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**PHASE III - INVESTIGATION REPORT (REDACTED)**

**INVESTIGATION CONDUCTED  
ON BEHALF OF THE BOSTON PUBLIC SCHOOLS  
REGARDING ALLEGATIONS OF INADEQUATE LEADERSHIP AND A NUMBER OF  
SAFETY CONCERNS, INCLUDING BULLYING, SEXUAL ABUSE AND AN UNSAFE  
ENVIRONMENT**

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## INTRODUCTION

In recent years, the Mission Hill K-8 School (“Mission Hill School,” the “School,” or “MHS”) has been the subject of troubling concerns about its ability to educate and protect its students. In September 2021, Superintendent Dr. Brenda Cassellius, on behalf of Boston Public Schools (“BPS” or the “District”) engaged Hinckley Allen & Snyder LLP (“Hinckley Allen”) to conduct an independent and confidential investigation of the environment and culture at MHS (the “Phase I Investigation”). That initial investigation, which culminated in the submission of a Phase I Report on April 25, 2022, revealed serious concerns about the actions and inactions of the staff and administrators of the School. As a result, investigators undertook a second phase of the investigation to evaluate the actions of staff and administrators at the School to determine whether their conduct warranted any disciplinary action. The evaluation encompassed employees of MHS prior to its closure in June 2022, Confidential Information

(the “Phase II Investigation”). Our findings and recommendations pertaining to MHS staff were memorialized in our confidential Phase II(a) Report on June 17, 2022. After completing our review of MHS staff, investigators were directed to complete an investigation of BPS Central Staff, including former Superintendents, to determine whether any District staff bore responsibility for the serious problems uncovered at MHS and failures to properly supervise

Conf. Info., MH Admin 3, Confidential Information  
Our findings pertaining to BPS Central Staff personnel, including any disciplinary recommendations, are contained in our confidential Phase II(b) Report, which is in draft form as of the submission date of this Phase III Report.

After the completion of our Phase II(a) Report, in addition to being asked to determine which District-level personnel were aware of and/or contributed to the serious issues at MHS, Superintendent Cassellius also asked Hinckley Allen to look at District-wide structures, systems, behaviors, trends, attitudes and/or practices that resulted in the issues at Mission Hill School going unaddressed for such a long period. Accordingly, we undertook an examination of the problems at MHS in the context of the entire BPS system and how factors, such as extensive staff turnover, unclear communication channels and delineation of responsibilities amongst senior BPS staff and changes to the levels of oversight of MHS resulting from the installment of four different BPS Superintendents over a nine-year period, impacted BPS’s Central Office. We did not interview staff of every BPS department. Nor did we conduct investigations at other BPS autonomous or traditional schools. Rather, in the interest of time and resources, we focused on the departments that were most relevant to addressing problems and deficiencies identified at MHS, specifically the Office of Equity, Succeed Boston, the Office of Special Education, and the Office of the Ombudsperson.

This Phase III Report contains our findings regarding these departments and District-wide findings and recommendations to improve BPS. Our hope and, we believe, that of BPS is that by addressing the District-wide concerns we identified during our investigation, the problems that caused the closure of MHS can be prevented from recurring at another BPS school. At the conclusion of every interview conducted in Phase III, we gave each former and current BPS employee (including four former BPS Superintendents and one Deputy

Superintendent) the opportunity to provide recommendations to improve BPS. Their observations, expertise and lessons learned helped form the basis for these recommendations.

## **EXECUTIVE SUMMARY**

Below is a brief summary of our factual findings and recommendations regarding BPS's Office of Equity, Succeed Boston, the Office of Special Education and the Office of the Ombudsperson, as well as key District-wide recommendations.

### **OFFICE-SPECIFIC RECOMMENDATIONS**

#### **THE OFFICE OF EQUITY**

We investigated the Office of Equity's handling of the MH Student 1 investigation and the recommendations that stemmed from it, as well as allegations/concerns reported by a MHS family. In both instances, we found that the Office of Equity ("Equity") thoroughly reviewed the allegations it received. We were impressed with Equity's investigation and report relating to the MH Student 1 complaint, but we found that Equity could have done more to follow-up after completion of the report regarding the insufficiencies relating to sexual misconduct reporting and handling identified at MHS. We also looked into the structure and function of Equity and found that it is a well-organized and hardworking office that has built a reputation for responsiveness and diligence. We could not substantiate the MHS family's allegations involving Equity. We encountered confusion from families about the scope of Equity's jurisdiction. We also were concerned by the fact that Equity is responsible for investigating staff, but does not have a voice in the disciplinary process. Though we appreciate the need to separate the investigatory and disciplinary functions, given the difficulties investigators faced in collecting all relevant personnel files and disciplinary records identified in this Report, Equity needs to be consulted with to ensure they have not investigated and/or made recommendations regarding personnel. Equity also needs more authority to ensure that BPS personnel attend its trainings and comply with their reporting and investigatory obligations under the Equity Circulars. Finally, investigators were impressed by Equity's case management system and practices. However, Equity does not currently have the resources to review and respond proactively to the trends/information collected in the case management system.

#### **SUCCEED BOSTON**

We investigated whether Succeed Boston played any role in the failures at MHS with respect to bullying. Investigators found that Succeed Boston has operated at a staffing shortage for several years, which has affected its ability to provide critical services to BPS students and staff. Investigators found that the District, under Superintendent Cassellius' administration, has worked to alleviate some of these staffing issues, which has resulted in four full-time staff members being slated to join Succeed Boston in September 2022. Moving forward, investigators recommend that BPS meet with [REDACTED] Confidential Information, in the 2022-2023 school year to discuss whether Succeed Boston requires additional staffing and/or resources to assume a more active role in preventing bullying and holding schools accountable for failing to make reports. Investigators further recommend that the District implement clear

lines of communication about responsibilities around reporting and accountability and implement corresponding messaging across the District to alleviate misconceptions at schools about the perceived negative consequences of reporting bullying incidents. Finally, investigators recommend that the District consider creating a role within or above Succeed Boston that has enforcement authority to hold schools and school leaders accountable to their reporting and investigatory obligations.

