National Parks Service, specifically that he "had the assailant's back," i.e. he would cover for him.

English/Banda failed to explain the many discrepancies between the assailant's and his friend's tales of consensual sex that contradicted their earlier testimony in National Parks Service report and our daughter's written report.

Banda and English ignored the critical information parents provided in their Oct. 18 report, for example the detailed analysis of the discrepancies and misinformation in the district's draft report. They failed to respond to this information, but ignored it out to mitigate liability.

Banda/English failed to explain how the assailant's own description of sexual assault in both the Kaiser and National Parks Service Reports does not meet the standard for sexual assault, according to both WA state law and the school district's definition. Even when our daughter told him to stop, by his own admission the assailant continued with increasingly intrusive behaviors.

Banda and English failed to comment on their own investigator's (Kaiser's) disbelief that the assailant could get a girl to engage in anal sex with him after he admitted to doing this to our daughter for 10 minutes.

Banda and English failed to consider the assailant's previous disciplinary record of having sexual intercourse during school hours on school property and how he would likely take advantage of an unsupervised situation.

Banda and English failed to explain why unauthorized college students served as chaperones, why the principal authorized a multi-day field trip without a single male chaperone, why only one screened female chaperone was authorized to be responsible for 27 boys and girls all night long for two nights, why the teachers slept at a distant location with at least one unauthorized young child, why teachers brought children when so few chaperones were authorized to participate, why two unscreened unauthorized college aged students took the teachers' place at night, why all chaperones and teachers failed to read/enforce district and camp policies regarding supervision, among other violations described in the complaints against chaperones, teachers, and Westering.

Banda and English failed to allow the victims parents' to participate in the investigation when we volunteered in May 2013 correspondence. We could have generated questions that would have produced substantive information. Their decision not include us allowed them to asks questions that would mitigate their liability. Their decision not to include us violated the Title IX requirement to provide a fair and equitable investigation.

After rejecting our participation in the investigation, Banda and English also failed to consider the basic and essential questions we submitted in writing (included in our report); answers to our questions would have unearthed what actually transpired on the fieldtrip. Instead, Banda/English conducted an inequitable investigation when it failed to consider our questions. Their investigation was perfunctory and superficial.

Banda and English failed to disclose that the investigator, Kaiser, had worked for the district before and that Kaiser had a relationship with the district that could compromise his objectivity. We object to Banda/English engaging an attorney who might have a personal stake in the investigation's outcome.

Banda/English should have engaged an entirely independent investigator with no ties to the district.

In addition, and by way of example, we object to Banda/English using an investigator who wrote that he would not include second hand information in his report but then included unverified second hand information from a school counseling staff member which disparaged our daughter. That staff could have easily included first hand information, such as our daughter's academic and community service achievements prior to the November 2012 assault. This is one example, among many, in which the investigator did not serve in an independent capacity when he reported information which he said would not be admitted to the report.

We object to Banda/English admitting this unverified information from the counselor, teachers, and others in the district's investigation.

Banda and English failed to produce, as requested in September and October 2013, an examination of the pre-planning documents to uncover the many violations that occurred such as authorizing a trip without any male chaperone, the principal's failure to screen chaperones, his and the teachers' failure to account for all individuals who attended, etc. as detailed in complaints against Westering, Snookal, and Finley. This information was uncovered by the parents public records request instead of through the district's internal review.

Our complaint includes the district's failure to answer basic and critical questions (as they appeared in correspondence) that should have been answered in a substantive, fair, objective, and equitable investigation. As a result, Banda/English provided a skewed picture of the circumstances that led to the assault. Instead of providing information that the district may already have known, instead of weighing the importance of our questions, instead of unearthing basic information, Mr. English replied (9/27/13) that our questions are irrelevant.

By way of example, we asked English to disclose how far the teachers slept from the students so that anyone reading the report would know that they resided in a distant location hidden by the darkness and trees, unable to see or hear the students they were

responsible for. Mr. English informed us he would not be paying anyone to measure the distance. Mr. English could have simply phoned NatureBridge to obtain this information as we ourselves did. We object to his determination that such information is irrelevant. Parents deserve basic information; they deserve to know how far removed the teachers were from their students. The Banda/English failed to provide answers because such information would further implicate the teachers and administrators who failed to protect our children.

We object to English's rationalization that the budget does not permit a substantive examination of this assault. We object that English/Banda spent their budget on the tales of the assailant and a friend rather than focusing on substantive information. We object that English/Banda place such a low priority, monetary and otherwise, on uncovering the truth about the chaperone circumstances and other failures to prevent a future occurrence. We object that Banda/English is not concerned with managing such risk before it occurs.

In their preoccupation with costs, Banda/English failed to weigh the cost of compensating victims for the aftermath of life-scaring events against the cost of uncovering the facts that would prevent future assault. They failed to uncover, examine, and acknowledge the circumstances that led to our daughter's assault and to take appropriate corrective action.

Absent any substantive information in the District's investigation, we strongly object to English and Banda placing the victim's parents in the position of advocating and conducting a parallel investigation that they failed to undertake.

Banda/English failed to acknowledge that we provided them material that they could not obtain from the authorities. The FBI material that arrived after our October 2013. report was so heavily redacted that it offered nothing of value. The materials we provided could easily have been utilized because it is obvious who the redacted individuals are: the assailant and his so-called eyewitness. These materials provided additional information without any content redaction. Nevertheless, the English/Banda failed to take information from the National Parks Service investigation into account, and thus disregarded a large body of information, much of which contradicted testimony in the district's investigation.

We object to having to educate the English/Banda and staff about Title IX requirements upon which its federal funding depends, to advocate for accountability, to advocate for continuity in our daughter's education in the midst of chaos, to advocate for her civil rights, and to have our lives shattered by the laxity that surrounded a school fieldtrip.

Banda and English, in their failures to protect our daughter, to extend her Title IX rights, to provide continuity in her education, have forced the victim's parents to squander hundreds, if not thousands of hours of our valuable time. We object to the negligence Banda allows, despite chaperoning problems on prior fieldtrips.

Banda and English failed to extend required civil rights to a sexual assault complainant by not complying with federal civil rights directives ("Title IX"), whether or not they cared to pretend that an assault did not occur. Banda/English's failed to conduct the required investigation to the letter of the law.

Mr. Banda, Mr. English (Ted Howard and Paul Apostle) failed to extend any and all Title IX protections immediately following the report of an assault as it was required to, even though they preferred to wait indefinitely for a criminal investigation to complete while ignoring the preponderance of evidence standard that governs protection from sexual harassment and sexual violence.

Banda, English, Apostle, and Howard wrongly withheld Title IX rights by pretending sexual assault did not occur. They were obliged to immediately take our daughter's report seriously and grant her Title IX rights whether or not they personally agreed with her complaint.

We object to the failure of English, Banda, Howard, and Apostle to consider the report of rape, thereby relieving themselves of the liability for negligent chaperoning. They rationalized that our daughter was not raped and therefore not injured. Then, after making that determination the district concluded that its chaperoning didn't matter. Through this misplaced emphasis they attempted to deflect attention from the chaperoning negligence that led to harm and their failure to implement Title IX requirements.

Banda/English failed to answer our questions about the chaperoning that occurred on the field trip during which our daughter was sexually assaulted and instead pretended there is no connection between improper chaperoning and the sexual assault.

We object to the Banda/English/Howard/Westerling/chaperones/teachers failing to take any accountability for the chaotic pre-planning and chaperoning that occurred, regardless of its tactic to pretend an assault did not occur.

We object to English having harangued us with repeated requests to access privacy protected medical records. We object to his unrelenting demands to □□□□□'s privacy protected medical documents as if they would somehow answer questions about chaperone negligence.

We object to English's tactic of delaying an investigation over demands for such documents that we could not legally release nor which had any bearing on the chaperoning procedures.

We object that Banda, English, Apostle, and Howard arbitrarily ignored or discounted medical and other information we supplied that documents the sexual assault and its effect on □□□□□



We object that Banda, English, and Howard failed to explain why they believe our daughter had alleged consensual sex with the assailant when all of the medical professionals who treated her diagnosed PTSD after a sexual assault. We object to their failure to admit that medical diagnoses are based on fact, not speculation.

Banda and English failed to explain why the assailant's admission of forcing himself upon our daughter after being told to stop multiple times (as he admitted in the National Park Service report, to Howard, and in the Kaiser report) does not meet the standard of rape in the State of Washington let alone the District's own code of prohibited behavior.

Banda and English did not comply with mandatory complaint procedures. They thwarted the complaint pathway by failing to provide required responses to our complaint: they would not reply, when asked multiple times, whether the district had given us the required response. This is documented in the correspondence pdf included in our Oct. 18 2013 report.

Banda failed to provide the required response to our complaint of March 2013 within 30 days and only responded in January of 2014 after we filed a sexual harassment complaint.

Banda failed to provide the proper notifications regarding the appeal process to our March 2013 complaint, as required by statute. . . . (See Sechrist April 2013 email)

We strongly object to English and Banda's ad hoc policies contradict district policy, federal policy, and which place students at risk without informing parents of such novel policies through the proper channels. For example, Mr. English twice wrote that sexual intercourse may take place on field trips in the context of appropriate chaperoning. He refused to explain why this is the case or who may have intercourse, or who may decide the circumstances that permit it. We strongly objected to this view to English, Banda, and the School Board because he also speaks on their behalf, he informed us. District literature states that any behavior that is prohibited on campus may not occur on a field trip. Why have chaperones at all if sexual intercourse may occur when chaperones are supposedly doing their jobs? Every parent in the district needs to be informed of this policy so that they may make informed decisions about permitting their children to go on fieldtrips.

We also object to English/Banda stating that the district's own policy (contrary to Title IX) is to wait for a criminal investigation to end before undertaking an investigation. English and Banda do not have the authority to violate federal statutes that require the school to begin an investigation promptly, regardless of any criminal investigation underway.

We object to Banda/English/Howard placing the district's agenda to avoid liability above our daughter's Title IX rights. We object to their on going tactic of ignoring our complaint, hoping that we would cease holding them accountable.

**Complaint Against Paul Apostle (Refer to supporting documents placed in the dropbox link provided in parents' Oct. 18, 2013 report.)**

Refer to the US Department of Education Office For Civil Rights Dear Colleague Letter for Title IX requirements.

[http://www.whitehouse.gov/sites/default/files/dear\\_colleague\\_sexual\\_violence.pdf](http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf)

“The coordinator’s responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of students as needed.

If a recipient designates more than one Title IX coordinator, the notice should describe each coordinator’s responsibilities (e.g., who will handle complaints by students, faculty, and other employees). The recipient should designate one coordinator as having ultimate oversight responsibility, and the other coordinators should have titles clearly showing that they are in a deputy or supporting role to the senior coordinator. The Title IX coordinators should not have other job responsibilities that may create a conflict of interest. For example, serving as the Title IX coordinator and a disciplinary hearing board member or general counsel may create a conflict of interest.

Recipients must ensure that employees designated to serve as Title IX coordinators have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the recipient’s grievance procedures operate.”

Correspondence from OSPI attorney Calendra Sechrist dated April 15, 2013 (pdf 7) shows how Mr. Apostle failed to provide basic services. She referred us to the requirement that “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.”

Immediately after reporting the rape, *the district’s Title IX officer was required to reach out with resources available to our daughter*, OSPI informed us after it was necessary to escalate our complaint in March 2013. No Title IX officer *ever* reached out to us. When asked, Mr. Apostle, the Title IX officer, would not provide any information about Title IX (see correspondence thread pdf. 7; see also Pdf. 11, correspondence with the district that discusses Title IX after OSPI informed parents on April 15, 2013 that Title IX rights should have been implemented *immediately* after the Nov. 2012 assault.)

In addition, Paul Apostle as Title IX coordinator *failed to coordinate the prompt and equitable investigation required by Title IX. He failed to coordinate prompt measures to address retaliation, safety, and harassment, and thereby failed to provide continuity in our daughter's education.* As a result her high school education fell apart despite the countless efforts he parents made without the federally mandated support from the district.

Mr. Apostle, Mr. Banda, Mr. Howard, and Mr. English disregarded the preponderance of evidence standard that immediately triggers Title IX. In their attempt to avoid liability for the sexual assault which our daughter reported November 9, 2012, they disingenuously ignored that she went to the hospital immediately after informing the teachers she was raped. Mr. Apostle, Mr. Banda, Mr. Howard, and Mr. English ignored that she endured a rape kit. They ignored the assailant's November 7, 2012 admission to both Howard (as verified in the National Parks Service report) that she repeatedly told him "no" after he began intercourse, and then continued raping and sodomizing her. They ignored her physician's prompt request to the principal for HIV testing for the assailant. They ignored her doctor's diagnosis of PTSD that resulted from the assault. They later ignored the fact that the district qualified her for a 504 plan and school transfer on the basis of PTSD and rape (see School District Request for Assignment Related Accommodation that states rape as the reason for the transfer). Instead of abiding by the preponderance of evidence standard they ignored all the evidence that she was sexually harassed/assaulted. Mr. Apostle, Mr. Banda, Mr. Howard, and Mr. English never once considered or mentioned "alleged" consensual sex, but instead focused on "alleged sexual assault." Mr. Apostle, Mr. Banda, Mr. Howard, and Mr. English violated the preponderance of evidence standard despite a plethora of medical and other evidence.

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)...Therefore, preponderance of the evidence is the appropriate standard for investigating allegations of sexual harassment or violence. (Dear Colleague Letter)

Mr. Apostle, along with Ted Howard, *also failed to address retaliation and inform the victim of sanctions meted out to the assailant.* Retaliation against a victim who reports sexual assault must be prevented by the school under Title IX. Neither Mr. Apostle nor Mr. Howard addressed this serious deterrent to our daughter's education nor any Title IX requirement. Mr. Apostle was responsible for making certain that our daughter was protected even if Mr. Howard and his legal team wanted to pretend consensual sex occurred to avoid liability.

To detail: We previously referenced correspondence with Ted Howard (see emails with Howard November 8 -10, 2012 and OSPI April 15, 2013 in which parents repeatedly expressed concerns about safety/retaliation.) Howard refused to inform us of sanctions such as the assailant's emergency exclusion. Instead the district admitted meting out the

emergency exclusion sanction only months later when knowing it served no purpose. If □□□□□□ had been informed on November 8, 2012 when asked about her safety, she could have returned to school. Instead, Howard wrote that we should "differ" all questions to the investigators [who had no jurisdiction over the school environment]. See pdf. 6.

*Paul Apostle was required to assure for our daughter's Title IX rights that would have permitted her to return to school, regardless of Mr. Howard's fears of liability that made it convenient to believe the assailant's tale.*

Retaliation began promptly yet the school did nothing to prevent it. For example, the assailant retaliated by spreading rumors in the school environment that our daughter "greezed" him (Greezed means "framed," "sexed" See Urban Dictionary.) The assailant's Facebook post entitled "greezed" (see dropbox) documents how he spread this information on the internet. See also January 6, 2013 chat with □□□□□□ □□□□□□ who reports ongoing rumors spread by the assailant and □□□□□□'s response to hearing this information. *The US Office for Civil Rights instructed us that this information is relevant to any Title IX complaint.*

See also email of June 22, 2013 to the Seattle School Board regarding violation of Title IX rights which Paul Apostle was required to enforce.

See medical record from Harborview Center for Sexual Assault of Dec. 2, 2012 documenting emotional distress caused by retaliatory rumors spread by the assailant. As indicated in the cover email to our October 18, 2013 report, we will provide a password to access medical documents in the dropbox.

We also expect you to demonstrate how Mr. Apostle's other job responsibilities outside being Title IX officer do not constitute a conflict of interest, as the Dear Colleague Letter excerpt mentions. Why didn't Paul Apostle answer our communication promptly, and why, when asked about Title IX, did he refuse to provide information? Was he concerned about implicating other staff failures rather than executing his federally mandated responsibilities?

Clearly Mr. Apostle failed on all accounts to uphold Title IX. His failure permanently scarred our daughter and family. His failure also impacts other students who may have been sexually harassed and required services such as the middle school girl whom the assailant engaged in "lewd conduct" (sexual intercourse, according to his disciplinary record) with on school property. Perhaps that girl was also sexually assaulted and needed Title IX services. How many other students have or will be sexually harassed as a result of the district's failure to implement Title IX statutes?

Has Garfield--and all the students under Mr. Apostle's jurisdiction-- met the requirement to adequately inform the student body and parents of sexual harassment policies? You must demonstrate, as a part of our complaint that steps Garfield HS took to make certain

every student was informed of sexual harassment policies and how they were enforced prior to the assault. It appears that no one was concerned with this federal mandate that guarantees every student an education free from sexual harassment. Mr. Apostle failed completely. As we have seen, teachers and chaperones couldn't even be bothered to read the chaperone rules nor enforce them. Similarly, Mr. Apostle was either ignorant of his responsibilities and/or decided not to fulfill them, or was compelled to ignore them. It is your duty to determine why Mr. Apostle entirely failed to meet his responsibilities. As a result, our daughter and our family have been damaged for life.

### **Complaint against Ted Howard:**

Complaint against Ted Howard: Lying, failing to weigh our daughter's complaint of sexual assault equally with claims of consensual sex advanced by the assailant, failing to provide for our daughter's right to an education free from sexual harassment after the assault, failing to grant any and all Title IX rights, promising information that was never delivered, failing to grant an extension for coursework in a timely manner, impairing her education, and preventing her from educational and social continuity that are critical to a teenager's life.

Synopsis: Ted Howard lied to us on November 8, 2012 in the context of our discussion about safety measures, a restraining order, and other provisions that would pave the way for our daughter's immediate return to school following the assault. She was naturally terrified of seeing the perpetrator and feared retaliation. On the morning of November 8, Howard told us that a student had "come forward" and admitted to "consensual sex." A long discussion ensued after Mr. Howard admitted he was aware of the identity of the perpetrator who had confessed to him the previous evening according to the NPS report. Mr. Howard also revealed that day to □□□□□□, and the following day to □□□□□□, that he considered closing the school down indicating the gravity of the situation.

The next day, Nov. 9, Howard denied that a student admitted to having sex, but "only came forward with information." He told this both to □□□□□□ and □□□□□□ in separate conversations. We were stunned that he lied to us. The NPS report corroborates that the assailant confessed to Mr. Howard on November 7 and that Mr. Howard lied when he denied knowing anything about consensual sex. We immediately corresponded with Howard concerning this lie. Instead of expressing himself in a straightforward manner, he attempted to "weasel out" of the situation by saying an investigation was underway. Any investigation underway had no bearing on Mr. Howard's obligation to be truthful and to extend our daughter her Title IX rights.

At that juncture, he was required to state the sanctions meted out to the assailant, to protect her from harassment, and to offer resources through the Title IX officer, among other obligations. Howard failed to extend our daughter her rights. Specifically: When

we asked Howard about the sanctions meted out to the assailant and what could be done to provide for our daughter's safety on campus, he refused to answer; instead he referred us to the National Parks Service which had no jurisdiction over the campus. All of this is documented in correspondence provided.

Howard failed/refused to inform the victim of the sanctions meted out against the perpetrator when a report of sexual harassment/assault occurs. Howard failed to extend □□□□□□ any and all of her Title IX rights. Whether or not Howard wanted to believe the report, Title IX obligated him to act according to Federal statutes.

Impact of the Principal's Lie and Failure to Acknowledge That Sexual Assault Occurred (see pdf.2)

*Mr. Howard, GHS principal, should have considered that our daughter had been raped and was not a party to consensual sex. According to the NPS report the assailant told Mr. Howard that "they partially had sex and then □□□□□□ said no." (See "Exhibit No," pdf. 5). A red flag should have gone up: Mr. Howard should have asked himself (or the assailant) why our daughter told him "no" if she were engaged in consensual sexual intercourse, as the assailant claimed. His failure to acknowledge a sexual assault had irreversible repercussions for our daughter and sets a disturbing precedent for other families in the district whose children are at risk.*

1. Mr. Howard knew on November 7, 2012 that our daughter immediately reported the assault and likely knew that she provided a rape kit. Going through this ordeal is an unlikely outcome of the playful consensual sex the assailant reported to him on November 7. On November 8<sup>th</sup>, the parents informed Mr. Howard personally that she endured the rape kit.
2. Mr. Howard knew our daughter told the assailant to stop. Undoubtedly if this were Mr. Howard's daughter he would have acknowledged the possibility that this was rape because the victim told the assailant to stop having sex with her.
3. Mr. Howard should have known better because he knew that the assailant had previously been emergency excluded for "lewd conduct" *after having sex on school property while in middle school*. Mr. Howard knew the assailant was capable of violating The Code of Prohibited Behavior (sexual assault) E-215 with our daughter. E-215 is defined below.

*Note that in every one of the assailant's subsequent reports (to Mr. Howard in the NPS, to the NPS investigators, and to the district's investigator, Mr. Kaiser) the assailant also*

*admitted that our daughter told him no, but that he kept on going with other more violating behaviors, claiming she wanted them to justify raping her.*

*As will be seen, the district chose not to uncover a sexual assault by failing to implement the required Title IX investigation last November, rationalizing that it must wait for a criminal investigation to end. There is no evidence that the district ever questioned the assailant prior to the May Kaiser investigation, by which time his story had become myth at Garfield.*

4. Instead of weighing the very likely possibility that our daughter was assaulted, Mr. Howard *bought* the assailant's tale of consensual sex (carefully crafted on the return bus ride). Why didn't Mr. Howard explore the possibility that our daughter was raped when the possibility was so obvious? There was *at least* a 50/50 chance that her story was correct, and bearing in mind that she went to the hospital and that the assailant had a history of lewd conduct, the likelihood was raped was far greater than the 50/50 chance that she was not.

*Why did Mr. Howard "buy" the assailant's tale and disregard our daughter's report? Because acknowledging the assault would have raised the question of liability. It was far more convenient for Mr. Howard to "buy" the assailant's tale than to be held accountable for "chaperoning negligence that permitted a sexual assault. He shamefully ignored that our daughter was raped, and by denying rape he could also avoid implementing her Title IX rights, in addition to being held accountable.*

*Mr. Howard was wrong on several fronts. Title IX rights must be immediately extended whenever there is a report of sexual assault, whether or not he wanted to believe it and whether or not there was a criminal investigation underway. Mr. Howard chose to ignore the immediate report of sexual assault. To cover his tracks, the district counsel claimed it is their policy to wait until a criminal investigation is over, in direct violation of Title IX.*

*Not only did Mr. Howard ignore the report of a sexual assault, he lied about it. On the morning of November 8, 2012 □□□□□□ had a long discussion with Mr. Howard in which he admitted a student "came forward and admitting having consensual sex." □□□□□□ informed him that □□□□□□ had been *raped* and reminded him that she submitted a rape kit the previous day, right after the assault.*

□□□□□□ then asked about sanctions against the assailant and precautions that would allow □□□□□□ to return to school. A long conversation ensued about safety. Mr. Howard said he would not be involved and wrote that we should "differ" our questions to the Parks Department [which has no jurisdiction over the school environment]. (see Pdf. 6). Mr. Howard failed to address our daughter's fear of retaliation and a hostile environment after reporting the rape. Title IX addresses this safeguard unambiguously:

“The school also should tell the complainant that Title IX prohibits retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.”

On November 9, 2012 the parents again spoke with Mr. Howard asking about providing protection. He retracted his statement that a student admitted to having sex with □□□□□□ saying that a student “only came forward with information.” We corresponded with Mr. Howard about this blatant lie and the loss of confidence in him as our daughter’s principal. (see Pdf. 6)

Mr. Howard’s lie is verified in the NPS report. The assailant’s November testimony (pdf. 5) describes how he confessed to so-called “consensual sex” to Mr. Howard on the evening of November 7 immediately upon returning from the fieldtrip. When □□□□□□ spoke Mr. Howard on November 8, Mr. Howard already knew that the assailant come forward and admitted violating the district’s Code of Prohibited Behavior E-215. Thus what he told □□□□□□ on Nov. 8<sup>th</sup> was correct but he lied denied saying so the following day.

*Furthermore Mr. Howard immediately emergency excluded the assailant as a danger to himself and others. Clearly Mr. Howard lied because he already disciplined the student for having sex but then denied that a student had admitted to having sex on the fieldtrip.*

Moreover, Mr. Howard refused to inform □□□□□□ of the sanction (emergency exclusion) he meted out, as required by Title IX. Had Mr. Howard done so, our daughter could have returned to school, resumed her education, and dealt with the assailant’s malicious rumors. Instead her life began deteriorating.

When the NPS produced its report indicating that Mr. Howard had lied to us about the student who did/then did not report having sex, □□□□□□ wrote him an email verifying that Mr. Howard had lied.

[Mr. Howard,

On November 8, 2012, the day after the rape incident, you spoke with □□□□□□ on the phone and told her that a student had come forward and admitted having sex with □□□□□□. The next day you denied that you had shared this fact with □□□□□□. Instead you claimed that you had only said a student came forward with "information." This is detailed in our correspondence.

According to the investigators, a student did indeed admit to you that day to having sex with □□□□□□, as □□□□□□ had correctly recalled from your conversation on November 8. I hope this now sets the record straight.



Furthermore the notion of consensual sex between □□□□□□ and the assailant, XXXXXXXXXX, [redacted] is purely fictitious.

Kindly acknowledge receipt of this correspondence.] □□□□□□ 3/5/2013 email (pdf. 6)

Mr. Howard also should have known better--because he knew that the assailant had a record of lewd conduct and was capable of violating E-215 with our daughter. [The assailant's later report to the NPS confirms that our daughter told him to stop at least three times, further confirmation that he violated E-215]. Instead of knowing better, Mr. Howard adopted the assailant's tale of consensual sex (including the bogus report of "making out"). Why didn't Mr. Howard explore the possibility that our daughter was raped? Because it would have raised the question of liability. It was far more convenient for Mr. Howard to buy the assailant's story rather than be held accountable for "chaperoning" behaviors that permitted a sexual assault.

*Even the teachers knew that a student had been raped but it was covered up and ignored by the district.* □□□□□□ wrote:

Dear □□□□□□, □□□□□□ and □□□□□□, This is an awful thing. I am so sorry something like this could happen to □□□□□□, or anyone. Garfield staff were not told who, nor specifics. But I had a terrible suspicion when I didn't see her last week. I still have great expectations for your daughter. I would love to have □□□□□□ return when she is ready. If there is anything I can do to help, please let me know. She is an important member to our □□□□□□ and things seemed to be going well. Any time you would like to stop by to pick up her □□□□□□ is fine. As for the 3rd trip payment, not to worry. Please keep in touch. □□□□□□

Howard demonstrated preferential treatment towards a popular football player when he valued his presence on campus over providing the federally mandated Title IX rights to our daughter so she could have continued her education free from harassment.

Mr. Howard failed to explain why he "bought" the story of alleged consensual sex over alleged sexual assault. He failed to explain why he disregarded □□□□□□'s trip to the emergency room following the assault. He failed to explain why he rejected the medical diagnosis of sexual assault/PTSD provided by every one of her medical professionals. Howard failed to follow the preponderance of evidence standard and the report of sexual assault (whether he wished to pretend otherwise) that immediately triggers Title IX rights. *Howard is not entitled to make a determination of alleged consensual sex over alleged sexual assault.*

Mr. Howard also failed to participate in an initial conference call concerning □□□□□□ that was scheduled around his availability, as documented in

correspondence. Owing to the shock of Howard's November 9, 2012 lie, the parents asked to meet with him by phone.

He abdicated his responsibility to the school counselor. This is documented in correspondence.

Mr. Howard failed to conduct business in a timely and responsible manner. On February 15, 2012 he wrote saying that parents would receive the answers to all their questions shortly. Howard never followed up nor provided answers. As a result we escalated our complaint to Banda and OSPI.

Mr. Howard failed to respond to our request for an extension that would grant □□□□□□ sufficient time to make up lost credit. He granted her an extension two days before the extension period expired. By then, such an extension was useless. See correspondence.

### **Nick Ward and Shelley Stromholt**

(Unauthorized/unscreened college-aged student "chaperones" who replaced teachers Snookal and Finlay. Snookal and Finlay elected to bring their young children along for a vacation and sleep in a distant part of the camp.)

Mr. Tolley wrote that Nick Ward and Shelley Stromholt cannot be complained against because they are not employees of the district. The district *must* hold its staff accountable because Ward and Stromholt were allowed to chaperone. Unscreened, unauthorized, and ignorant of the district's chaperoning protocols, Ward and Stromholt served as chaperones without implementing either district or NatureBridge protocols. (See in particular Mr. Ward's statements in the Kaiser report that demonstrate his poor appreciation of teenage behavior when he went to bed with earplugs, expecting students to behave as adults, and to stay in their cabins. Moreover Ward and Stromholt actually *substituted* for the organizers, Finley and Snookal, by relieving the teachers of their chaperoning responsibilities so they could sleep with their young children in distant cabins on a family vacation.

Ward and Stromholt were allowed to chaperone a fieldtrip for which they were unauthorized to attend, ill-equipped, and ignorant of the rules to serve as surrogates for the teachers. Since when does the district allow anyone to attend a fieldtrip, anyone whose name does not appear on the list of authorized/screened chaperones? As such, Ward and Stromholt were unauthorized to chaperone on a school trip to the Olympics. Without background checks, they posed a risk to students. Furthermore, they served no constructive purpose because they failed to enforce the district's and NatureBridge chaperoning protocols/rules. Our daughter was not the only child who was adversely affected by the chaperones' negligence according to Kaiser and NPS reports. No, their presence was detrimental because they relieved Snookal and Finley of their

responsibilities to participate in a night watch. Had they not been there, Snookal and Finley would have been obliged to participate. Perhaps the teachers would have made more mature judgments.

If Ward and Stromholt are not responsible for intruding into a school sponsored fieldtrip without authorization, then the district must hold those accountable for allowing them. The following individuals should be held accountable for allowing unscreened, unauthorized, ill-qualified chaperones, ignorant of chaperone protocols to replace teachers: **Jose Banda**, for his failure to require strict observance of policies, **Brad Westering**, who authorized the trip without the required male chaperone for the boy's cabin, and authorized only one screened chaperone, Alicia Arnold for all 27 students, Heather Snookal and Rachel Petrik-Finley for allowing unscreened persons on the trip so they could sleep separately, out of sight, with their young children on their family vacation. Snookal and Finley wrote that they needed parent chaperones in an informational letter. When no parent volunteered, they nevertheless obtained Westering's approval for a fieldtrip without a single male chaperone. They conducted the trip with two unauthorized college-aged recruits who failed to execute policies and mature judgment. It was incumbent upon Snookal and Finley to chaperone the students at night rather than substitute unscreened, ill-equipped college students to replace them. As a result, our daughter and family was devastated by the life-scarring events that ensued from the negligent chaperoning. The teachers are ultimately responsible for allowing Ward and Stromholt to attend, and the principal for authorizing a trip without sufficient screened chaperones.

Ward, Stromholt, and Arnold admitted in the Kaiser report they were unable to control the students on the first night. Our complaint includes their failure to chaperone appropriately. Moreover, they took no additional steps to control the students the second night when our daughter was raped. Our complaint includes their failure to foresee that further risky behavior would ensue from their failure to enforce rules against boys and girls mingling in each others' cabins and for failing to enforce district protocols for multiday fieldtrips.

**Complaints against Snookal, Finley, Arnold  
Chaperoning failures at NatureBridge apply to Snookal, Finley, Arnold,  
NickWard, and Shelly Stromholt**

Pre-planning documents. Snookal and Finley violated the required timeline for submitting fieldtrip planning documents. At several stages, the teachers failed to observe the required timeline, as detailed in our October 18, 2013 document. Westering is the principal who signed off on each stage of the fieldtrip, often in violation of the required timeline and district requirements. The teachers and Westering did not abide by district procedures for fieldtrip preparation. This is detailed in complaints against Westering and should be considered a part of our complaint against Snookal and Finley.