### **OFFICE OF SPECIAL EDUCATION**

We examined if, and to what extent, BPS leadership and employees within the Office of Special Education (“SPED Office”) were aware of the special education (“SPED”) issues at MHS, as well as actions taken by BPS in response to the same. Investigators found that BPS was on notice of SPED issues at MHS since at least March 2015 based on: (1) an email [redacted] **Conf. Info.** [redacted] to Interim Superintendent McDonough and Superintendent-designate Chang concerning various SPED-related issues at MHS; (2) a MHS-specific audit performed by the SPED Office; and (3) Coffey’s June 2015 Report, which outlined various SPED-related findings and remedial steps needed to address compliance issues at MHS. Furthermore, we found that BPS continued to receive complaints from MHS families and staff in 2019 and 2020 relating to the inadequate provision of SPED services at the School. Given the gaps in the investigatory record, we could not determine whether BPS employees took the necessary and appropriate steps to alleviate the continuing SPED issues at MHS. However, we were able to corroborate reports by certain SPED employees that a number of complaints were elevated to other employees within BPS for further action. Finally, we found that BPS’s current practice of more urgently addressing SPED issues or “crises” when they are raised by vocal parents results in an inequitable system within BPS where certain families are at a disadvantage because they may not be aware of this option and/or able to advocate for their children in the same manner.

In light of these findings, we recommend that the District: (1) consider creating a dedicated SPED administrator at each school who can address and remedy SPED issues in real time and who has authority to, among other things, mandate compliance with SPED requirements and reprimand/discipline school leaders and staff for noncompliance; (2) take steps to reduce the high turnover in the SPED Office, including, but not limited to, reducing burnout; (3) implement new policies and procedures that help maintain institutional knowledge within the SPED Office such that the office can continue to monitor and support schools irrespective of departures within the office; and (4) conduct a review of the costs the District has incurred over the past five years to remedy IEP issues to determine whether that money could better serve the District by adding additional support positions within the SPED Office or at the school level.

### **OFFICE OF THE OMBUDSPERSON**

We examined the structure and function of the Office of the Ombudsperson (“Ombudsperson Office”). Investigators understand the value and import of the Ombudsperson Office and applaud the Ombudsperson for [redacted] commitment to [redacted] responsibilities. However, we find there has, at times, been a lack of accountability within the office due to the lack of a consistent case tracking system to record and monitor complaints and reports made to the Ombudsperson Office. Investigators believe that the recent steps taken to create a Call Center

and both an escalation tree and a new job description for the Ombudsperson will help address these concerns. Investigators recommend monitoring how things progress with the Call Center and the division of labor between the Call Center and the Ombudsperson Office and adjust support and resources for these entities as needed.

### **KEY DISTRICT-WIDE RECOMMENDATIONS**

***Recommendation 1:*** Reestablish the relationship between autonomous schools and Central Office staff, making clear that, although autonomous, the District still has an important oversight role. Ensure that Central Office personnel overseeing pilot/autonomous schools are trained to document BPS policy violations and elevate serious, repetitive and/or continuous violations to the Superintendent and the appropriate evaluative bodies (*i.e.*, Governing Boards).

***Recommendation 2:*** Install a stable management structure composed of competent persons with appropriate skills and experience to create continuity for the entire BPS system. More clearly delineate the roles of BPS’s senior leadership/executive team so that everyone understands the responsibilities of each role/position. Investigators understand that even with the best of efforts, turnover does occur. Accordingly, BPS also needs to create transition plans/mechanisms to ensure that incoming personnel are provided with the training, information and institutional knowledge necessary to excel in new positions. It is of the utmost importance that institutional knowledge is not lost when key personnel leave the District.

***Recommendation 3:*** More broadly distribute information about the types of investigations that are occurring at each school with the relevant supervisory staff at the District level, including, at a minimum, the BPS Superintendent, Deputy Superintendents, academic superintendents, relevant school-level superintendents—elementary or secondary—and the Chief Human Capital Officer. Ensure that all relevant supervisory staff at the District level are aware of any adverse factual findings against a school leader or principal that bear on their ability to comply with federal and state laws and BPS policies.

***Recommendation 4:*** To ensure accountability, it is imperative that if credible allegations of misconduct are made against any school leader or BPS employee, within a short period of time, an Investigative Meeting is held and a written decision is made regarding the imposition of discipline. Everyone must understand that violations of law and BPS policies, including its Code of Conduct, will not be tolerated. No exceptions should be made based upon prominence or status at BPS or in the community. Such decisions need to be properly documented and catalogued so future supervisors and those making hiring and termination decisions can easily locate and review them. Further, BPS must continue to ensure that all serious misconduct findings and disciplinary actions are reported to the proper licensure boards.<sup>1</sup>

***Recommendation 5:*** Discontinue the exclusion of settlement agreements from personnel and disciplinary files of BPS officials, including, school leaders, teachers and staff. To ensure that appropriate supervision is maintained, a BPS employee’s personnel and disciplinary records,

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<sup>1</sup>As noted herein, we learned that BPS has made multiple reports to DESE relating to MHS, including most recently when BPS provided DESE with a copy of the Phase I Report so that DESE could determine any licensure issues and implications.

including settlement agreements, should be made available to each person in their supervisory chain and such records should be consulted when preparing performance evaluations and making any supervisory decisions, including whether an employee is qualified to maintain a leadership or teaching position, deserves a promotion or warrants the renewal of their contract.

**Recommendation 6:** Revamp the District’s hiring, vetting and onboarding processes to ensure that all available records, including disciplinary records, are reviewed and that the Office of Labor Relations is consulted prior to making an employment offer.

## PHASE III INVESTIGATIVE PROCESS

### I. General Overview

To fulfill the Phase III investigative mandate, investigators identified an initial list of current and former BPS staff members who might have information relevant to our inquiry regarding when BPS Central Office staff members learned of the problems at MHS, how they learned or became aware of the problems at MHS and MH Admin 3’s failed **Conf. Info.** and what actions were taken and when to address the significant deficiencies and violations of federal and state laws and BPS policies. Our inquiry also included an examination of all available pertinent records (including searches and reviews of over one million emails and documents from the email inboxes and the preserved records of former and/or current BPS employees), interviews and the investigative record amassed since being retained approximately one year ago. Our Phase III Investigation was largely prompted by the District’s desire to understand how the issues at MHS went unaddressed for such a long period of time and what can be done to ensure similar problems do not occur at other schools. The list of interviews conducted during Phase III grew based upon information provided by interviewees.<sup>2</sup>

The vast majority of BPS personnel interviewed constituted senior staff and were not union members. As a result, they were not procedurally-entitled to bring a union or legal representative to the Investigatory Meeting. Nevertheless, if an interviewee requested to have legal counsel present at an interview, we accommodated the request.