The Requirements (pdf. 1): “Checklist for Multi-Day Fieldtrips Four to Six weeks prior to Trip: Have chaperones/volunteers complete volunteer application. Complete background checks. Provide list of screened volunteers to principal and secure his/her approval.”

Snookal and Finley failed to secure screening when they failed to include names of two of the three chaperones who would be responsible for the students at night on their planning documents.

Snookal and Finley gave Westering a list which only contained 3 female chaperones, all of whom were Garfield teachers. They were:

Snookal: teacher, slept in remote location with young child

Finley: teacher, slept in remote location with young child

Alicia Arnold: teacher, responsible for girls at night and all the boys, since no male was named on the chaperone list and the teachers elected to sleep separately with their young children.

Snookal and Finley’s chaotic pre-planning failed to include a single male chaperone for 14 boys. A screened male chaperone is required for multi-day chaperones to sleep with the boys.

The teachers also supplied conflicting, misleading, and suspect documents regarding the trip. Their introductory letter of October 5 stated that someone named Nick Fraize was attending. We submitted this letter in our complaint. When we requested all planning documents, this document was never found by the district. We have no information on Nick Fraize and why Nick Ward was allowed to participate. The district, nor the teachers, refused to answer this complaint about misleading and unclear information. Consider this apart of our complaint.

Snookal and Finley are responsible, along with Westering, for designing and authorizing a fieldtrip with only one screened chaperone to supervise all the students at night. All three are responsible for failing to secure a screened, authorized, and informed male chaperone for the 14 boys.

Moreover, the teachers stated in their informational letter that they needed parent chaperones. No parents volunteered. Nevertheless they allowed the trip to occur without a parent chaperone. They wrongly submitted their chaperone list to the principal who authorized the trip without a single male chaperone. They subsequently recruited Ward and Stromholt who were unauthorized to chaperone and ignorant of their responsibilities.

The District's Fieldtrip Guidelines require that teachers "warn and inform" parents of the risks associated with the fieldtrip. Nevertheless, the teachers failed to organize an informational meeting for parents or provide details of the trip to explain that students would be sleeping in adjacent unlocked cabins, that only one authorized female chaperone would be watching the students, that no wake-watch would be implemented, and that Snookal and Finley would be sleeping in a distant area of the camp. They also could have informed us that a student who had been emergency excluded as a danger for having sex on school property during the school day would be attending. Had teachers offered an informational meeting, parents would have known that teachers would fail to follow district rules and could decide whether to subject their child to such safety risks. This is to be considered a part of our complaint.

Consider also that the parent of the assailant deserved to know more about the conditions surrounding the fieldtrip. Because he was already emergency excluded as a risk to himself and/or others for having sexual intercourse on his lunch break on school property his parent may have opted to either speak to him about his behavior, take certain precautions, or pass on the optional field trip.

Chaperones and teachers failed to read the district's fieldtrip chaperoning protocols, the district's Kaiser report stated, and as a result, chaos ensued, according to all written and oral reports.

Teachers and chaperones also 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 code of conduct was submitted in our Oct. 18, 2013 complaint.

Teachers and chaperones did not sign the chaperone agreement with NatureBridge (included in our October 18, 2013 document) acknowledging their contractual expectations that they failed to meet.

Snookal, Finley, and Arnold admitted to Mr. Kaiser that they failed to make certain that the chaperones read the protocols just as they themselves failed to read the protocols. For example, district protocols do not permit chaperones to go to sleep while students remain awake. According to the district's report, the sole male chaperone, Ward, stuffed his ears with earplugs and told the students he was going to bed. Shortly thereafter, students left their cabins. *Because Snookal and Finley abdicated their chaperone responsibilities to Ward and Strombolt, Snookal and Finley are also responsible for the high risk behavior that ensued. All the chaperones and Westering, are responsible for creating an environment where students were allowed to leave their cabins after curfew.* Teachers should have foreseen that teenagers would do this, and implemented age-appropriate supervision.

Arnold and Stromholt failed to monitor the coming and goings of girls leaving the cabin after dark and eventually went to sleep, according to the district's report.

All chaperones and teachers failed to implement bed-checks otherwise they would have discovered a number of unacceptable behaviors such as students wandering around the grounds or to the lake, girls sleeping in the boys' cabins, a paranoid student under a girl's bed, the assailant raping our daughter, etc.

The chaperones failed to implement any system to monitor the students while they themselves slept. They could have implemented a simple night watch divided between the 5 adults present (including the 2 teachers who slept in a distant location with their children) so that students would be prevented from entering each other's adjacent cabins and engaging in the other high risk activities. Students could have been checked in and out of the cabin by the watchperson if they needed to use the toilet. Or a night watchman could have been hired, of far less expense to the district than the chaos that has arisen from the administrations failure to learn from its earlier chaperoning problems. Instead chaperones slept and /or failed to monitor the movements of the students.

When the teachers lost control of the students the first night, they failed to mete out any consequences that could have stopped this behavior from recurring the second night.

The teachers failed to revise the chaperoning procedures to assure for the students' safety the second night. Our complaint includes **Ward, Stromholt, Snookal, Finley, and Arnold** for failing to make an appropriate plan for the second night when they lost control of the students the first night.

Our complaint includes Finley's false conjectures about □□□□□'s platonic relationship with the assailant. She ignored the fact that □□□□□'s boyfriend was a regular visitor to the classroom immediately before □□□□□'s first period class with Finley. We believe such statements are meant to imply that □□□□□ led on the assailant or was interested in consensual sex. Finley cannot be considered an objective source of information when her professional life is subject to claims of negligence and concerns about consequences of negligence.

Snookal and Finley brought young children on the trip despite the district's written warning that such children represent a distraction to parents. Had Snookal and Finley not brought their children, they could have joined the single authorized chaperone (Alicia Arnold) responsible for all 27 students at night. There would have been 3 authorized adults rather than one, and by increasing the numbers, the students could have been monitored by 3, not one, authorized/screened chaperone (Alicia Arnold).

Snookal and Finley violated the district policy that "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." Snookal and Finley brought at least one additional child that was not authorized to attend, thereby diverting their

attention to an additional young child. This can be seen on the pdf documentation in which only one child is authorized to attend. The teachers misrepresented the number of children they were taking with.

*Additional failure to perform: Garfield teachers/chaperones did not implement the host's requirements:*

In addition to failing to read and enforce the district's requirements, teachers and chaperones *failed to enforce the those specified in NatureBridge Chaperone Agreement*

Garfield chaperones failed to sign the NatureBridge Chaperone Agreement (see pdf. 1). Neither the district nor NatureBridge could provide the signed document. This agreement specifies chaperone responsibilities *including overnight supervision*. It also confirms that chaperones have read the Student Contract for behavior at camp and will use the contract to prevent any unacceptable behavior (such as entering each other's cabins and causing harm to other students; see contract pdf 1). Clearly teachers did not enforce the contract since the Kaiser report details how students went into each others' cabins day and night, among other violations of the contract.

This is yet another example of how chaperones failed to inform themselves of the required policies and enforce them, as they admitted in the Kaiser report. Our complaint includes these failures:

*Chaperone Agreement (excerpted here; see pdf 1):*

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 understand that any breaks from my supervisory responsibilities will be coordinated by the lead teacher, who may set up a rotating supervision schedule if possible. *[n.b. this could have included a rotating night watch]*

**In the Cabin and During Free Time**

\_\_\_\_\_I understand the NatureBridge Site Manager will be the primary on-site liaison between the school and NatureBridge. During night hours in Curry Village (7pm-7am), the NatureBridge Field Safety Officer will support supervision. [Chaperones failed to obtain support supervision according to NatureBridge director Stephen Streufort].

I understand that students will be in their cabins by 9:30 pm, with lights out at 10:00 pm. [Kaiser report reports this was violated and Ward lost control of students close to midnight; girls were taking showers after curfew, students were exiting the cabins for assignments with friends, etc.]

I agree to monitor students to ensure they are quiet and respectful in the evening so that everyone can get enough sleep to participate and stay healthy. Students may emerge from their cabins at 6am (7am at Crane Flat) with whisper hours until 7am. [Written reports indicated this was violated] See Chaperone Packet

<https://www.naturebridge.org/sites/default/files/OLYM%20Chaperone%20Packet.pdf>  
(see pdf. 1)

Who's Who: Adult Roles and Responsibilities (excerpted): Here's what all adult participants (including teachers) do: During your NatureBridge program:

**supervise students at all times, including overnight reinforce NatureBridge educator's instructions to students about proper behavior, gear selection . . . . review, sign, and return the Chaperone Agreement to your trip organizer supervise students at all times, including overnight**

*Chaperones were also required to enforce NatureBridge Student Contract but failed to enforce the following rules (according to the descriptions of behavior in the Kaiser and NPS reports):*

I agree to treat my fellow students, chaperones, and educators with respect *[Students did not respect the male chaperone's pleas for order according to Kaiser report, and one sexually assaulted our daughter]*

**I agree to stay out of other students' cabins.** *[Students were allowed to freely comeingle both days and both nights]*

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. *[Students were out of control at night according to Kaiser and NPS reports]*

I agree not to cause physical or emotional harm or threaten any other person.  
*[Chaperones created a situation where harm could easily occur]*

I agree to refrain from bringing or using non-prescription drugs, cigarettes, weapons, and/or alcohol at NatureBridge *[Drugs and cigarettes were reported at camp; students must have wandered out of sight to partake.]*

“FOUR STRIKES” DISCIPLINE POLICY Strike 1 - verbal warning  
Strike 2 - consultation with student's teacher



Strike 3 - the student will write and sign a contract about what s/he will do to change the behavior

Strike 4 - the student may be removed from an activity, asked to call home, or in an extreme case expelled from the program

Given the violations and chaos that chaperones described in the Kaiser report, we conclude that the Four Strikes Discipline Policy should have been implemented. We complain against the teachers and chaperones for not implementing it.

Mr. Streufert informed us that none of the chaperones called for help from the NatureBridge staff when the chaperones lost control of the students. He also told us that it had never been necessary for the NaturBridge staff to monitor the behavior of attending school groups.

See NatureBridge Student Contract:

<https://www.naturebridge.org/sites/default/files/Student%20Contract%20OLYM.pdf>

*Garfield Should have known better and foreseen that the district's Code of Prohibited Behaviors could be violated.*

1. NatureBridge director Streufert informed us that Garfield teachers had used this facility before. They should have known better than to let students co-mingle in adjacent unlocked cabins without a night watch and adequate chaperoning in place. The teachers knew also that NatureBridge had a code of conduct they were to enforce, yet they failed to do so.

2. The district has a history of chaperoning problems, according to Mr. Kahn, the GHS English teacher who came to our home to tutor □□□□□□. He volunteered, "We didn't understand why the media vans weren't at the school the next day [after the assault]. We thought we'd solved our chaperoning problems." References to prior chaperoning problems are detailed in our Oct. 18, 2013 response

Consider all questions and concerns regarding chaperone negligence in our letter of September 7, 2013 and response of October 18, 2013.

### **Complaints against Finley, Snookal and Westering fieldtrip planning that violated district regulations.**

The teachers' failure to properly plan for the trip and Brad Westering's authorization of their plans negatively impacted our daughter and other students. Note that in addition to sexual assault, other high-risk activities were described in the Kaiser and NPS reports including the fearful response to a paranoid boy found under a girl's bed, girls sleeping

all night in the boys' cabin, students wandering around throughout the night, student in distress when seeing our stunned daughter after the assault and after hearing about her bleeding (see NPS investigator's photos of bloody underwear), the aftermath of the assault impacting the emotional wellbeing of peers who knew □□□□□□ was assaulted, etc.

Snookal herself was in tears at the hospital where □□□□□□ was seen in the emergency room. Perhaps she was beginning to comprehend the life-scaring effects of her negligence.

For documentation of complaints against Snookal, Finley, and Westering, see pdf. 1 in the dropbox link .

Note that the district confirmed that it had provided all forms (blank and signed) surrounding the November 2012 trip to NatureBridge (see Carlson correspondence pdf.1). Garfield planning documents provided by the district demonstrate how the organizers failed to properly implement pre-planning procedures and how Westering inappropriately verified that all chaperones who participated had been screened when they were not, among many other deficits. (see pdf. 1)

Only three (Snookal, Finley, Arnold) of the five adults who participated were authorized to attend and were screened. Only these three of the five signed the SPS Guidelines for Fieldtrip Volunteers (see pdf. 1). Although they signed the guidelines, they admitted to never having read the fieldtrip protocols, according to the district's report. This critical fact is a part of our complaint.

*Two other chaperones (Stromholt and Ward) were not listed as participants, were not screened, nor did they sign the Chaperone Agreement. These two unscreened, unauthorized chaperones were responsible for supervising the students at night.*

This deficiency is critical since the two unscreened chaperones are college-aged students and according to the Kaiser report, did not know how to appropriately chaperone high school students. (Teachers Snookal and Finley did not chaperone at night, but slept at a distant location with their young children). All the chaperones admitted to not knowing the chaperoning procedures according to the Kaiser report.

Of the three adults who signed the Guidelines, Snookal and Finley brought small children contrary to the stipulation that "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." Only one of the children had been listed on the roster submitted to the principal. Note that Westering authorized only one small child, not more, as occurred. (see pdf. 1)

We object to Westering's failure to consider District Guidelines that "Additional small children can distract you from your duties as a chaperone." This warning was not

headed. We object to Westering authorizing a young child to attend the trip when he clearly saw that there were only three chaperones for the multi-day trip, and no male chaperone for the 27 students. How did Westering imagine Snookal could chaperone when caring for a six year-old, particularly since he authorized a trip without a male chaperone.

We strongly object to Westering's failure to review Snookal and Finley's plan to bring children, to sleep separately with their children, to ascertain how they would watch the students from the distant location they chose, and how they would manage without a male chaperone named on the chaperone list he signed off on. By failing to ascertain how teachers would manage, Westering is responsible for allowing teachers to act out of self-interest, rather than putting the students' best interests first. As a result, teachers enjoyed a family outing while our daughter and family sustained indelible, life-scarring damage. Furthermore, the debacle that resulted from this negligence has impacted other students, their families, will continue to impact the district.

Westering confirmed on 9/24 that all background checks had been performed. Recall that he was given a list which only contained 3 female chaperones, all of whom were Garfield teachers. They were:

Snookal: teacher, slept in remote location with young child

Finley: teacher, slept in remote location with young child

Alicia Arnold: teacher, responsible for girls at night

Unscreened and never registered/authorized for the trip:

Shelly Stomholt—a college student responsible for girls at night

Nick Ward –a college student responsible for boys at night (the only male)

Thus Westering authorized *only one screened female chaperone* (Alicia Arnold) to oversee 27 boys and girls at night and all night. This violates district rules that a screened male chaperone must chaperone boys on a multi-day fieldtrip. It also creates an unacceptable ratio of 1 adult to 27 students.

The haphazard planning surrounding this fieldtrip is responsible for the devastation that ensued when teachers and unscreened/undocumented/unqualified/unauthorized/ and illinformed chaperones failed to read and implement the chaperoning rules, by their own admission in the district's Kaiser report.

*Westering and teachers also failed to observe the required fieldtrip planning deadlines (see pdf.1).* This laxity was allowed by Westering and created a casual precedent that allowed Snookal and Finley to ignore the requirements and introduce unscreened/unauthorized persons into the trip. Westering:

1. Signed September 24, 2012. The field trip checklist gives preliminary authorization for the trip. This was to occur three months in advance, that is August 5, not Sept. 24. Teachers and staff were available prior to September 24<sup>th</sup> to execute this document. Their initial disregard for the timeline is indicative of their failure at every juncture to responsibly plan for our children's safety.
2. Signed September 28, 2012. Westering completed the verification of background checks. He failed to include any male chaperone for the 14 boys on the trip.

Again note that two of the three chaperones responsible for the students in their cabins were unscreened, unnamed, and unauthorized to attend.

3. Signed October 16, 2012. Principal attested that for each student there was a signed permission slip. This was to occur one week before the trip, which is October 29<sup>th</sup>, not on the 16<sup>th</sup>. When this was signed on October 16<sup>th</sup>, only 2 permission slips had been signed, according to the dated documents provided by the district. (see pdf 1). Thus Westering falsified the document, because he attested that each student had a permission slip when only 2 of the 27 participants did.

The permission slips were provided by the district, 25 in all. Yet 27 students participated in the fieldtrip. There no permission slips for two students. The teachers failed to secure parents' permission and Westering authorized that all students had provided permission slips. We object to this violation of policy that places students at risk.

Furthermore, it appears that some of the permission slips were never signed by the parents because upon close examination there is no sign that any redaction occurred. It is conceivable the teachers turned in permission slips just so they would be on file.

We are owed an explanation of the failure to account for all students and to obtain parental consent. This failure has direct bearing on the safety of our children when parents do not acknowledge that their children are attending and the expectation that they will follow the rules. Consider how the assailant may not have received permission to attend.

Our complaint against Westering extends to Snookal and Finley when some permission slips were turned in after the final deadline even though Westering attested they had been returned when he signed. Two students lacked permission slips entirely, and upon examination of the dated documents, only two permission slips had been returned when Westering attested that all had been returned. (see pdf.1) We have explained how this chaotic preplanning led to chaos at the camp.

We object to Banda and English's failure to perform this critical analysis of the planning documentation as we requested in our September 2013 correspondence. Instead, the

parents were again obliged to unearth information that any responsible school district would want to know in its quest for accountability.

We object to Snookal and Finley's failure to complete the required post-trip report and Westering's failure to obtain it and sign off on the report as the final step in the fieldtrip documentation. (see trip documentation submitted).

### **Complaint against Ken Courtney**

Mr. Courtney was □□□□□'s academic counselor at Garfield. We relied on him to clarify educational options available to □□□□□. Instead, the information he provided us about 504 accommodations and extensions conflicted with what other school officials were telling us, specifically Ms. Rusimovich. He also provided incorrect and contradictory information (in writing) about the enrollment process at Roosevelt High School. Some, but not all, of Mr. Courtney's contradictory and incorrect advice is documented in our October 18, 2013 report. If additional examples are needed, we expect that you will request them to fully explore how Mr. Courtney contributed to the chaos surrounding □□□□□'s education.

Moreover, Mr. Courtney did not appear to know about the alternative educational options available to □□□□□, such as IEP, Home Hospital (which we learned of through our own inquiries only days before □□□□□ would have been dropped from enrollment, as documented in correspondence with Jill Lewis), and other options. For example, in correspondence and on the phone, we asked Mr. Courtney for the full array of options open to □□□□□, and he would reply that "these can be discussed down the line." This made it more difficult for our family to choose the best course of action for □□□□□. See our email message of February 4, 2013 that documents our confusion even three months post-assault.

Mr. Courtney knew □□□□□ was doing well academically in honors and AP courses, that she had completed almost 4 times the required number of community service hours prior to entering the 10th grade, that she was a valued member of Garfield's advanced □□□□□, and had planned to enter Running Start at Seattle Community College had she not been assaulted. Rather than commenting upon these achievements and ambitions, Mr. Courtney offered disparaging second-hand information about □□□□□ to the district's investigator, Mr. Kaiser, which Mr Courtney could not personally substantiate. Clearly, he wanted to cast □□□□□ in a negative light to portray her as flawed, as though this would mitigate responsibility for the damages she sustained on the GHS fieldtrip. Our complaint encompasses all the above points.

## Complaint against Carole Rusimovic

Ms. Rusimovich gave us contradictory information about accommodations for □□□□□□ post-assault as documented in correspondence. This affected our ability to make informed decisions about school choices, specifically whether the 504 accommodation that the district created for □□□□□□ would be valid if □□□□□□ transferred to another school. Considerable contradictory information was provided by Ms. Rusimovic that, when weighed against Mr. Courtney's advice, made it impossible to know how or even if our daughter could be served by the district.

The education fiasco culminated in an email in which Ms Rusimovic acknowledged that that □□□□□□ was doing well in school and had no need for a 504 plan before the November GHS field trip. Failing to grasp the enduring and pervasive nature of sexual assault, she wrote that changing to another school would solve □□□□□□'s problem. We responded by specifying exactly □□□□□□'s condition to her and asked her to make recommendations based on □□□□□□'s condition post assault. Rather than responding with the appropriate accommodations, Ms Rusimovic ceased communicating with us altogether. Her refusal to communicate and provide us with accommodations appropriate to our daughter's needs coupled with the contradictory information from Rusimovic and Courtney forced us to hire an educational consultant to salvage □□□□□□'s education.

The following emails are a sampling of the chaos surrounding our daughter's educational needs after she was assaulted on the GHS field trip.

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

**Subject:** reply to 1/9 email re 504 plan

**Date:** Mon, 14 Jan 2013 13:48:39 -0800

**From:** □□□□□□□□□□□□□□

<□□□□□□□□□□□□□□@□□□□□□□□□□>

**Reply-To:** □□□□□□

<□□□□□□□□□□□□□□@□□□□□□□□□□>

**To:** Rusimovic, Carole <CRusimovic@seattleschools.org>

**CC:** Courtney, Kenneth <kcourtney@seattleschools.org>, Howard II, Theodore

<trhoward@seattleschools.org>, Riddhi Mukhopadhyay

<riddhi@svlawcenter.org>, Ombudsman <ombudsman@seattleschools.org>,

□□□□□□ <□□□□□□□□□□□□□□□□□□>

Dear Ms. Rusimovic,

Thank you for informing us, however belatedly, that a student can qualify for 504 accommodations without a 504 plan. Please note our reply to your email/questions of 1/9/13:

On 1/9/13 7:25 AM, Rusimovic, Carole wrote:

"At that time, □□□□□□ was **not** being served under Home Hospital so they were trying to write up a plan in the belief □□□□□□ would be returning. As such, the 504 plan would have been appropriate."

This is incorrect. First, correspondence shows that we learned about Home Hospital through our own efforts when we began the application process in November. Next, correspondence with Christine Cordell as late as Dec. 3 shows the completed paperwork for Home Hospital was in place while the 504 plan was being drawn up. Correspondence with Mr. Courtney (e.g. 12/3) illustrates that he knew that *Home Hospital was being implemented concurrently with the creation of the 504 plan.*

On 1/9/13 7:25 AM, Rusimovic, Carole wrote:

"As □□□□□□ is a student who qualifies for 504 but does not have a plan, she still has the same rights of a student who does have a plan. That is why the form 504-11 was sent as □□□□□□ qualifies under 504 for an assignment appeal. That request would go through me rather than Jay Glover. Ms. Glover only handles appeals not related to disabilities."

As we mentioned previously, Mr. Courtney erroneously told us to contact Jay Glover instead of you.

Please note that neither instructions nor the mailing address appeared with the 504-11 form.

On 1/9/13 7:25 AM, Rusimovic, Carole wrote:

"1. If □□□□□□ did not have a 504 plan prior to the alleged incident, why would she need a 504 plan if she transfers to another high school? The reason she is not attending Garfield is clear but that reason is no longer valid if she attends another high school."

□□□□□□ is not attending Garfield for several reasons, all of which pertain to being raped on a school trip. Are you assuming that the only reason □□□□□□ does not want to return to Garfield is to avoid seeing the perpetrator and escape the innuendo and gossip circulating among GHS students? You do not acknowledge that □□□□□□ is experiencing the devastating long-term trauma common among rape victims. Do you really believe that merely changing to another school eliminates the psychological impact of the rape and the need for a 504 plan? To assert "that reason is no longer valid if she attends another school" *disregards that she takes her her whole person (in its now damaged and frail condition), with her to another school.*

On 1/9/13 7:25 AM, Rusimovic, Carole wrote:

"2. What accommodations would □□□□□□ need at another high school? She is a good student and did not need a plan before."

You are correct. □□□□□□ was thriving at Garfield until she was raped on the school field trip.

**After the rape, □□□□□□ is a changed person. The spark that previously compelled her to study and learn is not evident. Her level of productivity is disturbingly low. She has ongoing nightmares that leave her exhausted. She has little desire to play her □□□□□□, whereas before music making was one of the most positive aspects of her life. Her social world, so important to teenagers, has been greatly affected. Without first hand experience, it is impossible to understand the insidious nature rape. It appears that her entire self-concept has been called into question, if not shattered. In a word, her world (inside and out) as she knew it seems to have fallen apart.**

**Given the aftermath from the rape, we don't know how well □□□□□□ will function in a new school, and adapt to new students and teachers. While she has always relished the academic and social aspects of school, we don't know whether she'll be able to focus on classroom academics. Will she be motivated to get up and go to school? We may be forced to reduce full time/advanced classes so she could cope. How will she manage having to join classes mid-year? For example, would she be at an academic disadvantage when moving from Spanish III in one school to Spanish III in a new school? What about her social integration at Roosevelt? Would she have to endure remarks about the rape, since Garfield students have friendships with Roosevelt students?**

**Are you able to tell us what accommodations are appropriate for □□□□□□? Perhaps you can suggest them, now that you have a partial idea of □□□□□□'s condition postassault.**

Sincerely,

□□□□□□ | □□□□□□□□□□□□  
□□□□□□

From Rusimovic:

Date: January 9, 2013 I will try and explain this one last time. □□□□□□ is a student with a disability. As such, she is eligible for 504 accommodations. That being said, not all students with a disability need or get accommodations. □□□□□□ is currently being served under Home Hospital which is an accommodation. I am not aware that anyone said □□□□□□ was not eligible for 504. I believe it was a



misunderstanding on the part of Garfield when they were trying to write up a 504 plan for □□□□□□. At that time, □□□□□□ was not being served under Home Hospital so they were trying to write up a plan in the belief □□□□□□ would be returning. As such, the 504 plan would have been appropriate. When it was made clear that □□□□□□ would not be returning to Garfield, that is when it became inappropriate for Garfield to be writing up a plan. A 504 plan is written up for students who are attending school and can receive the accommodations while in the classroom.

As □□□□□□ is a student who qualifies for 504 but does not have a plan, she still has the same rights of a student who does have a plan. That is why the form 504-11 was sent as □□□□□□ qualifies under 504 for an assignment appeal. That request would go through me rather than Jay Glover. Ms. Glover only handles appeals not related to disabilities. As far as the extension beyond the 5 weeks, 504 cannot override District policies and that is a decision that is made by Mr. Howard. I will just say that it is very difficult to provide the "proper provisions to assure complete recovery of her credits and mastery of the necessary material" when a student is not attending school. The schools do the best they can in providing the materials but it is not the same and never will be when a student is not sitting in the classroom and receiving instruction. Home Hospital does not guarantee this either, only that it will assist the student with tutoring so that they do not completely falling behind.

**In response to having a 504 plan for □□□□□□, I ask the following: 1. If □□□□□□ did not have a 504 plan prior to the alleged incident, why would she need a 504 plan if she transfers to another high school?**

**The reason she is not attending Garfield is clear but that reason is no longer valid if she attends another high school. 2. What accommodations would □□□□□□ need at another high school? She is a good student and did not need a plan before.**

This is the reason why it is not appropriate for Garfield to write up a plan for □□□□□□ if she is not going to return to Garfield and will be transferring to another high school. Carole Rusimovic

From: □□□□□□□□□□□□□□□□

[[□□□□□□□□□□□□□□□□@□□□□□□□□□□](mailto:□□□□□□□□□□□□□□□□@□□□□□□□□□□)] Sent: Tuesday, January 08, 2013

8:52 PM To: Rusimovic, Carole; Howard II, Theodore Cc: Courtney, Kenneth; Ombudsman; Riddhi Mukhopadhyay; Chloe Neely; □□□□□□ Subject: conflicting statements On 1/7/13 11:23 AM, Rusimovic, Carole wrote: □□□□□□ is currently being served by Home Hospital, which is an accommodation under 504. Until □□□□□□ returns to school, a 504 plan is not appropriate. I really do not understand why you cannot accept this explanation. A 504 plan is written up for students who are attending school and can receive the accommodations in the classroom. □□□□□□ is not attending school at this time and therefore a 504 plan will not be written until she returns. If □□□□□□ is not going to return to Garfield, then you will need to request another assignment. The 504-11 form is what you use to request that. Please do not contact the enrollment center as the request falls under the 504 assignment appeal

process. The sooner you get the paperwork turned in, the sooner the request can be processed. Carole Rusimovic

**Ms. Rusimovic (and Others), We are most willing to accept a straightforward explanation, but consider the confusion resulting from conflicting statements, unclear explanations, and contradictory advice: We were told □□□□□□ was not eligible for a 504, yet we received form 504-11 for eligible students over vacation. As the 504 contract was retracted by the school, it was logical to assume that this form was sent by mistake, that is for students with a viable 504 plan in place. Now we understand we are to use it even though we were previously told she is ineligible. For the first time, we read (above) that Home Hospital is a subcategory of 504 and therefore she indeed has a 504 status (without a 504 plan per se).**

**Next, Mr. Courtney instructed us to contact Jay Glover at the enrollment center ASAP which I did just prior to receiving your instructions (above) not to contact enrollment. We naturally concluded that the 504 plan would extend to □□□□□□'s situation while studying at home throughout the semester. That is because when we spoke with Mr. Courtney on Nov. 29th we did not commit to □□□□□□ returning to Garfield. We mentioned that a return might occur next semester. In fact, we discussed many options (as reflected in Mr. Courtney's email summary of Dec 12). Mr. Courtney also acknowledged that variety of options in his email of Dec. 12: "You have now stated that she "will not return to GHS". This was an option that was discussed at our phone conference."**

**The 504 plan was created on Dec. 3 when □□□□□□ was not attending school, amidst discussion of many options, and without guarantees about returning. We also concluded that the plan would be in effect while □□□□□□ studied at home because the plan states "When □□□□□□ is able to return to school, this 504 will be amended with additional accommodations as needed." It would have to exist during the time she is at home to be amended upon return. We continued to ask for necessary extensions beyond 5 weeks (the limit for an incomplete) because it appears the 504 plan could provide for such accommodations. We were told that only Mr. Howard has the ability to grant an extension of an incomplete, and therefore it is not guaranteed. Absent an extension, it appears she will lose those credits for the second half of semester A if she is unable to complete the work 5 weeks following the semester's end. Is that correct? In earlier correspondence Mr. Courtney mentioned additional options without detailing them. (We did ask for more elaboration). It seems imperative to assure that □□□□□□ has the proper provisions to assure complete recovery of her credits and mastery of the necessary material. Home Hospital nor reliance upon the principal to grant an incomplete does not guarantee this, apparently. Unfortunately, written communication has been fraught with inconsistencies as easily seen if reviewed. Therefore it is understandable how disconcerting this process is to anyone not versed in the intricacies, subcategories,**

**and other nuances of the 504 program. As □□□□□□ needs a 504 and we have a draft plan in progress (pending clarifications requested on Dec 12), would it not be important to proceed with this plan so it could be transferred to Roosevelt and operating immediately upon □□□□□□'s arrival? Your Dec. 13 communication below suggests this is a possibility. Please recall, the 504 plan was drafted on Dec 3rd amidst the discussion of many options, it is counterproductive--at the least-- to discard it and begin this process anew.**

Dec 13 from Ms Rusimovic: If □□□□□□ is not going to be returning to Garfield, then it is not appropriate for Garfield to be writing up a 504 plan as they can only provide accommodations available at Garfield. If □□□□□□ will be transferring to Roosevelt, it will be Roosevelt's responsibility to write up a 504 plan, if needed. Even if there was an agreed on plan written by Garfield, Roosevelt would still need to review the plan to make sure that they can/are willing to provide those same accommodations.