Many of the individuals whose interviews were requested have either retired or are no longer employed by BPS. Under those circumstances, the interviews were purely voluntary and the investigative team could not require those individuals to participate if they declined. Of most significance to our findings in both Phase II and Phase III, **Confidential Information**, **Conf. Info.**, declined to be interviewed.

The Phase III interviews took place between June 24, 2022 and August 29, 2022.<sup>3</sup> Due to the challenges of the evolving COVID-19 epidemic, scheduling constraints, dispersed locations

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<sup>2</sup>Our Phase III Investigation did not entail an investigation of public records requests, or an examination or analysis of legal decisions made, or advice provided by, the Office of the Legal Advisor pertaining to any complaints against MHS or any staff member of that School. If those issues are determined to be of relevance, a separate investigation should be conducted of those matters.

<sup>3</sup>Many interviews conducted during Phases I and II informed investigators and helped to form the basis for our Phase III findings and recommendations.



of the investigatory team and retirement and relocation status of numerous interviewees, all of the Phase III interviews were conducted via Zoom. Investigators also conducted certain limited follow-up questioning or responses via email and telephonic interviews.

In advance of the Phase III interviews, we explained in our email or telephone interview requests, the purpose of our interview. Upon request, we also provided copies of relevant BPS policies. As noted below, with regard to four individuals (Dr. Tommy Chang, John McDonough, BPS Staff 19 and BPS Staff 20) [REDACTED] Confidential Information [REDACTED]

[REDACTED], we also provided copies of lengthy reports and emails subject to a non-disclosure agreement, which we believed was consistent with due process and fairness. Our rationale for making these exceptions to our standard policy of not providing documents in advance of conducting an interview was twofold. First, none of these four individuals were current BPS employees and therefore did not have access to their prior emails or documents. Second, it was necessary and in the interest of fairness to allow these individual the chance to refresh their memories as to events which largely occurred more than seven years ago. Our interviews were designed to assist us in making factual determinations, not to serve as a test of an interviewee's memory. Additionally, Zoom does not provide an easy mechanism for individuals to review long documents. Two of these individuals are located thousands of miles outside of the Boston area so Zoom was the only feasible interview method.

## II. Opening Statement to Interviewees

Each interview was preceded by opening remarks by investigators identifying ourselves and stating that we had been engaged by the Superintendent to conduct an investigation of the environment and culture of the Mission Hill School. Each interviewee was informed that, while the investigation was confidential, at some point a report would be drafted and the District would decide what action to take, including whether the report would be made public and to what extent. We emphasized that we did not have an attorney-client relationship with the interviewee and that it was up to the District to decide whether that person's statements were disclosed to other entities including the public, in original or anonymized form. Before beginning the interview, each interviewee was invited to ask investigators any questions they might have.

To the extent that an interviewee had met with the investigative team in either Phase I or Phase II, we provided the individual with an opportunity to clarify and/or correct anything [REDACTED] or [REDACTED] had said during the Phase I or Phase II meeting. In addition, investigators asked each interviewee whether [REDACTED] or [REDACTED] had reviewed the Phase I Report and, if so, whether [REDACTED] or [REDACTED] found anything in the report to be incorrect, surprising or in need of clarification. At the conclusion of the interview, we also gave each interviewee the opportunity to provide any additional information that they thought should be considered,<sup>4</sup> and asked for recommendations for the District or advice for the incoming BPS Superintendent.

Investigators did not record or transcribe the interviews into a formal record. The witnesses' statements to investigators are reflected in hundreds of pages of extensive,

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<sup>4</sup>Interviewees were also given the opportunity to submit additional information via email for our consideration in preparing the Phase III report.

contemporaneous notes taken at the interviews. Those notes, along with notes from the interviews conducted during Phase I and Phase II, as well as our investigative record and documents identified throughout our comprehensive investigative process, are the basis for the findings made in this Phase III Report.

### III. Challenges Presented During the Phase III Investigation

Investigators encountered several challenges in the course of fulfilling the Phase III investigative mandate, including:

First, due to the passage of time, numerous critical witnesses were unavailable for us to interview. Some had left BPS or retired and others had passed away. We could not compel any individual who retired or who was no longer working for BPS to speak to us. For instance, as noted above, [Confidential Information] each declined our request for an interview. Additionally, we lacked contact information for several individuals who had left the District and, therefore, were unable to communicate with them about our desire to speak to them.

Second, due to the age of the allegations being investigated and delays in bullying and abuse reporting, the investigators were unable to corroborate or substantiate a number of the allegations and complaints asserted against MHS and BPS staff. Witnesses had difficulty remembering certain events we questioned them about, some of which dated as far back as the 2014-2015 school year. Some witnesses' memories may have been impacted by the natural process of aging and others had experienced stress due to the impact of the COVID-19 pandemic and of other life challenges. This problem was compounded by the lack of documentation and recordkeeping practices at MHS and BPS.<sup>5</sup> Often, there were no documents to use to refresh a witness's memory and, where records existed, the interviewees typically could not remember any more detail than was contained in the document they were shown during the interview. The investigators were also confronted with witnesses who, when shown an inculpatory email or record, claimed they had no memory of seeing the document. However, often there was no way to test the veracity of the interviewee's lack of memory claim relating to a specific email or document, especially of an email that was transmitted more than five or six years ago.

Third, one of the most significant obstacles investigators faced in evaluating the allegations and complaints against BPS staff members was the lack of consistent and reliable documentation maintained by BPS or MHS during the pertinent period. For instance, personnel and disciplinary files could not be found for several individuals interviewed. BPS was able to locate a disciplinary file for MH Admin 3, but even that lacked critical information and records about [Confidential Information].<sup>6</sup> As noted in the Phase II

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<sup>5</sup>As discussed below and in the Phase II Report, we believe that BPS senior staff failed to take adequate steps to preserve critical records about MHS when it allowed MHS to use its own server without oversight from BPS and in its failure to ensure that a back-up of those records was preserved and not erroneously deleted as occurred when MH Staff 2 deleted the account of MH Admin 3.

[Attorney-Client Privilege]

[we discovered that BPS has a practice of allowing principals and senior

Report, neither the School nor BPS could provide a complete record of incident reports pertaining to MHS, and instances of sexual misconduct and bullying that occurred, or were alleged to have occurred, at Mission Hill School. As such, investigators were not in a position to confirm or substantiate certain allegations from parents that incidents went unreported at the School and unaddressed by BPS Central Office. Moreover, the lack of emails and documentation hindered the ability of investigators to fully determine the degree of knowledge amongst BPS senior staff of problems at MHS. It appears that during certain time periods, much of the senior level decision-making was done during small, closed-door meetings with little or no documentation of such meetings being generated.