Mr Tolley,

We will forward these emails if you require them for the complaint.





Correspondence with Michael Tolley, Assistant Superintendent for Teaching and Learning

1.

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

**Subject:** English, Banda, School Board

**Date:** Wed, 08 Jan 2014 10:59:51 -0700

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

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

**To:** Tolley, Michael F <mftolley@seattleschools.org>

**CC:** SchoolBoard <SchoolBoard@seattleschools.org>, "English, Ron" <renghish@seattleschools.org>, [REDACTED] <[REDACTED]>

Mr. Tolley,

We direct you to the attached correspondence concerning Ron English's statement that sexual activity may occur on field trips in the context of appropriate chaperoning. Mr. English wrote that he speaks on behalf of Mr. Banda, the School Board, and the district generally. We asked Mr. Banda and the School Board whether they disagree with Mr. English and they did not.

Thus, we must object to Mr. English statements and to Mr. Banda, and The School Board for concurring with policies which contract the district's regulations for appropriate codes of conduct. As you know, the same standards of conduct that apply to the school building apply to the field trip setting.

Please include this in our complaint.

[REDACTED]  
[REDACTED]

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

**Subject:** sexual activity on school field trips

**Date:** Mon, 10 Jun 2013 22:39:48 -0700

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

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

**To:** [sharon.peaslee@seattleschools.org](mailto:sharon.peaslee@seattleschools.org), [sherry.carr@seattleschools.org](mailto:sherry.carr@seattleschools.org),  
[harium.martinmorris@seattleschools.org](mailto:harium.martinmorris@seattleschools.org), [michael.debell@seattleschools.org](mailto:michael.debell@seattleschools.org),  
[martha.mclaren@seattleschools.org](mailto:martha.mclaren@seattleschools.org), [betty.patu@seattleschools.org](mailto:betty.patu@seattleschools.org), "Smith-Blum, Kay"  
[<ksblum@seattleschools.org>](mailto:ksblum@seattleschools.org)

**CC:** [REDACTED] <[REDACTED]>

Dear School Board Members,

Please see the attached regarding sexual activity on school field trips.

Sincerely,

[REDACTED] and [REDACTED]

2.

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

**Subject:** Staff complaint: Points in correspondence of Jan 21 and 22, 2014

**Date:** Wed, 22 Jan 2014 11:43:14 -0700

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

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

**To:** Tolley, Michael F <mftolley@seattleschools.org>

**CC:** English, Ron <renglish@seattleschools.org>, Jose L <jlbanda@seattleschools.org>, Apostle,  
 Paul A <paapostle@seattleschools.org>, Theodore <trhoward@seattleschools.org>,  
 Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>, SchoolBoard  
 <SchoolBoard@seattleschools.org>, Snookal, Heather A <hasnookal@seattleschools.org>,  
 Brad <bewestering@seattleschools.org>, [REDACTED]  
 <[REDACTED]>, Petrik-Finley, Rachel J  
 <rjpetrikfinl@seattleschools.org>

Mr. Tolley,

Please add all of points in our Jan. 21 and 22 2014 correspondence below to our complaint against the school district staff named previously. In particular, please note the failure to produce promised correspondence and the failure to set reasonable and deliverable deadlines.

In addition, please note that we object to Mr. Banda and Mr. English's failure to move our complaint forward for the following reason: Mr. English states below that Mr. Banda must make a determination of whether our daughter was sexually assaulted. Medical professionals have already made that determination and as you know, we submitted that information in our Oct. 18, 2013 report. The school district granted □□□□□□ a 504 plan based on the diagnosis of PTSD provided by her medical team following the Nov. 7, 2012 assault. In addition, the district already has the assailant's confessions that our daughter told him to stop.

We strongly object to Mr. Banda's/Mr. English's

- stalling tactics
- their apparent failure to take seriously the conclusions of the physicians and medical professionals who treated □□□□□□ after the assault as evidenced by the statement below that Mr. Banda's

"decision on whether your daughter was assaulted is still pending"

- their apparent belief that Mr. Banda is better positioned to make a determination than the medical providers
- their failure to admit to "alleged consensual sex" and their ongoing reference to "alleged sexual assault"
- their focus that the determination of "consensual sex" alleviates the district of responsibility for the assault
- their their failure to acknowledge the underlying negligence that led to the tragic assault of our daughter

Sincerely,

□□□□□□ and □□□□□□

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

**Subject:** District's failure to respond

**Date:** Wed, 22 Jan 2014 10:03:25 -0700

**From:** □□□□□□□□□□□□□□ <□□□□□□□□□□□□□□@□□□□□□□□□□>

**Reply-To:** □□□□□□ <□□□□□□□□□□□□□□@□□□□□□□□□□>





students who admittedly lost control of the students, who took no effort to remedy the situation the second night when our daughter was raped, all while Garfield teachers failed to read, let alone enforce, chaperone policies.

Let us see whether Mr. Banda and the District is able to see past its own negligence and fear of liability and follow its motto of "Everyone Accountable," or whether it will continue blaming the victim for the district's own failures.

□□□□□□  
□□□□□□

3.

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

**Subject:** email 2 of 3 for school board

**Date:** Sat, 15 Feb 2014 16:11:03 -0700

**From:** □□□□□□□□□□□□□□ <□□□□□□□□□□□□□□@□□□□□□□□□□>

**Reply-To:** □□□□□□ <□□□□□□□□□□□□□□@□□□□□□□□□□>

**To:** [tlhale@seattleschools.org](mailto:tlhale@seattleschools.org)

**CC:** □□□□□□ <□□□□□□□□□□□□□□□□□□□□>

Mr. Tolley and Members of the Seattle school board,

Please find our staff complaint attached. We request the school board to also review this complaint and thoroughly understand the issues by accessing the source materials in the link. It is imperative that all addressed understand the materials submitted and the issues. The complaint won't go away if it's ignored; on the contrary it will continue to become a matter of public record. The district's draft investigation report, which figures into our complaint, is also attached. The superficial nature of its investigation, which Title IX specifies must be "substantive and "equitable," is discussed in our October 18, 2013 report (again attached for those new to this complaint) and Feb. 10, 2014 staff complaint (attached).

The relevant documents include the dropbox link and four attachments:

Dropbox link for all pdfs supporting parents' complaint

([https://www.dropbox.com/s/dwvmndah3g0o29u/Document\\_inventory.zip](https://www.dropbox.com/s/dwvmndah3g0o29u/Document_inventory.zip))

District's draft investigative report June 2013

Parents' October 2013 response to Kaiser report

**Parents' staff Complaint Feb 10, 2014**

Parent's February 4 2014 response to district's January 23, 2014 decision concerning March 2013 complaint (district was to have responded within 30 days)

Note that in the dropbox link you can view planning documents showing how the principal authorized the trip without a single male chaperone, and how only one screened chaperone was responsible for 27 students at night for two nights. You'll see a site map showing how Garfield teachers slept far out of sight of the students, preferring to take a family vacation with their children. You'll read the assailant's testimony to the National Parks Service in which he admitted actions that met the standard for rape in WA and the relevant statutes. The assailant's multiple versions of his story are compared in a table that includes a complete analysis of the information/misinformation we have. Are you willing to consider the deficits in the district's investigation as detailed in the table? Are you prepared to view our daughter's medical records by requesting the password from us? There, medical diagnoses (summarized in our annotated document summary) and the forensic evidence that clearly contradicts the assailant's bogus tale are available to you. Medical diagnoses are based on fact, not stories, although others have conveniently ignored this. Moreover, you can read correspondence from Ron English, who has created new policies in violation of district and federal statutes to excuse Mr. Banda from failing to extend our daughter her Title IX rights, as OSPI has informed us. This and much more is available in the link if you are prepared to act independently.

Why bother when it's easier to rubber stamp a determination the superintendent makes, even though his strategy is designed to mitigate responsibility? We must make the effort because the complaint affects the welfare of every child in the district. The unfortunate reality is that our family must take up this cause on behalf of all students so that no family shall have to endure the life-scarring tragedy that continues to devastate our lives. Those evaluating the complaint must ask themselves: What if this happened to my child? Would I be content with the "shabby treatment" our family has received, according a national civil rights organization watching this case? Would I accept the district's failure to consider objective information, such as medical fact, over the assailant's testimony that our daughter willingly "took" what he did even after he admitted she told him to stop? Would I accept the word of the assailant and his friend who admitted "I have your back" to the National Parks Service (see report) over the objective information we supplied? Would I fail to consider that the assailant was previously emergency excluded as a danger to himself and others from school for having "consensual" (?) sexual intercourse on school property during school hours?

Moreover, would I be content with a school district's decision that "alleged consensual sex" outweighs the wealth of information we provided to the contrary? Would I accept the district's view that because it wasn't "sure" that our daughter was raped despite the overwhelming medical opinion and other objective information that it didn't matter that she was denied her Title IX rights (which the district was obligated to extend whether or not it wanted to, as OSPI has written)? *Why would I accept the view that the chaperoning didn't matter because the district couldn't "be sure" that our daughter was raped?*

The district should have foreseen that allowing 27 students on a multi-day field trip with one screened female chaperone assigned to night-time supervision would allow for students to act as teenagers would. The district must be held accountable when one unauthorized chaperone told the students he was going to sleep, to act responsibly (as adults?) , and then plugged his ears, paving the way for students to leave the cabins, as the district's report revealed.

By refusing to admit that sexual assault occurred, the district can conclude that its chaperoning is just fine despite the egregious violations of district and camp policies teachers were to have enforced. Was the chaperoning acceptable? Who could possibly say it was when an unscreened/unauthorized college student stuffed his ears with earplugs and told the boys he was going to bed, when teachers failed to read and enforce obligatory codes of conduct, when no plan was made for the second night after the chaperones lost control the first night, etc. *Is the district's chaperoning just fine when Ron English writes more than once that sex can occur on field trips.* Consensual or non-consensual? Rape or no rape (as the district believes), consider one of many possibilities: a female student has consensual sex on a field trip and becomes pregnant, contracts a disease, or is otherwise traumatized. Is that OK because she wasn't raped? Since when are students allowed to visit and fall sleep in each others' cabins unchecked by chaperones, for a boy to be found beneath a girl's bed, for students to wander around the grounds meeting up with friends after curfew, etc?

Yet to justify this chaos that led to an assault, Ron English twice writes on behalf of the school board and Mr. Banda that sexual intercourse may occur on field trips in the context of appropriate chaperoning. Why have chaperones if sex can occur on field trips? Who gets to decide when and who may have sex, and whether it was consensual or sexual assault? The same rules that govern the school campus must also extend to the field trip location, according to the district's written policies, yet now Mr. English says sex may occur on field trips that are appropriately chaperoned. When will the district revise its release forms to let parents know that sex may occur on field trips? Have you read this correspondence sent to the school board (see link)?

Moreover, we have asked the school board and Mr. Banda whether they agree with Mr. English's emails saying that sexual intercourse may occur on field trips when chaperones are fulfilling their duties. The school board has remained entirely silent on the questions we have posed. Why? As policymakers, it is imperative that the school board understand how its new policies play out and, and in particular how ad hoc policies which Mr. English has articulated, can affect families. *Will the new school board and Mr. Tolley take an independent role in responding rather than forwarding our complaint to Mr. English who is the subject of the complaint?*

Parents need to know how the Seattle public schools has failed and the risks their children also face. It should be exquisitely clear that our concern is not "going away," and that the school board's response will be part of the story. Moreover, as the school board is responsible for hearing an appeal concerning this complaint (which extends to the Superintendent), it is imperative that it understand the full extent of the complaint if the board is to act as a truly objective, responsible, and independent entity.

□□□□□□  
□□□□□□

4.

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

**Subject:** amplified complaint after school board hearing/attachments

**Date:**Fri, 28 Feb 2014 11:50:53 -0700

**From:**□□□□□□□□□□□□□□□□ <□□□□□□□□□□□□□□□□@□□□□□□□□□□□□>

**Reply-To:** □□□□□□ <□□□□□□□□□□□□□□□□@□□□□□□□□□□□□>

**To:** Tolley, Michael F <mftolley@seattleschools.org>

**CC:** sharon.peaslee@seattleschools.org, sherry.carr@seattleschools.org, harium.martinmorris@seattleschools.org, sue.peters@seattleschools.org, stephan.blanford@seattleschools.org, martha.mclaren@seattleschools.org, betty.patu@seattleschools.org, "Hale, Theresa L" <tlhale@seattleschools.org>, SchoolBoard <SchoolBoard@seattleschools.org>, "Cerqui, John" <JCERQUI@seattleschools.org>, Ron <renglish@seattleschools.org>, □□□□□□ <□□□□□□□□□□□□□□□□□□□□□□□□□□□□>, SchoolBoard <SchoolBoard@seattleschools.org>, "Calandra.Sechrist@k12.wa.us" <Calandra.Sechrist@k12.wa.us>

Dear Mr Tolley,

Please add the following to our complaint against Ron English, Jose Banda, and John Cerqui. As Mr. English represents the district our complaint extends to all three individuals.

Background: On Feb. 25, 2014 the School Board Directors heard our oral appeal concerning the Superintendent's decision. A summary of our comments is attached as a part of our complaint. Briefly,

the Superintendent's decision failed to acknowledge that our daughter had been sexually harassed/assaulted. At the appeal hearing, Mr. English gave false information to the board.

1. Mr. English misled the school board by failing to acknowledge the district's definition of sexual harassment. In our response to Cerqui's February 2014 memo we wrote the school board and the district that:

The District has defined sexual harassment as "unwelcome conduct or communication that is sexual in nature." (WAC 392-190-056 and School District Policy 3208SP). In its publication "Sexual Harassment: It's Not Academic" the US Department of Education Office for Civil Rights (OCR) explains "unwelcome conduct" as follows:

"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.

"Example 1: A middle school student makes offensive sexual jokes to another student, but the student does not object to the jokes or speak out against them. The student's failure to object does not mean that he or she has welcomed the comments.

"Example 2: A female high school student willingly kisses a male student on one occasion. When the student subsequently attempts to kiss her again, she objects, but he kisses her anyway. This subsequent kiss is considered to be unwelcome despite the welcomeness of the first kiss."

English and Cerqui are aware of the numerous medical/therapy reports from physicians/sexual assault experts stating our daughter was the recipient of unwanted touching, rape, and sodomy. They also have seen our daughter's testimony authenticated by her therapist describing how she was raped, and the assailant's own testimony to the National Parks Service in November 2012 admitting our daughter told him to stop touching her at least three times. In the district's Kaiser investigation the assailant also stated she told him to stop before he sodomized her for 10 minutes. It stated that he also told the principal that she told him to stop. **Therefore both the assailant and the victim reported unwanted touching.** See item #5 in the email following.

**Unwanted touching constitutes sexual harassment as referenced above.** English, Banda, and Cerqui ignored information from both the assailant and victim in their presentation to the school board. They failed to acknowledge the definition of sexual harassment both referenced above and the Code of Prohibited Behaviors E-215. See items #12 and #6 in the email below.

2. We object that Cerqui, English, and Banda misled the school board by stating that the US Attorney General would have prosecuted this case if it were worthy of doing so because it actively protects the rights of women. We provided written information from Colin Smith who oversaw the

National Parks Service investigation stating that a decision not to prosecute a case has no bearing on whether or not an assault occurred.

Moreover, a report of sexual harassment relies upon a different standard of evidence, as we have informed the district numerous times by quoting the US government Dear Colleague Letter.

3. English falsely informed the school board that the district administration was first notified of the assault in our March 18, 2013 complaint. He himself wrote on April 17, 2013 that the district was notified of the rape the day it occurred. See item # 1 below.

4. English, Banda and Cerqui **failed to inform the school district that our daughter was given a transfer to Roosevelt high school based on the sexual assault that occurred on the November field trip. We provided them a copy of the approved transfer with sexual assault as the basis. Our daughter was obviously sexually harassed and assaulted, and the district acknowledged this when they granted a transfer with sexual assault on the November fieldtrip as the basis for the transfer.** See item #8 below.