Finally, due to the extensive media coverage and speculation as to pending or future lawsuits, investigators believe that a few BPS staff members were hesitant to provide detailed information about misconduct and failures at the senior levels of BPS. Often, BPS staff requested that certain information not be included in our report out of fear that it would appear in news reports and that they could suffer retaliation. This is not surprising due to the coverage of the Phase I Report, but it did negatively impact the ability of investigators to get candid assessments of what had transpired and determine the facts surrounding the explosive allegations of the hostile environment at MHS and whether Central Staff contributed to the dysfunction.

### **RELEVANT BACKGROUND FOR PHASE III FINDINGS AND RECOMMENDATIONS**

#### **I. Relevant Background Regarding BPS Schools, Students and Staff**

According to its *2021-2022 Boston Public Schools at a Glance* brochure, the vision and mission of BPS are described as follows:

***Vision:*** A nation-leading, student-centered public school district providing equitable, and excellent, well-rounded education that prepares every student for success in college, career, and life.

***Mission:*** Every child, in every classroom, in every school gets what they need.

The same brochure reveals that in that school year there were 121 schools and 48,957 students. Approximately 10,500 students (22%) were enrolled in special education programs and 14,730 (30%) were Limited English Proficient (LEP) or English Language Learners (ELL).

The BPS website lists 49 different departments in the District, including Labor Relations, Legal Advisor, Succeed Boston, Ombudsperson, Equity and Special Education. In 2021-2022,

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officials to settle allegations of wrongdoing rather than going forward with a Superintendent-Level disciplinary hearing. When such settlements were reached, it was common practice for the settlement agreements to be deemed confidential and, more importantly, to be excluded from an employee's official personnel or disciplinary record. As noted in our recommendations, we believe this practice should be discontinued as we do not believe it is in the interest of public safety or designed to promote a safe and positive learning environment for children that supervisory personnel be deprived access to such relevant information.

BPS's budget included 11,075 staff positions, 840 of which were administrators or managerial staff.<sup>7</sup> Administrators and other personnel not assigned to particular schools, under Massachusetts law, are appointed by the Superintendent. M.G.L. c. 71 § 59B; *see also* Department of Education Advisory on School Governance—Education Laws and Regulations.<sup>8</sup>

## II. Relevant Background Regarding Culture at MHS

As more fully explained in the Phase I Report, MHS had a pervasive and, at times, toxic culture. That culture, facilitated and enabled dysfunction at MHS and, at its worst, endangered its School community. The culture was amplified due to MHS's pilot school status. Pilot schools in BPS, though considered public schools, are given autonomy over their budgets, staffing, governance, professional development, curricula and calendars. Further, pilot school Governing Boards, not BPS superintendents, are responsible for evaluating their principals. Investigators have found that this autonomy contributed to MH Admin 3's belief that [REDACTED] could do what [REDACTED] wanted in [REDACTED] the School, including setting up walls to keep Central Office staff and others from scrutinizing MHS and skirting BPS policies and procedures.<sup>9</sup>

## III. Relevant Background Regarding Culture at BPS

Over the course of our investigation, it has become apparent that the Boston Public Schools and its Central Staff reflect a bureaucratic culture that pervades much of its operations and, at times, impedes its ability to educate and protect its students and is very-much in conflict with the above-presented vision and mission. This is not to say that there are not highly competent, committed and hard-working leaders, officers and departments in the Boston Public Schools; there are many. However, we would be remiss if we did not recognize certain widespread institutional problems at BPS which undermine its effectiveness.

Among the significant and recurring manifestations of a deleterious Central Staff culture, which came to the attention of investigators, are the following:

### A. **Lack of Responsiveness**

The most often-cited complaint made by BPS parents, school leaders and, even, by Central Staff members, is that many Central Staff leaders and members are not responsive to queries, requests for information and complaints. Some complainants have alternatively described the problem as an "absence of urgency" on the part of District officials. In our Phase I Report, we described the escalating frustration of several Mission Hill School parents who, after receiving no satisfaction from MHS leadership, found further futility when they reached out to District officials. Some of those parents resorted to directly airing their grievances to the press, the School Committee, the Mayor or senior BPS leadership, including the Superintendents, in

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<sup>7</sup>2021-2022 Boston Public Schools at a Glance brochure lists 860 administrators, managerial FTE for SY2021 and 840 FTE for SY2022.

<sup>8</sup>Available at <https://www.doe.mass.edu/lawsregs/advisory/cm1115gov.html>.

<sup>9</sup>Investigators do not attempt to assess whether such broad autonomy caused or contributed to dysfunction at other pilot schools, as our investigative mandate was limited to MHS and those officials and entities overseeing it. Clearly, however, there exists the potential at those other schools for similar problems.

order to have their concerns addressed. Such tactics can be effective, if only because they bring potential embarrassment to BPS and city leadership.

School leaders and their staffs largely lack the ability to position or shame District officials to act or respond to their concerns, even as they experience many of the same frustrations as parents in dealing with Central Staff. [Redacted] Confidential Information

[Redacted] described having sent many dozens of emails and left numerous voicemails for Central Staff members over the course of the school year and not receiving a single response. One unnamed senior staff member told [Redacted] CI that the staff member, as a matter of practice, does not respond for at least 48 hours to any inquiry, and stated that if it's really an emergency, the person who tried to reach the senior staff member will try again. Conf. Info. reports that there are District officials carrying numerous unread emails on their accounts and many unretrieved voicemails. The consequence of this, according to Conf. Info. is that schools cease contacting the District and figure out how to operate without Central Office guidance. Beyond the absence of needed feedback from Central Office staff, the lack of responsiveness breaks the trust between school-based staff and the Central Office. Conf. Info. indicated that there are pockets of employees, including within the Office of Equity, that work hard and are responsive, but those individuals are overwhelmed because everyone goes to them for assistance. According to Conf. Info., a top priority for BPS is to change the culture of non-responsiveness.

Investigators, unfortunately, experienced a similar lack of responsiveness during the investigation. While current BPS employees are contractually obligated to cooperate in investigations, former employees are not. We were disappointed that several retired BPS senior officials refused to speak with the investigative team. One of these former officials was particularly well-situated to provide valuable information and insights to the investigation but, after not responding over several months to emails and voicemails, brusquely informed a team member that the official was retired and would not speak to us.

## **B. Lack of Accountability**

Another manifestation of the culture at BPS, unsurprising when viewed in the context of the above-described non-responsiveness, is a lack of accountability on the part of many Central Staff members. School leaders and senior officials recounted recurring failures of key staff members to appear for scheduled appointments and, in one notable case, a critical hearing, despite having agreed to do so. Former Interim Superintendent McDonough described the need for the entire organization and its employees to be accountable: “How effective are the practices and protocols in place, and what can be done if not getting results? Prioritize areas where that is not happening ... The culture has to be decision-making that is student-based, not power-based or politically-based. If a student is in trouble, make damn sure that you take care of it.” Unfortunately, the investigation revealed too many instances where students were not prioritized. In some cases, the “silencing” of oversight responsibilities, and a real or perceived requirement that officials “stay in their lane,” has been a detriment to helping students in trouble. In others, officials failed to act or respond in the manner that their positions required. In either circumstance, BPS must facilitate or demand accountability.

### C. High Turnover Within BPS

In 2020, the Massachusetts Department of Elementary and Secondary Education (“DESE”) found, among other things, that the BPS system lacked “a stable, supportive and trusting relationship between the school and district staff due to in part to frequent turnover of superintendents and Central Office Staff.” Consistent with this finding, we also determined that high turnover within BPS negatively impacted the entire school system, likely contributing to failures to identify the significant problems at MHS and with its leadership. Had there been less turnover, more transparency, and better oversight, appropriate remedial and disciplinary actions may have been taken at an earlier stage.

In the span of less than ten years from 2013-2022, BPS had four Superintendents: John McDonough (2013-2015); Dr. Tommy Chang (2015-2018); Laura Perille (2018-2019); and Dr. Brenda Cassellius (2019-2022). None of these Superintendents had a tenure of more than three years. In addition to the high turnover creating a lack of continuity and institutional knowledge in a large and complex school system, each new Superintendent changed policies, procedures, and the organizational management structure of BPS. As a result of the constant turnover and evolving standards, there was inconsistent follow-through among BPS officials and limited incentive to make substantial structural improvements or change the *status quo* as a new Superintendent could quickly reverse course or a manager could find themselves out of a job in the next administration.

### IV. Coffey Reports and their Distribution to District Personnel

We learned that preceding our investigation, Coffey conducted two separate investigations into the Mission Hill School and the conduct of MH Admin 3. These investigations, reports and the distribution thereof are summarized below. The history of these reports provides important information regarding some of the knowledge the District had regarding MHS and MH Admin 3 and what actions or inaction flowed from that knowledge.

#### A. June 3, 2015 Report of Investigation

In 2015, Interim Superintendent McDonough, through Labor Relations, commissioned an investigation regarding MHS and MH Admin 3.<sup>10</sup> Coffey was retained to conduct the investigation. Specifically, Coffey’s investigation focused on allegations that MH Admin 3 acted inappropriately by [REDACTED] (1) failure to provide specialized instructions by certified SPED teachers; (2) lack of support of the special education program teachers and students; (3) failure to take action to protect the mental and physical wellbeing of students, including but not limited to the manner in which students are restrained and/or reassigned because of their conduct; (4) failure to have proper reporting mechanisms or complete reporting of incidents; (5) violation of

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<sup>10</sup> During the document review process and through interviews with McDonough and BPS Staff 20, we learned that in the 2014-15 school year, BPS learned that MH Admin 3 failed to file a 51A report prior to MH Staff 42’s arrest in November 2014, that MHS had ESL deficiencies and other concerns, including those of a former MHS [REDACTED] CI that provided a scathing assessment of MHS and MH Admin 3’s [REDACTED] CI in a nine page single-spaced email sent to McDonough, soon-to-be Superintendent Chang and the Boston Mayor. Although we could not find anything that conclusively set forth the reasons for engaging Coffey, we believe all of these factors contributed to [REDACTED] engagement.

BPS policies, rules and procedures including, but not limited to, uncertified teachers, improper child restraints, corporal punishment, child abuse and neglect; and (6) creating a culture of fear, threats or intimidation in violation of the BPS nondiscriminatory policy. Coffey also investigated claims that MH Admin 3's conduct was "tantamount to conduct unbecoming a [REDACTED] CI [REDACTED]." The report of the investigation was addressed to Superintendent McDonough and dated June 3, 2015.

Based on sixteen specific findings reached in Coffey's Report, Coffey concluded that MH Admin 3 was accountable for several failures at the Mission Hill School during the 2014-2015 school year. Specifically, Coffey concluded that MH Admin 3 did not comply with legal and regulatory mandates to ensure that the needs of special education students at Mission Hill School were met. Coffey further found that MH Admin 3 failed to address issues regarding the appropriate use of restraints by staff and the disciplining of students by staff. Additionally, Coffey found that MH Admin 3 failed to comply with ESL staffing requirements at the School, and that [REDACTED] inexplicably exacerbated that failure by creating the perception that [REDACTED] was asking [REDACTED] staff to lie regarding ESL compliance reports.

Based on the above findings, Coffey concluded that MH Admin 3's actions amounted to conduct unbecoming [REDACTED] Conf. Info. [REDACTED] and that discipline was warranted. Coffey further recommended that MH Admin 3 take remedial steps regarding hiring special education-certified and ESL-certified staff. Finally, Coffey recommended that: (1) MH Admin 3 implement specific requirements for each classroom teacher regarding daily reading and literary practices and that independent reading be required daily in each classroom; (2) MH Admin 3 or a specific administrator be required to observe each classroom teacher on a routine schedule instead of continuing the then-existing classroom autonomy; (3) ESL and SPED teachers be scheduled and utilized appropriately in an inclusion setting; (4) staff and student scheduling be structured and prioritized to comply with student IEP requirements; (5) all staff be trained in CPI and re-trained annually; and (6) an independent ESL audit of MHS be conducted covering the past three school years to determine whether or not compliance reports were fabricated and to ensure that ELL students at Mission Hill School received specialized instruction in compliance with their IEPs.

## **B. August 18, 2015 Addendum**

On August 18, 2015, at the request of BPS Staff 51, [REDACTED] Confidential Information [REDACTED] Coffey submitted an Addendum to [REDACTED] original report to newly-appointed Superintendent Chang.<sup>11</sup> In the Addendum, Coffey noted that, since the submission of [REDACTED] initial report, [REDACTED] had received additional information regarding MH Admin 3. This information included, but was not limited to, a report made by a staff member that it was MH Admin 3's practice to use paraprofessionals as substitute teachers over an extended period of time; a report [REDACTED] Conf. Info. [REDACTED]

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Attorney-Client Privilege

[REDACTED]

█ voicing numerous concerns regarding inadequate CPI training and improper implementation of restraints by staff; and concerns voiced by staff members whom Coffey had previously interviewed in connection with the investigation regarding the confidentiality of their statements and fears of retaliation by MH Admin 3.