5. Mr. English wrongly asserted that our daughter earned full credit for the semester when in actual fact her transcript shows only .25 credit for all courses except □□□□□□. We object to his tactic of trying to persuade the school board that she wasn't affected academically when she only completed one course. We object that Mr. English failed to disclose the truth, that the district mangled our daughter's accommodations and Carol Rusimovic (504 coordinator) refused to communicate in January 2013, as amply documented.

6. We object to Mr. English's unclear characterization to the school board about the "murky" nature of correspondence with the academic staff. He failed to explain that the murkiness was due to numerous contradictions in the advice the administration gave us, as amply documented.

7. We object to Mr. English inaccurate remarks about the belated extension our daughter was given. It was granted two days before the end of the term. He stated that our daughter had left so it was of no use. We asked the district for a timely and appropriate extension in November as a part of the 504 plan the district drafted after the rape. We stated that had it been granted in a timely manner, it would have guaranteed that the efforts she made would have been rewarded. Has the district awarded an extension in a timely manner and specified the accommodations available to our daughter, her options would have opened up.

8. We object to Mr. Banda's failure to follow the complaint pathway and observe the required time frameworks for answering our complaint. Calendra Sechrist of OSPI wrote that Mr. Banda was required to respond within 30 days of our March 2013 complaint. Mr Banda wrote that replied to our March complaint in January 2014. Why have complaint procedures if the district can ignore them? No decision concerning sexual assault should occur 14 months after the rape was reported on Nov. 7 2012.

9. Mr. Banda stated that his decision answered our March 2013 complaint. Our complaint dealt with negligent chaperoning. We did not ask for a determination whether our daughter was assaulted, which was the subject of Mr. Banda's "decision." We have been clear from the inception of our correspondence that we knew she was raped. Our complaint of March 2013 asked for an explanation of the district's chaperoning on the November 2012 field trip. Although Mr. Banda says he was addressing our complaint, he failed to address district's chaperoning which was the subject of the complaint.

10. Please see item #3 below.

11. Please include all the items in our email below in our staff complaint.

□□□□□□, □□□□□□

Please see below and include it in our complaint:

On 2/27/2014 3:36 PM, □□□□□□□□□□□□□□ wrote:

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

**Subject:** for immediate distribution

**Date:** Tue, 25 Feb 2014 20:47:13 -0700

**From:** □□□□□□□□□□□□□□ <□□□□□□□□□□□□□□@□□□□□□□□□□>

**Reply-To:** □□□□□□ <□□□□□□□□□□□□□□@□□□□□□□□□□>

**To:** Hale, Theresa L <tlhale@seattleschools.org>, English, Ron <renglish@seattleschools.org>, Cerqui, John <JCERQUI@seattleschools.org>

**CC:** Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>, schoolboard@seattleschools.org, □□□□□□ <□□□□□□□□□□□□□□□□□□□□□□>

School Board Directors:

Please note some of the following misinformation you were given tonight. Decisions must be made on facts and Mr. English has forgotten them. We have also sent you tonight's statements for review.

1. Ron English said that the SPS administration was unaware of a rape until our March 2013 complaint and that an investigation was promptly conducted. In a message of April 17, Ron English



stated that the school had been notified of a rape the same day. "On the morning of November 7, . . . 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." You were provided this correspondence in the pdf submitted in October 2013.

This is just one example of how the district remodels the facts to convince you that it proceeded appropriately.

2. In addition: the assault was reported to the teachers the morning of the rape. Petrik-Finlay and Snookal were in the hospital. We spoke with Mr. Howard on November 8th about the rape and corresponded with him the same day. The legal department received a request from □□□□□'s physician for HIV testing of the assailant. We provided this correspondence. We spoke with the Ombudsman. Why does the SPS administration claim it was unaware of the rape until our March complaint? To mitigate liability.

3. Mr. English admits that the school didn't undertake an investigation. When OSPI informed us that the school was required to undertake a prompt investigation, Mr. English reversed himself and wrote that the district actually had undertaken an investigation although he lacked a grasp of the most basic information such as the number of students or chaperones. His reversal is documented in the correspondence pdf. If had conducted an investigation, why didn't he convey the results of his "investigation" as required by Title IX?

4. The so-called eye witness upon which Mr. Cerqui relied testified to the National Parks Service that "he had the assailant's back." We provided this information and an analysis of all the contradictory information in the reports. We pointed out that he even described a girl whose appearance and clothing were unlike our daughter's. The assailant couldn't even verify if his friend were in the room at the time of the assault.

5. The assailant admitted many times to the NPS, to Mr. Howard, and to Mr. Kaiser that our daughter told him to stop, yet he raped and sodomized her. He met the definition of sexual assault in the district's Code of Prohibited Behaviors E-215 and rape in Washington state. Consider how the district prefers to believe his story even when he admitted that she told him to stop. Remember too that he had been excluded from middle school for having sex on school property on the lunch period. Was that also "consensual" sex?

**6. The SPS legal team gave the directors inaccurate information regarding the absence of criminal charges against the assailant. *Criminal charges require a different standard of proof than charges of sexual harassment and sexual violence.* We have quoted this information numerous times from the Dear Colleague Letter. The directors should review NPS Chief Ranger Colin Smith's objective statement: the US Attorney's Office made no determination that a sexual assault did not occur.**

**Whether this case was prosecuted is irrelevant.** A sexual assault was reported. The district had an obligation to conduct a prompt investigation after it was reported in November. Had it done so, had the

district interviewed our daughter and the assailant before his story became legend, it could have uncovered the details of the assault. Instead of doing so, the district blames the parents for following the advice of the therapists to protect □□□□□□ from further trauma.

7. Mr. English would have you believe that it did everything possible to serve our daughter when parents had to find out about Home Hospital tutoring a few days before she would have been dropped from enrollment. Her accommodations were mangled at every turn, as we have amply documented. He also claimed she received full credit for the semester when she only received full credit for □□□□□□. Her transcript bears credit in the amount of .25, not .5 for all but one of her classes.

8. **The district granted her a transfer to Roosevelt with sexual assault on the November fieldtrip for the reason for the transfer. We provided the application containing this as the reason. The district knows she was assaulted but pretends otherwise.** □□□□□□ could not attend Roosevelt because the 504 department ceased communicating with us about her accommodations. Moreover, she was suffering from full-blown PTSD.

9. The district did not conduct a thorough investigation as Mr. English claimed. For example, it hid the fact that the teachers slept in a remote location while entrusting our children to unscreened college students.

10. The district failed to tell you that on May 7, 2013 we volunteered to participate in the investigation but were not allowed. We included our May 7 letter in the correspondence. This would have unearthed the wealth of information the district faults us for not supplying. Why? Because to provide the information would have cast the district in a very bad light.

11. Why does the district ignore the wealth of medical information that says our daughter was raped but pretends she wasn't?

12. Rape or no rape (as some believe), no one can say our daughter accepted unwanted touching. Unwanted touching in itself is a feature of sexual harassment. We provided you with the definition of unwanted touching last week from the Office of Civil Rights publication entitled Sexual Harassment: It's Not Academic. There is no doubt that she met the definition of sexual harassment.

Directors should take the time to read the source materials and information from OSPI rather than accepting the advice of the legal team whose primary objective has always been mitigating liability, not accountability.

Sincerely,

□□□□□□  
□□□□□□

5.

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

**Subject:** failure to address our complaint as required

**Date:** Wed, 05 Mar 2014 09:38:20 -0700

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

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

**To:** Tolley, Michael F <mftolley@seattleschools.org>

**CC:** [REDACTED] <[REDACTED]>

Mr. Tolley,

Please add the correspondence below to our complaint against Mr. Banda, Mr. English, Mr. Cerqui.

[REDACTED] [REDACTED]

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

**Subject:** failure to address our complaint as required

**Date:** Wed, 05 Mar 2014 09:34:22 -0700

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

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

**To:** Banda, Jose L <jlbanda@seattleschools.org>, English, Ron <renglish@seattleschools.org>, Cerqui, John <JCERQUI@seattleschools.org>, SchoolBoard <SchoolBoard@seattleschools.org>, Hale, Theresa L <tlhale@seattleschools.org>

**CC:** Calandra.Sechrist@k12.wa.us <Calandra.Sechrist@k12.wa.us>, Tolley, Michael F <mftolley@seattleschools.org>

Mr. Banda, Mr. English, Mr. Cerqui, School Board Directors, Ms. Sechrist, and Mr. Tolley:

The district has failed to address our complaints:

**1. Our March 18, 2013 complaint was not addressed.** On March 18, 2013 we sent the Superintendent a formal complaint concerning the negligent chaperoning on the November 7, 2012 field trip during which time our daughter was sexually harassed/assaulted.

Calendra Sechrist of OSPI wrote that the district had 30 days to answer our complaint. She also wrote that the Superintendent failed to inform us of the appeal process when we filed this complaint. We provided this correspondence.

In January of 2014, ten months later, the superintendent rendered a "decision" that was designated as a response to our March 2013 complaint.

The Superintendent failed to address this complaint in a timely manner and he ignored the requirement to inform us of the complaint pathway.

Moreover, the Superintendent failed to answer the to subject of our complaint, that is, negligent chaperoning. As we wrote numerous times, our complaint sought an explanation of the lax chaperoning that allowed students to enter each others' cabins day and night while chaperones slept. We never asked for a decision on whether our daughter was raped. We made it clear from the inception of our complaint that we knew she was and so did her medical providers. The district itself granted her a transfer in January 2013 with the basis being sexual assault on the November field trip. We provided a copy of this document.

The district appears to believe that a determination of sexual harassment or sexual assault somehow addresses our complaint about negligent chaperoning. It doesn't. We intend to reassert our claim of negligent chaperoning.

Therefore, the subject of our March 18, 2013 complaint has never been addressed.

**2. Incomplete Investigation.** The district was required to provide a prompt, substantive and equitable investigation. The district only began its investigation 6 months after the assault. We volunteered to participate in the investigation as documented in May 2013 correspondence. The district did not accept our offer. We also supplied documents and a list of basic questions that the district failed to answer (e.g. how far away did the teachers sleep because they failed to control the students). Neither our offer to participate (to generate information based on what we had heard) or our questions about basic factual information were honored. Moreover, the subject of the chaperones' failure was not explored in any depth. For example, the district hid the fact that teachers slept in a distant location, that the principal authorized the trip without a single screened male chaperone, that the teachers made no plan with they lost control of the students, etc.

The district failed to accept our offer to participate, it failed to consider the objective information we provided, it later complained that the information we provided was somehow lacking but did not seek authentication, and it failed to address the basic factual questions we requested, among other deficits documented in our October response. It did not provide a substantive and equitable investigation which it could easily have done so had the investigator considered our offer to participate and the questions/information/analysis we provided.

Even after we provided additional information in October 2013, the district never completed its draft investigation of June 2013. The only version of the investigation is the draft report which is unsigned by the Superintendent. No explanation was ever given why this investigation was dropped and why the information we provided did not become a part of the investigation.

**3. Failure to address the subject of our complaint.** On January 15, 2014 we again registered a complaint about the district's failure to address the central topics of our complaint: the chaperoning circumstances that allowed for sexual harassment/sexual assault. Mr. English stated in our appeal before the school board that chaperoning was not the subject of discussion. Why weren't they? They have been the central focus of our complaint from the moment our daughter was raped.

Instead, in our appeal before the School Board Directors, the legal team focused on whether our daughter was sexually harassed. Our daughter clearly met the definition of unwanted touching, sexual harassment, and sexual assault. Both the assailant and the victim's testimonies stated so along with the medical providers and the State of WA that determined □□□□□ was a crime victim.

**4. Mr. English stated to the school board that negligent chaperoning was a separate complaint.** What complaint is he referring to? Why does he say so when it was the subject of our March 18, 2013 complaint to Mr. Banda and virtually every communication with the district. Mr. Banda owes us a full disclosure of the chaperoning that included unscreened college students and teachers who failed to read, sign, and enforce the rules.

**5. Mr. English also stated that Title IX was "not on the table."** Why not? Our daughter reported she was assaulted on November 7, 2012 and the teachers saw her in the hospital. We immediately registered our concerns with the principal, and our daughter's physician supplied the district with the doctor's letter asking for HIV testing of the assailant. That letter was forwarded by the principal to the legal department. Astonishingly, Mr. English told the school board that they were unaware of an assault until March in direct contradiction to his April correspondence stating that the district was immediately informed of the assault.

As the district was immediately informed, Title IX had to be implemented. It never was.

***The district owes us a full inquiry and explanation for its failure to address our complaint as required by law.***

Consider our email of nearly a year ago (below)] as one example of the way the district failed to perform.

Sincerely,

□□□□□□ and □□□□□□

Mr. English,

Thank you for your message.

Your reply shows that even now you fail to comprehend our most basic request. □□□□□□ was sexually assaulted on the Garfield field trip. She has told us what happened. □□□□□□'s 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.

We told you that school district personnel qualified □□□□□□ for a 504 accommodation, basing their determination of PTSD on a letter from □□□□□□'s pediatrician. We sent you a copy of the 504 document we received in early December. Now you tell us that the 504 plan coordinator agreed to provide a 504 accommodation for □□□□□□ simply based on our statements without any review.

You have now told us that the student who admitted to having "consensual sex" with □□□□□□ 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" □□□□□□ 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.

□□□□□□ and □□□□□□

6.

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

**Subject:** Fwd: forms and procedures requested

**Date:** Tue, 11 Mar 2014 14:15:17 -0700

**From:** □□□□□□□□□□□□ <□□□□□□□□□□□□@□□□□□□□□□□>

**Reply-To:** □□□□□□ <□□□□□□□□□□□□@□□□□□□□□□□>

**To:** Tolley, Michael F <mftolley@seattleschools.org>

**CC:** □□□□□□ <□□□□□□□□□□□□□□□□□□□□>

Mr. Tolley,

Please add the email of March 11, 2014 below, to our complaint concerning Brad Westering, Ted Howard, and all teachers/chaperones (unscreened and screened/authorized/unauthorized) who participated in the November 2012 field trip to NatureBridge.

Please note that trip organizers violated the required protocols that ensure for the students' safety from 2009 onwards. (We lack information prior to 2009.)

The questions below are relevant to your investigation. We look forward to your reply.

□□□□□□  
 □□□□□□

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

**Subject:** forms and procedures requested

**Date:** Tue, 11 Mar 2014 14:07:21 -0700

**From:** □□□□□□□□□□□□□□ <□□□□□□□□□□□□□□@□□□□□□□□□□>

**Reply-To:** □□□□□□ <□□□□□□□□□□□□□□@□□□□□□□□□□>

**To:** [volunteer@seattleschools.org](mailto:volunteer@seattleschools.org), "Barbello, Julie A" <[jabarbello@seattleschools.org](mailto:jabarbello@seattleschools.org)>

**CC:** □□□□□□ <□□□□□□□□□□□□□□@□□□□□□□□□□>

Dear Ms. Barbello and Volunteer,

Thank you for your efforts. We are in the process of submitting a complaint and would appreciate receiving the following information as soon as possible.

Owing to the possibility of overlooking questions, please add your comments in **UPPER CASE BOLD** next to our questions.

Please explain why documents could not be located.

Please explain the procedures in which documents are returned and filed with the district. For example, what must a teacher do with the permission slips he/she collects? What must the district do to preserve those forms and for what period of time?

Who is ultimately responsible when the forms are not found?

Please confirm the following is correct for the classes taken to NatureBridge 2009-2012: please add **YES or NO where relevant**

## 2009

Colleen Kellogg when screened? Heather Snookal  
 (when screened?) no male chaperone no additional  
 adults registered total number of male students total  
 number of female students no permission slips or  
 other documents filed missing documents that should  
 have been filed were:



**2010**

No district chaperone forms filed out

Were any of the chaperones or teachers screened, and if so, who:

OPI chaperone form listing:

Heather Snookal (last screened?)