Coffey concluded that the additional information cited in the Addendum did not alter the conclusion reached in █ June 3, 2015 report that MH Admin 3's failures amounted to conduct unbecoming █ Conf. Info. .

### **C. June 10, 2021 Report of Investigation**

In 2021, at the direction of Superintendent Cassellius, Coffey conducted an additional investigation into MH Admin 3 and the staff at the Mission Hill School. Specifically, Coffey's investigation focused on allegations that MH Admin 3 and MHS staff acted inappropriately by: (1) failing to investigate and document incidents of bullying, neglecting to provide a safety plan and failing to refer matters to Succeed Boston as required by M.G.L c. 71 §37O and Boston Public School Superintendent's Circular SSS-18 entitled "Bullying Prevention and Intervention Plan;" (2) failing to implement █ Conf. Info. Section 504 Disability Accommodation Plan; and (3) MH Admin 3 taking retaliatory actions against MH Parent 3 and MH Parent 4 by making inaccurate and misleading entries in student █ Conf. Info. school records. It was further alleged that MH Admin 3's actions constituted conduct unbecoming █ Conf. Info. and conduct unbecoming a BPS employee. The report of the investigation was submitted to Superintendent Cassellius on June 10, 2021.

Based on 37 findings reached in █ Report, Coffey concluded that MH Admin 3 and MHS staff failed to follow the bullying protocol requirements as set forth in M.G.L. c. 71 § 37O and Superintendent's Circular SSS-18. Coffey further found that Succeed Boston's records demonstrated that MH Admin 3 had failed to file incident reports or to document bullying investigations while MH Admin 3 was █ Conf. Info. . Despite multiple credible and reliable reports of bullying at the School from parents and requests for safety plans for their children, Succeed Boston lacked evidence or documentation of reports being filed by MH Admin 3 or anyone from MHS.

Coffey further concluded that MH Admin 3, as evidenced by █ inaction, did not recognize or acknowledge that a Section 504 disability plan is, by its nature, something that is done over and above standard teaching practices, as is required by Federal law. According to the Report, MH Admin 3 and Mission Hill staff failed to fully implement 15 accommodations required by a Section 504 plan, which Coffey concluded was both negligent and a violation of Federal law. This also provided grounds for a finding of noncompliance by DESE.

Additionally, Coffey found sufficient evidence to conclude that MH Admin 3 violated M.G.L. c. 71 § 37O and Superintendent's Circular SSS-18 by declining to identify or investigate reports from concerned parents spanning multiple years, regarding bullying or aggressive student conduct. Finally, Coffey found sufficient evidence to conclude that MH Admin 3 made inaccurate and misleading entries, which were later expunged, into █ Conf. Info. school records. According to Coffey, this constituted a deliberate and unjustified response to the



parents' legitimate academic and safety concerns about [REDACTED] CI [REDACTED] over an extended period of multiple school years.

Based on the above findings, Coffey concluded that MH Admin 3's failure to comply with state law and BPS policy; failure to adequately implement the Section 504 Disability Accommodation Plan; and MH Admin 3's actions in making inaccurate and misleading entries into [REDACTED] Conf. Info. [REDACTED] school records, all provided just cause to warrant discipline. Having found just cause for discipline, Coffey concluded that discipline up to and including termination was warranted. Accordingly, Coffey recommended that the disciplinary process be initiated against MH Admin 3.

#### **D. Distribution of Reports to District Personnel<sup>12</sup>**

Due to the passage of time, unavailability of witnesses and the fact that some of the distributions, we believe, occurred through hard copies, we were unable to gain a full and complete picture of the distribution of the initial 2015 Coffey Report and Addendum. However, based on our review of available documents and interviews, we determined that the initial Coffey Report was distributed to at least three individuals at Central Office, including Interim Superintendent McDonough. During [REDACTED] interviews, McDonough could not recall receiving a copy of the Coffey Report. However, based on a review of documents and interview statements, investigators determined that McDonough did in fact receive a copy of the report or, at the very least, a briefing on the Report. The Report was dated June 3, 2015, less than a month before [REDACTED] left BPS on July 1, 2015. McDonough could not recall ever speaking to Chang about MHS or giving [REDACTED] a heads up about the investigatory report [REDACTED] commissioned. When asked about [REDACTED] failure to inform Chang, McDonough explained that "[t]here were hundreds of things going on at that point in time; we were in the process since February 2015 to begin addressing some declining enrollment; also problems with some underperforming schools; I had made recommendations to the School Committee to close three schools and two different programs... huge efforts for that during the entire process; all the way through June; that was going on. There were tons of things going on ... dealing with the state with their designation with chronically underperforming schools, MHS not among those then ... At the end of the day, I did not have a discussion with Tommy about that; I don't have an answer as to why or why not; MHS was not the only thing on my plate. I had many things on my plate. Was it important? Absolutely. Do I wish it went otherwise? Absolutely."

The Addendum was subsequently distributed to at least nine people in the Chang administration, including Superintendent Chang. Chang could not recall receiving the first report or Addendum. However, based on a review of documents and interview statements, investigators determined that [REDACTED] received a copy of the June 2015 Report and August Addendum, or, at the very least, a briefing on those Reports. Indeed, [REDACTED] Conf. Info. [REDACTED] told investigators that Chang gave [REDACTED] a "summary" of Coffey's 2015 Report and informed [REDACTED] that MH Admin 3 had "[REDACTED] Confidential Information [REDACTED] due to Coffey's Report."

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<sup>12</sup>In addition to distributing Coffey's 2021 Report within BPS, investigators learned that BPS reported MH Admin 3 to DESE on June 28, 2021 (*i.e.*, within weeks of Coffey's 2021 Report being finalized) and included a summary of Coffey's findings against MH Admin 3 in the District's report.

## PHASE III FINDINGS AND RECOMMENDATIONS

As explained above in the Introduction, we focused on the BPS departments that were most relevant to addressing problems and deficiencies identified at MHS, specifically the Office of Equity, Succeed Boston, the Office of Special Education, and the Office of the Ombudsperson.