Andrew Kosydar, (unscreened college student)

Siri Nelson (screened) "Jasmin" (not screened)

total number of male students

total number of female

students a number of partners whose names

are: no permission slips or other documents

filed missing documents that should have been

filed were:

**2011** chaperones were not listed total number of  
male students total number of female students no  
permission slips or other documents filed missing  
documents that should have been filed were:

**2012**

no male chaperone designated

Alicia Arnold screened appropriately?

Heather Snookal (appropriately screened?)

Rachel-Petrik Finley (appropriately screened?)

Shelley Stromholt (unauthorized, attended but was not listed or screened) Nick Ward  
or Nick Fraize (unauthorized, unscreened college student)

total number of male students total number of

female students missing documents that should have

been filed were:

Please attach all forms (even if blank) that teachers, principals, and others were required to have filled out for the 2009-2012 field trips

When was the principal's checklist form that was used in 2012 created?

When was Superintendent Procedure 2320 SPC created?

Were Snookal and Petrik-Finly screened annually as required?

Are we correct in stating that all adults must be screened, whether or not they are actually chaperoning, but are still in the presence of students?

Please tell us what the chaperones and teachers were were required to do that they did not do: for example. p16 of the 8/25/07 SPS Fieldtrip procedures states that there is to be an informational meeting with records kept. Is that information to be turned into the district?

Please explain why these procedures were not verified

Who is responsible for verifying that the procedures are carried out?

Please tell us why forms are missing, such as permission slips, screening forms, etc.

Were teachers and chaperones required to meet the following requirements? If they did not meet the requirements, who is responsible? [http://bit.ly/SPS-](http://bit.ly/SPS-Volunteering)

### Volunteering

\_\_\_ I have viewed the on-line course related to “Adult Sexual Misconduct Prevention.”

\_\_\_ I have read and sign the Volunteer Handbook

\_\_\_ I have read the Field Trip Supervision Procedures

\_\_\_ I have read and adhere to Policy No. 3246 (Use of Reasonable Force)

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Principals are responsible for ensuring that appropriate levels of supervision are provided, with required ratio of district employees and properly background checked volunteers to students. Principal’s signature on the field trip approval from [certifies that he or she has verified this supervision will be in place.](#)

**Please tell us anything else the chaperones and teachers were were required to do, e.g.: hold informational meeting for parents teachers educate the chaperones about the procedures teachers read the procedures themselves**

Thank you,

□□□□□□

7.

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

**Subject:** staff complaint: accountability: response to 3/13/14**Date:**Sun, 23 Mar 2014 18:14:54 -0700**From:** [REDACTED]

&lt;[REDACTED]@[REDACTED]&gt;

**Reply-To:** [REDACTED]

&lt;[REDACTED]@[REDACTED]&gt;

**To:**Tolley, Michael F <mftolley@seattleschools.org>**CC:**SchoolBoard <SchoolBoard@seattleschools.org>, "English, Ron"

&lt;renglish@seattleschools.org&gt;, "Hale, Theresa L" &lt;tlhale@seattleschools.org&gt;,

"Patu, Betty" &lt;bpatu@seattleschools.org&gt;, SchoolBoard

&lt;SchoolBoard@seattleschools.org&gt;, "[REDACTED]"

&lt;[REDACTED]&gt;

Mr. Tolley,

Please add our email of 3/23/14 below to our complaint against Jose Banda, Ron English, the district's legal department, Ted Howard, Brad Westering, and the field trip organizers/teachers/chaperones.

[REDACTED]

[REDACTED]

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

**Subject:** accountability: response to 3/13/14**Date:**Sun, 23 Mar 2014 17:30:59 -0700**From:** [REDACTED]

&lt;[REDACTED]@[REDACTED]&gt;

**Reply-To:** [REDACTED] <[REDACTED]@[REDACTED]>**To:**English, Ron <renglish@seattleschools.org>, Banda, Jose L

&lt;jlbanda@seattleschools.org&gt;, Hale, Theresa L &lt;tlhale@seattleschools.org&gt;, Patu,

Betty &lt;bpatu@seattleschools.org&gt;, SchoolBoard &lt;SchoolBoard@seattleschools.org&gt;,

Peaslee, Sharon D &lt;sdpeaslee@seattleschools.org&gt;, Carr, Sherry L

&lt;slcarr@seattleschools.org&gt;, Martin-Morris, Harium

&lt;hmmorris@seattleschools.org&gt;, Peters, Susan M &lt;sue.peters@seattleschools.org&gt;,

Blanford, Stephan &lt;stephan.blanford@seattleschools.org&gt;, McLaren, Martha

&lt;mlmclaren@seattleschools.org&gt;, Cerqui, John &lt;JCERQUI@seattleschools.org&gt;

**CC:**[REDACTED] <[REDACTED]>, "Westering, Brad"

[<bewestering@seattleschools.org>](mailto:bewestering@seattleschools.org), "howard >> \"Howard II, Theodore\""  
[<trhoward@seattleschools.org>](mailto:trhoward@seattleschools.org)

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

Our January 15, 2014 complaint reiterates the points we raised in our October 18, 2013 letter. We raised them again in January because no one from the District bothered to address them back in October.

Your response of March 13, 2014 does not answer our question: why was chaperoning and adult supervision so deficient as to allow sexual harassment/assault to occur on the field trip. Regardless of whether you choose to believe the medical professionals' diagnosis of sexual assault and resulting trauma or the district and state's definitions of sexual harassment, which the assailant met, you must agree that the chaperoning was unacceptable. The District's own investigator revealed how chaperones were ignorant of both the District's rules and the camp policies they were supposed to enforce. As a result, students were allowed to enter and leave each other's cabins all night long. Chaperones admitted they failed to monitor students and the sole male college student chaperone slept with earplugs. Teachers slept in a distant part of the camp, a fact that the District hid but which we obtained from NatureBridge camp. Moreover, the District's investigation failed to disclose the most basic facts, which we were obliged to gather through a public information request: that no male chaperone was listed when the principal approved the trip, that only one screened female chaperone was authorized to monitor 27 students at night, that the District violated its own requirement for screened /informed chaperones for all three years it attended NatureBridge (2009--12) among other violations. *Do you deny these facts?*

It's fine to conduct an internal personnel review. That does not constitute the full explanation we're owed. Why doesn't the district come forward with a full disclosure rather than hiding the facts? As we told past Board president, Kay Smith-Blum, this is a community safety issue that all parent's need to know about to evaluate the risks of sending their child on a field trip. You tell us that the District "has recently implemented several District-wide operational changes related to overnight field trips." At the time of the November 2012 field trip, the District also had policies and procedures in place governing management and supervision of overnight field trips. Why didn't chaperones, teachers, and administrators abide by them? There were devastating consequences to our family as a result. There is no guarantee that new policies will protect students when existing policies, had they been followed, would have done so. *Our conclusion: the District refuses to explain.*

The same applies to our complaint regarding noncompliance with Title IX. You write, "The District has policies and procedures in place to comply with the requirements of Title IX." If that is the case, why were they not followed? The District can conduct an internal personnel review, but that is not an explanation. It's fine that "the School Board asked District staff to look into the timeliness for handling complaints and how to prevent future incidents." But that doesn't explain

why the District did not comply with Title IX directives when responding to our daughter's reported sexual assault in November 2012. No one in the District has *ever* given us a straightforward explanation. *Our conclusion: the District refuses to explain.*

In our March 5, 2014 letter we asked again about why the District aborted its own independent investigation. We are owed a prompt, substantive, and equitable investigation. This did not occur for the reasons we enumerated earlier. We asked to participate but were not allowed to (even though Ron English's 5/2/13 memo invited other parents to participate). Mr. Kaiser issued his draft investigation report and asked us to provide feedback and additional information. We did exactly that. But Mr. Kaiser never had an opportunity to incorporate that data into a final report because the District terminated his investigation. Once again you do not explain why. *Our conclusion: the District refuses to explain.*

We have asked you innumerable times for direct and forthright explanations. You have not provided them in the past, and you do not provide them now. Instead you continue to dodge our questions and demonstrated a complete lack of transparency. You pretend to provide us and the School Board with answers when in actual fact you've done nothing to explain. *We are aware of at least one School Board member who has expressed outrage at the District administration's evasive responses to us, the victim's family.*

Once again we request straightforward answers to these questions:

- From beginning to end, what went wrong with adult supervision and field trip management on the November 2012 field trip, and why did it happen?
- Why did the adults in charge permit an unsafe and uncontrolled environment in which students were free to go into and out of each other's cabins all night long for both nights of the field trip?
- Why didn't teachers, chaperones, and administrators follow the required procedures?
- Why didn't the District comply with Title IX procedures in the aftermath of the sexual assault?
- Why did the District terminate Mr. Kaiser's independent investigation before he could incorporate the information he requested from us?

Asking us to file a tort claim does not relieve the District of its obligation to provide a full explanation.

Sincerely,

□□□□□□ and □□□□□□

8.

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

**Subject:** Fwd: failure to conduct a prompt, equitable, substantive, and completed investigation.

**Date:** Sun, 30 Mar 2014 21:51:24 -0700

**From:** [REDACTED]

<[REDACTED]@[REDACTED]>

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

**CC:** Tolley, Michael F <mftolley@seattleschools.org>, SchoolBoard

<SchoolBoard@seattleschools.org>, Hale, Theresa L <tlhale@seattleschools.org>,

Patu, Betty <bpatu@seattleschools.org>, Banda, Jose L

<jlbanda@seattleschools.org>, Peaslee, Sharon D <sdpeaslee@seattleschools.org>,

Peters, Susan M <sue.peters@seattleschools.org>, Hale, Theresa L

<tlhale@seattleschools.org>, [REDACTED]

<[REDACTED]>,

Howard II, Theodore <trhoward@seattleschools.org>, English, Ron

<renglish@seattleschools.org>, McLaren, Martha <mlmclaren@seattleschools.org>,

harium.martin-morris@seattleschools.org

Mr. Tolley,

Please add our email of March 30, 2014 to the school board to our complaint against Jose Banda, Ted Howard, Ron English for

- failing to provide the required prompt, equitable, substantive, and completed investigation the district promised
- for failing to disclose that a Garfield High School parent immediately report that her child witnessed a rape (attached)
- for hiding information that cast the district in a negative light including an immediate report to Ted Howard describing how chaperones allowed students to leave their cabins all night long (attached)
- for pretending months later that the district knew nothing about student's co-mingling after curfew (see English April 27, 2013 email) .
- for failing to allow us to participate in the investigation as we offered in May 2013 when Ron English allowed other parents to participate (English email of May 2, 2013 to Howard)
- for failing to provide any explanation of why chaperones allowed an unsafe environment where a sexual assault could and did occur
- for pretending the the district has answered us when it has continued to evade our questions from the moment the assault occurred over 16 month ago

This complaint is amplified below.

[REDACTED] and [REDACTED]

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

**Subject:** failure to conduct a prompt, equitable, substantive, and completed investigation.

**Date:** Sun, 30 Mar 2014 15:24:41 -0700

**From:** [REDACTED]

<[REDACTED]@[REDACTED]>

**Reply-To:** [REDACTED]

<[REDACTED]@[REDACTED]>

**To:** Banda, Jose L <jlbanda@seattleschools.org>, Patu, Betty

<bpatu@seattleschools.org>, Peaslee, Sharon D <sdpeaslee@seattleschools.org>,

SchoolBoard <SchoolBoard@seattleschools.org>, Hale, Theresa L

<tlhale@seattleschools.org>, Peters, Susan M <sue.peters@seattleschools.org>

**CC:** [REDACTED]

<[REDACTED]>

Dear School Board Directors and Mr. Banda,

The district refuses to answer our questions, as we again wrote on March 23, 2014. Below we again address one concern, specifically its failure to conduct a prompt, equitable, substantive, and completed investigation.

1. The school district aborted its own investigation. The June 5, 2013 email from investigator Rick Kaiser below confirms that school district aborted its investigation of the November 7, 2012 sexual assault upon our daughter. We strongly object to this failure.

Mr. Kaiser wrote in June 2013 that he would complete his report upon receipt of our records. We sent him a wealth of information on October 18, 2013, two months before the agreed deadline, which he could have utilized if he were undertaking a truly equitable and substantive investigation. But the assault investigation was dropped after we sent medical information confirming that our daughter was raped, along with other objective information. The District never incorporated the information sent or completed its report, as promised.

2. The investigation omitted critical information from a mother the day after the assault saying her child witnessed a rape. Ms. Moore (see email attached and copied below) reported to the school on the morning of November 8, 2012 that her child witnessed a rape. This information does not appear in the district's report. If the district had conducted a prompt investigation, it would have been able to follow up on this critical lead before information became distorted over the 6 months that elapsed before its investigation began.
3. The investigation was not not substantive or equitable as detailed in our September 7 and October 18 2013 correspondence. We analyzed the data from multiple sources and provided a chart that clearly defined the investigation's numerous factual errors and omissions. The investigator never responded to this information or continued its investigation with the information we provided to create a fair portrayal of the events that led to the sexual assault.

4. An equitable investigation should have included all relevant information instead of deleting information that cast the district in a negative light. For example the investigation failed to disclose an interview of November 8, 2012 (attached) in which the district immediately had information about students co-mingling all night long. This immediate report of November 8, 2012 went from Mr. Howard to the National Parks Service Investigator. We object to the district's failure to include this early information about chaperone negligence in its investigation.

In addition, we asked if this information came from our daughter (who could have been interviewed at the hospital where she was being treated for rape) or whether another student gave the information. No one would tell us. We object to the district's refusal to tell us if our daughter was the informant or whether it included information about her.

Moreover, even though the district had the November 8, 2012 information about students leaving their cabins all night long, it pretended knowing nothing about it. On April 27, 2013 email Ron English wrote "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." Obviously if students were allowed to leave their cabins after curfew, a rape could occur. (And recall that rules we provided forbade students from going into each others' cabins at all, before or after curfew, yet the chaperones were completely ignorant of the very rules and code of conduct NatureBridge required them to enforce!).

5. An equitable investigation would have allowed us to participate (as we offered on May 7, 2013) when other parents were allowed to (memo of May 2, 2013 from Ron English to Ted Howard invited parents to participate). As we stated, our participation would have generated some effective lines of inquiry that Mr. Kaiser did not adopt. Furthermore, because the district waited six months to conduct an investigation, it lost the opportunity to gather facts before they became distorted. (Even one of the unauthorized chaperones who was responsible the night our daughter was raped, Shelley Stromholt, questioned Ron English about the nature of an investigation so long after the event. Stromholt to English on May 15, 2013)

The district has failed to explain its failure to conduct a prompt, equitable, substantive, and completed investigation. It has failed to provide the answers which we have repeatedly asked for and again on March 23, 2014. An internal review is not the prompt, substantial, and equitable investigation we were owed.

District owes us factual answers to the questions raised yet again in our correspondence of March 23, 2014, not evasive responses.

Sincerely,

□□□□□□ and □□□□□□



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

**Subject:** complaint concerning Serena Samar and Ted Howard

**Date:** Sun, 30 Mar 2014 22:40:19 -0700

**From:** [REDACTED]

<[REDACTED]@[REDACTED]>

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

**To:** Tolley, Michael F <mftolley@seattleschools.org>, Banda, Jose L  
<jlbanda@seattleschools.org>, SchoolBoard <SchoolBoard@seattleschools.org>,  
Hale, Theresa L <tlhale@seattleschools.org>, Peaslee, Sharon D  
<sdpeaslee@seattleschools.org>, Peters, Susan M <sue.peters@seattleschools.org>,  
McLaren, Martha <mlmclaren@seattleschools.org>, Martin-Morris, Harium  
<hmmorris@seattleschools.org>, English, Ron <renghish@seattleschools.org>,  
Howard II, Theodore <trhoward@seattleschools.org>,  
[REDACTED]"[REDACTED]"  
<[REDACTED]>

Mr. Tolley, Mr. Howard, Mr. English, School Board Directors, Mr. Banda,

In the email message below and attached, a GHS teacher, Serena Samar, had information on November 8, 2012 from a parent, Ms. Moore, whose child "witnessed a rape" on the ecology field trip. Ms. Samar reports this to Ted Howard in an email message dated November 14th, a full week after the rape. The investigation should include Ms. Samar for failing to convey information in a timely manner. It extends to Ted Howard for failing to acknowledge the importance of the parent's report and extending our daughter protection.

We asked Ted Howard on November 8, 2013 to tell us what sanctions were meted out against the assailant so our daughter could return to school. He refused to tell us although we learned months later that he emergency excluded the assailant. According to Title IX directives, school staff must eliminate a hostile environment for the student reporting the sexual assault: "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. This information also directly affects a complainant's decision regarding how to work with the school to eliminate the hostile environment and prevent its recurrence. "

We previously detailed the many ways Mr. Howard failed to give equal consideration to our daughter's immediate report of rape alongside the assailant's claim of "consensual sex." For example, even though our daughter went to the hospital, endured a rape kit, and reported the rape, and even though the assailant admitted to Mr. Howard that he continued after she told him to stop, Mr. Howard failed to consider that she was really raped. *Mr. Howard had additional information from the parent mentioned in Ms. Samar's email, yet he still discounted our daughter's report.*

Moreover, the district's investigation failed to even reference Ms. Samar's report from a parent just as it failed to include medical and objective information saying our daughter was raped. Why? Because the district has hidden the facts to mitigate its liability for the devastation that ensued from the November 2012 assault.

In upholding the Superintendent's "decision," the School Board Directors have relied upon the SPS legal department whose sole objective has been to obscure the facts surrounding the November 7, 2012 assault to escape accountability.

Sincerely,

□□□□□□ and □□□□□□

From: Samar, Serena L

To: Howard II, Theodore

Cc: Lee, Lenora

Subject: Per your request

Date: Wednesday, November 14, 2012 9:05:04 AM

On Thursday, November 8, 2012 at 7:21 a.m. I arrived outside the main office where I was parking my bike. Ms. Moore caught my eye and approached me.

Ms. Moore stated there was an incident on the Ecology field trip and she took [redacted] home last night and she was very upset as was her Mom. I stated that [redacted] is naturally dramatic. Ms. Moore said, no this is a little more serious. I asked if everything was ok. She told me that there was an incident on the field trip where [redacted] witnessed a rape. She was in the top bunk.

She also stated that it is still under investigation.

I thanked her for telling me about the incident. I also asked about another student on the field trip that is a male and on my caseload. She asked for his name. I replied with [redacted]. She shook her head "no" that he wasn't mentioned in the allegations. Serena Samar

Case Manager

Language Arts Teacher

Garfield High School

[slsamar@seattleschools.org](mailto:slsamar@seattleschools.org)

(206) 252-2380

10.

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

**Subject:** sex can occur on field trips "under specific circumstances"

**Date:** Fri, 11 Apr 2014 10:17:35 -0700

**From:** [REDACTED]  
 [REDACTED]@[REDACTED]  
**Reply-To:** [REDACTED] <[REDACTED]@[REDACTED]>  
**To:** Tolley, Michael F <mftolley@seattleschools.org>, Banda, Jose L  
 <jlbanda@seattleschools.org>, SchoolBoard <SchoolBoard@seattleschools.org>,  
 Hale, Theresa L <tlhale@seattleschools.org>, Patu, Betty  
 <bpatu@seattleschools.org>, Peters, Susan M <sue.peters@seattleschools.org>,  
 Martin-Morris, Harium <hmmorris@seattleschools.org>, McLaren, Martha  
 <mlmclaren@seattleschools.org>, oeoinfo@gov.wa.gov  
**CC:** [REDACTED]"[REDACTED]"  
 <[REDACTED]>

Mr. Tolley (and The State Ombuds):

Please add the following email to our complaint against General Counsel Ron English and Superintendent Jose Banda. We now add The School Board Directors for the reasons stated below. Please advise us whether you manage a complaint against the Board or whether there is a separate avenue of complaint.

Ron English (who writes that he represents Superintendent Banda and the School Board) has misled the School Board by claiming that we mischaracterized his statements about sex on field trips when we clearly have not. The full context for his statements about sex on field trips and our correspondence with the School Board Directors appear below. English asserts that sex may occur "under specific circumstances" where chaperones are appropriately performing their duties.

Mr. English's distortions become authoritative fact for the School Board. Because the School Board Directors rely on Ron English for information concerning decision-making, the Board does students and families a grave disservice when it relies on misinformation. We have already documented the numerous false statements Mr. English made from the inception of our complaint in March 2013. We refer you to our correspondence pdf #11 submitted. The Board recently made a decision concerning our daughter's assault based on inaccurate and partial information, as we documented on Feb. 25, 2014 and subsequently.

We also object to English's policy statement concerning sex on field trips because it violates both District policy and the right to an equal education. Because English writes sex can occur "under specific circumstances" when chaperones are doing their duties, students are at risk, and may become victims of assault, trauma, disease, unwanted pregnancy, etc. This policy impacts and discriminates against girls more than boys owing to pregnancy and the greater possibility of being raped. We object.

We also object that English (on behalf of the School Board/Superintendent) has also failed to explain the permissibility of sex when the chaperones are NOT performing their duties, as happened when our daughter was raped. Recall that unscreened, unauthorized chaperones, ignorant of district and camp rules failed to monitor students and the male "chaperone" went to sleep with earplugs.

We object to the District's failure (Banda, English, et.al) to explain why chaperoning was so deficient as to allow for unsafe circumstances where sexual assault could and did occur.

The School Board allows Mr. English to create ad hoc policies about sex to mask the District's failure to protect our daughter from being raped on the November 2012 overnight. We object.

The Board fails to hold Mr. English/The District/the Superintendent accountable for allowing that sex can occur "under specific circumstances." We object.

Mr. English wrote how he speaks for Mr. Banda and the School Board, yet neither repudiate his statement that sex can occur on field trips under specific circumstances while chaperones are performing their duties. We object to their failure to repudiate this policy.

The School Board and Superintendent have abdicated their responsibility to the community, that is to hold the District accountable for the safety of our children. We object.

Moreover, the School Board failed to hold itself accountable for allowing Mr. English to make this pronouncement on their behalf. We object.

**When the next child is raped because sex occurred under "specific circumstances" will the District also ignore the complaint and pretend that the assailant persuaded the victim to have vaginal and anal sex, as attorney Cerqui asserted happened with our daughter?**

Sincerely,

□□□□□□ and □□□□□□

**Subject:** sex can occur on field trips "under specific circumstances"

**Date:** Tue, 08 Apr 2014 16:05:36 -0700

**From:** □□□□□□□□□□□□□□

<□□□□□□□□□□□□□□@□□□□□□□□□□>

**Reply-To:** □□□□□□ <□□□□□□□□□□□□□□@□□□□□□□□□□>

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

<[mlmclaren@seattleschools.org](mailto:mlmclaren@seattleschools.org)>, Patu, Betty <[bpatu@seattleschools.org](mailto:bpatu@seattleschools.org)>, Peters,

We received the April 7, 2014 email from Ron English claiming that we have mischaracterized his statements regarding sexual intercourse between students on chaperoned school field trips. We have never maintained that district policy permits students to have sex on field trips, nor have we ever attributed this statement to Mr. English.

"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." May 14, 2013

Although Mr. English wrote that we should "refer to the actual complete text of the emails," (April 7, 2014) the context does nothing to change his assertion that sex may occur while chaperoning is appropriately implemented. His complete emails of May 14 and 20, 2013 appear below.

If this is indeed the District's view, then parents must be made aware of this so they can make informed decisions about their children's participation. As parents of a teenage daughter, we would have serious reservations about entrusting her safety to chaperones on overnight field trips knowing that this is the standpoint of the District and the School Board. No doubt other District parents would have similar reservations were they aware of this. The School Board therefore has a responsibility to the District families it represents to ensure that all parents know that sex can occur on field trips when chaperones are doing their jobs.

We have brought up this community safety matter before the Board of Directors numerous times in earlier correspondence over the past year. No one on the Board has ever replied. And what happens the next time there is sex between students on a chaperoned field trip and the parents complain? Do you ignore them? We assume the Board of Directors has abdicated its responsibilities to the community with respect to this issue. Is that correct?

It is irrelevant whether there is an appeal to OSPI in process, or whether Mr. English believes he answered our questions on March 13, 2014, as he wrote on April 7. We asked the School Board for its response by April 8, 2014 to the questions we submitted on April 3, 2014. We repeat this request.

Sincerely,

□□□□□□ and □□□□□□

11.

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

**Subject:** internal complaint accountability/ethics**Date:** Wed, 30 Apr 2014 11:40:03 -0700**From:** [REDACTED]

&lt;[REDACTED]@[REDACTED]&gt;

**Reply-To:** [REDACTED] <[REDACTED]@[REDACTED]>**To:** English, Ron <renghish@seattleschools.org>, Tolley, Michael F

&lt;mftolley@seattleschools.org&gt;, SchoolBoard &lt;SchoolBoard@seattleschools.org&gt;,

Hale, Theresa L &lt;tlhale@seattleschools.org&gt;

**CC:** [REDACTED] <[REDACTED]>, Patu, Betty

&lt;bpatu@seattleschools.org&gt;, Peters, Susan M &lt;sue.peters@seattleschools.org&gt;,

Martin-Morris, Harium &lt;hmmorris@seattleschools.org&gt;, Howard II, Theodore

&lt;trhoward@seattleschools.org&gt;, Apostle, Paul A &lt;paapostle@seattleschools.org&gt;,

Snookal, Heather A &lt;hasnookal@seattleschools.org&gt;, Petrik-Finley, Rachel J

&lt;rjpetrikfinl@seattleschools.org&gt;, Westering, Brad

&lt;bewestering@seattleschools.org&gt;, Rusimovic, Carole

&lt;CRusimovic@seattleschools.org&gt;, Howard II, Theodore

&lt;trhoward@seattleschools.org&gt;, Banda, Jose L &lt;jlbanda@seattleschools.org&gt;,

Schiers, Andrea L &lt;alschiers@seattleschools.org&gt;

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

Regarding your email below:

The District has failed to provide the most basic information concerning the circumstances that created an uncontrolled, unsafe, and hostile environment in which sexual harassment and sexual assault could and did occur. Given the District's track record why are we to believe that it will inform us of the misconduct and negligence when it has failed to do so from the inception of our complaint?

Therefore please do the following:

1. Inform us, with links, of the specific policies that govern an internal complaint.
2. Inform us how the District defines "misconduct" and whether it includes negligence. For example, do the following constitute misconduct and/or negligence according to the District's definitions:

- teachers and chaperones were ignorant of District field trip policies and failed to supervise our children; they abdicated their duties to unscreened college students ignorant of their duties
  - the principal authorized at least 3 ecology trips without a screened male chaperone, without screening or identifying chaperones who participated, yet was to be responsible for the safety of students, according to district information
  - a principal failed to acknowledge that our daughter could have been raped and did not implement federally mandated procedures. He did not disclose information from a parent whose daughter stated she witnessed a rape, he provided false information about the chaperoning for the media, and failed to disclose the sanctions meted out to the perpetrator as required, for example.
  - the 504 coordinator refused to answer our questions about accommodations at Roosevelt.
  - the Title IX coordinator failed to serve us
  - the Superintendent failed to observe the complaint pathway, according to OSPI correspondence.
3. Explain how the Superintendent can be an unbiased arbiter of complaints given his concern that a finding of negligence/misconduct could impact liability?
  4. Explain how the Superintendent can be an unbiased arbiter when he himself is a subject of the complaint?
  5. Explain under what authority supports your statement that: "Your general complaints against the Superintendent as the supervisor of various individuals have no impact on his authority to supervise employees of the District."
  6. Tell us who is responsible for rendering a decision when the District's Complaint Form is used for making a complaint of sexual harassment.
  7. Inform us how we can file a discrimination complaint against the District on the basis of gender.
  8. Tell us to whom is the School Board accountable and how are complaints against the Board filed.
  9. Tell us when will the district inform us of its findings regarding each of the individuals in our complaint? Surely this process must be governed by protocols and timelines that must be followed. As no one has voluntarily informed us, please provide the relevant protocols and links.

Additional points:



We did not file a complaint against the assailant on March 15th, 2013. We asked for an explanation of the negligent chaperoning that created an unsafe environment where sexual assault could and did occur.

We did not file a complaint against the assailant in October 2013. We submitted a response to the District's draft investigative report. Therefore why do you write that we have filed a specific complaint against the student? Are you saying that we cannot do so?

Sincerely,

□□□□□□ and □□□□□□

12.

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

**Subject:** gender bias/complaint against Ted Howard**Date:** Wed, 30 Apr 2014 14:47:41 -0700**From:** [REDACTED]

&lt;[REDACTED]@[REDACTED]&gt;

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

**To:** Tolley, Michael F <mftolley@seattleschools.org>, SchoolBoard  
 <SchoolBoard@seattleschools.org>, Patu, Betty <bpatu@seattleschools.org>,  
 McLaren, Martha <mlmclaren@seattleschools.org>, SchoolBoard  
 <SchoolBoard@seattleschools.org>, Howard II, Theodore  
 <trhoward@seattleschools.org>, Banda, Jose L <jlbanda@seattleschools.org>

**CC:** [REDACTED] <[REDACTED]>,  
 Peters, Susan M  
 <sue.peters@seattleschools.org>, Martin-Morris, Harium  
 <hmmorris@seattleschools.org>

Mr. Tolley,

Please add the following letter to the district's investigator, Rick Kaiser, to our complaint against Ted Howard.

Mr. Howard's remark indicates gender bias against our daughter as detailed below.

Sincerely,

[REDACTED] and [REDACTED]

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

**Subject:** Re: interview assistance**Date:** Wed, 30 Apr 2014 14:06:40 -0700**From:** [REDACTED] <[REDACTED]>**Reply-To:** [REDACTED] <[REDACTED]>**To:** Rick Kaiser <rhk@rickkaiser.com>**CC:** [REDACTED]

&lt;[REDACTED]@[REDACTED]&gt;

Mr. Kaiser,

We recently agreed to answer your questions about Ted Howard in writing or orally if recorded. You should already have our correspondence with Mr. Howard and the staff complaint we sent

to Mr. Tolley. I will share my recollection of a phone conversation with Mr. Howard two days after the assault on our daughter.

On November 9, 2012, I phoned Mr. Howard to reiterate our family's concerns about our daughter's safe and prompt return to school. As stated in our email to Mr. Howard that same day, Mr. Howard told [REDACTED] on November 8 that a student had come forward stating that he had had "consensual sex" with our daughter. [REDACTED] and Mr. Howard discussed obtaining a restraining order so that our daughter could return to school. During my phone conversation on November 9th, Mr. Howard denied telling [REDACTED] this and said that he could not do anything about our concerns for our daughter's safety. He also denied telling [REDACTED] that a male student had come forward and admitted to having consensual sex with our daughter. Mr. Howard claimed instead that he had only told [REDACTED] that a student had come forward with "information." Mr. Howard's subsequent email instructed us to contact the federal investigators, even though it was not within their authority to address our concerns about our daughter's safety at school.

When I brought up the topic of a restraining order against the male student, Mr. Howard told me that "we cannot have any false allegations." This remark revealed Mr. Howard's gender bias against our daughter's claim of a sexual assault and his face-value acceptance of the male student's claim, absent any factual information available to Mr. Howard at the time.

Sincerely,

--[REDACTED]

On 4/17/2014 4:06 PM, Rick Kaiser wrote:

Good afternoon. It's nothing personal, but I haven't recorded interviews of others in this investigation. (I did record one interview, but that was of a female student and I needed a recording as nobody else was present. I usually have a school administrator present whenever I interview students, especially about sexual misconduct.) To avoid any allegation that I am playing favorites, I try to be consistent in each investigation. I don't always succeed, but that's the general rule. So, let me know. Thanks!

My best to each of you and your daughter.

Best Regards,

**Richard H. Kaiser**

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