### I. Findings Regarding the Office of Equity

#### A. **Relevant Background**

The Phase I Report addressed pervasive sexual misconduct and bias-based discrimination issues at MHS that went unabated for years. During the course of our investigation, we spoke with the Office of Equity (“Equity” or “Equity Office”) to understand what role, if any, Equity played in MHS’s failure to address these ongoing issues.

Equity was created at BPS in 1974 to implement desegregation. Equity has expanded over the years. Now, in addition to handling bias or discrimination-based incidents, it oversees responses to reports of sexual misconduct and requests for disability and religious accommodations. Equity also provides training and counseling around equity issues. The following circulars<sup>13</sup> fall under the purview of the Office of Equity: EQT-01 Nondiscrimination; EQT-02 Bias-Based Conduct Towards Students Families or Other Third Parties; EQT-03 Sexual Misconduct Towards Students;<sup>14</sup> EQT-04 Students and Gender Identity; EQT-05 Bias-Based Conduct Towards Employees; EQT-06 Sexual Misconduct Towards Employees and Third Parties; EQT-07 Accommodating Employees; EQT-08 Expectant & Parenting Students; and EQT-09 Transgender and Gender Nonconforming Employees.

Equity is currently staffed by the Assistant Superintendent of Equity; Director of Compliance and Title IX Coordinator; Director of Training and Accommodations; Assistant Director of Accommodations and Compliance; LGBTQ+ Student Support Manager; and Equity Manager. Equity also regularly has Cooperative Education (“Co-op”) students and other grant-funded positions.

Investigators reviewed documents and conducted interviews as part of their investigation of the Equity Office. Investigators conducted the following interviews of Equity Office current and former staff members: **Conf. Info.** on April 28, 2022, May 18, 2022,<sup>15</sup> July 11, 2022 and

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<sup>13</sup>The Superintendent issues guidance and regulations about policy implementation to schools and departments through the Superintendent’s Circulars. These documents are updated and reissued annually before the start of school.

<sup>14</sup>Sexual misconduct did not come under the purview of the Equity Office until January 1, 2017. Prior to that it was addressed by the Legal Department through LGL-13, which was first issued on September 1, 2014. Investigator’s Phase I Report sets forth a detailed history of EQT-03 and the Circulars that preceded it.

<sup>15</sup>The first two interviews occurred during the Phase II Investigation and the second two occurred during the Phase III Investigation.

July 12, 2022; **Conf. Info.** on May 16, 2022;<sup>16</sup> **Conf. Info.** on April 6, 2022 and July 18, 2022;<sup>18</sup> and **Conf. Info.** on July 13, 2022.<sup>19</sup>

## B. Factual Findings

During the course of the Phase I and Phase II Investigation, we received allegations and reviewed materials that resulted in our investigation into the Equity Office's handling of the MH Student 1 investigation and the recommendations that stemmed from it, as well as allegations/concerns reported by MH Parent 3 and MH Parent 4. Further, we looked at the Equity Office's role and responsibilities in the District and its performance of those responsibilities.

### 1. *MH Student 1 Investigation*

During Phase I of the investigation, some of the most serious concerns raised involved allegations that MHS leadership failed to address or even ignored persistent reports of sexual misconduct and/or harassment and sexually inappropriate behavior by students toward other students and staff. A large number of the concerns were raised in regards to the conduct of MH Student 1, a student at MHS. The Phase I Report set out a detailed account of the incidents involving MH Student 1 and the MHS staff's response. We will not recount the incidents in this Report. Rather, the focus during Phase III of the investigation was on an investigation the Equity Office conducted in 2017. The investigation resulted from the receipt of a written report from Greater Boston Legal Services ("GBLS") on behalf of MH Student 1. The report alleged that staff and administrators at MHS created a "racially hostile environment" for MH Student 1, **Conf. Info.**, which resulted in **Conf. Info.** transfer out of MHS. **Confidential Information** conducted the investigation into the allegations and found they were unsubstantiated. During the course of the investigation, however, **Conf. Info.** identified various concerns at MHS, outside of the alleged complaints, which Equity noted in its report. Many of the concerns were areas that were later highlighted in investigators' Phase I Report. Accordingly, the focus of our Phase III Report is what, if anything, was done as a result of the Equity Report's recommendations.

Equity started an investigation to look into the following allegations: (1) **CI** parents conspired to push MH Student 1 out of MHS based on race; (2) MHS staff and administration filed frivolous 51A reports; (3) MH Student 1's **CI** wanted to refuse **Conf. Info.**; (4) MH Admin 3 frequently met with parents of other children to discuss incidents about MH Student 1, but refused to allow MH Parent 1 to meet with those parents; and (5) MH Student 1 was frequently sent to in-school suspensions with MH Staff 2. After an extensive document review and interviews, the Equity Office set forth its findings, conclusions and recommendations in a comprehensive 27-page report. As noted above, in regards to the specific complaints, Equity concluded that there was insufficient evidence to substantiate the complaints.

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<sup>16</sup>The interview occurred during the Phase II Investigation.

**Conf. Info.** worked in the Equity Office **Confidential Information**

<sup>18</sup>The first interview occurred during the Phase II Investigation and the second during the Phase III Investigation.

<sup>19</sup>The interview occurred during the Phase III Investigation.

However, **Conf. Info.** identified concerns at MHS in addition to the alleged complaints, which Equity addressed in detail in its report. Those concerns included that: 51A filings were made outside of the 48-hour reporting period; MHS did not have a consistent practice of filing 51A reports as required; Special Education's referral procedures were not properly followed **Conf. Info.** MH Student 1 may have been improperly transferred to MH Staff 2's classroom when other **CI** options were available; MH Student 1 did not receive procedural due process **Conf. Info.**; MHS was unable to produce some DCF reports, behavioral incident reports, investigatory documents and other critical records; and there were major concerns about inaccurate behavioral incident and attendance records in ASPEN.

The Report concluded with recommendations based on the concerns. Specifically, the Equity Office recommended the following:

- The Office of Special Education should designate a staff member to review **Confidential Information**. It appears that staff at Mission Hill began talking **Confidential Information** and staff in Special Education and Safe and Welcoming Schools then erroneously operated under an assumption that Special Education had completed a **Conf. Info.**. Therefore, less restrictive options were not fully considered. Once Special Education has completed its inquiry, training and/or guidance should be provided to employees as needed, and safeguards should be established to ensure this protocol is appropriately and consistently followed.
- The Operational Superintendent and other appropriate staff should conduct an audit at the Mission Hill School to review protocols and procedures for student discipline, behavioral plans, and 51A reports. Specifically, the audit should include an evaluation of:
  - the number of students who have been disciplined (including in-and out-of-school suspensions), and whether these students received due process;
  - school-based practices, including how staff are designated to coordinate interventions for students experiencing challenges in the classroom, and circumstances under which students are switched from one classroom to another as a behavioral intervention; and
  - the school's staff out-of-work plan, including how the school manages student coverage when an employee is out of work.

After completing this audit and review, remedial action should be taken for any practice inconsistent with district policies and procedures, and recommendations issued for improving school practices. The Operations team should also provide training to all mandated reporters at Mission Hill regarding when to file 51A reports.

- The instructional superintendent should provide coaching to [MH Admin 3] regarding recordkeeping strategies, including systems for documenting student conduct and discipline, communicating with families, and making and documenting required reports to other entities, including the Office of Equity and DCF.
- The instructional superintendent should also provide coaching to [MH Admin 3] regarding how to communicate expectations of student conduct and protocols for discipline to students and parents.
- The instructional superintendent should meet with the Mission Hill Board of Directors to discuss ways to more effectively collaborate in evaluating the school leaders and continually improving school practices.

Investigators questioned [Confidential Information] about the Equity Report and actions taken thereafter. [Conf. Info.] shared that [ ] usually did not handle such investigations, but helped in this instance because the normal investigator was not [Conf. Info.] and they felt it would be helpful to have someone that was.<sup>20</sup> When asked about the recommendations, [ ] explained that [ ] investigation did not find any violations of the Equity circulars. It did raise concerns in other areas. “Something did not seem right.” [ ] “wanted them to look.” Because the concerns did not relate to Equity’s purview, [ ] included recommendations for the Operations team. When asked if [ ] was involved in next steps or follow-up, [Conf. Info.] stated [ ] was not. [ ] met with Superintendent Chang, BPS Staff 54, BPS Staff 75, BPS Staff 4 and [C f. Info.] to discuss the Report. [Conf. Info.] recalled the meeting, but, due to the passage of time, could not recall any specifics of the conversation. After that, [ ] sent the recommendations section to BPS Staff 8, [Confidential Information], and then had no further involvement. [ ] explained that [ ] was not involved because none of the concerns fell under the Equity Office’s jurisdiction.

[Conf. Info.] recalled the investigation and Report. While [Conf. Info.] worked in the Equity Office, [ ] and [Conf. Info.] had weekly meetings. [ ] stated that they discussed the investigation during those meetings. Once the Report was drafted, [Conf. Info.] edited the findings and was heavily involved in drafting the recommendation section. [ ] stated this is [ ] practice with every investigation. [ ] recalled that [Conf. Info.] did not substantiate the allegations raised by GBLs, but had concerns outside of the specific allegations. That was reflected in the recommendations. [Conf. Info.] stated that the recommendations were unusual and signaled these concerns. Because the concerns were outside of Equity’s purview, however, the Equity Office made recommendations and informed MH Admin 3’s supervisors and other high-ranking persons.<sup>21</sup> [Conf. Info.] said at that point it was up to others to decide how to handle the situation. Equity makes recommendations and then “passes the baton and hopes people do the right thing.” [Conf. Info.] reiterated that in 2016, sexual misconduct was not under the purview of the Equity Office. EQT-3 went into effect on January 1, 2017.

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[Confidential Information]  
[ ] also recalled a meeting with Chang, BPS Staff 54, BPS Staff 75, [CI] and BPS Staff 4, but could not recall specifics of the conversation.

Investigators found that Equity’s investigation was comprehensive and well-documented. The Equity Office did a thorough job of locating and reviewing all relevant documentation and conducting all necessary interviews. This was reflected in the fact that the Report not only addressed the specific concerns that triggered the investigation, but also documented various other areas of concern. Though impressed with the investigation and Report, investigators felt that the Equity Office could have done more to follow-up with these officials who oversaw MHS after completion of the Report. Investigators understand that many of the concerns were outside of Equity’s purview—e.g., special education referrals and student discipline. Investigators make no finding on the appropriateness of Equity’s steps in those regards.<sup>22</sup> Investigators do not know what was said during the meeting with Chang, BPS Staff 54 and others, but feel that the unique and thorough nature of the Report’s recommendation section provided an opportunity to alert those responsible to the areas of concern that needed addressing.

## 2. *MH Parent 3 and MH Parent 4’s Allegations*

During Phase II and Phase III of the investigation, investigators received allegations that personnel in the Equity Office failed to respond properly to reports of ongoing problems at MHS. Specifically, MH Parent 3 and MH Parent 4 alleged that, after the MH Student 1 investigation, Equity knew of ongoing problems at MHS and did nothing to address them. MH Parent 3 and MH Parent 4 stated that many of the findings in the Phase I Investigation were rooted in Equity and that the Equity Office is “pervasively ineffective.”

As explained in the section above, investigators found no fault in the Equity Office’s investigation into the GBLs complaints on behalf of MH Student 1. MH Parent 3 and MH Parent 4 are correct that the investigation revealed other areas of concern. Investigators found that the Equity Office did not ignore the concerns. According to **Conf. Info.**, the Office took the unusual step of including robust recommendations to flag its concerns. For the concerns that fell under the Equity Office’s purview (sexual misconduct), investigators noted that they felt the Equity Office could have done more to ensure there was proper education and training at MHS. However, **Conf. Info.** told investigators that **Conf. Info.** did not believe there were irreparable problems at MHS. At the time, **Conf. Info.** felt that there was a lack of education and documentation that needed to be addressed through training and coaching. **Conf. Info.** were not privy to the earlier BPS Staff 28 and Coffey Reports and had no reason to believe that there were serious pervasive issues at the School. Therefore, although investigators felt the Equity Office could have done more to ensure there was better training around handling and reporting of sexual misconduct once EQT-3 went into effect, we do not find that Equity is “pervasively ineffective.” Our Phase I Report documented the environment and culture established at MHS with respect to reporting and accountability. Staff members were required to report concerns to MH Admin 3, yet **Conf. Info.** routinely failed to escalate them to the District in accordance with District policies. The Equity Office cannot be faulted for the climate at MHS, which resulted in habitual underreporting of incidents of sexual misconduct and bullying.<sup>23</sup>

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<sup>22</sup>Though investigators find no fault in this regard, as stated in other sections, this “lane focused” approach is a problem throughout BPS that investigators believe is one of the various factors that allowed the problems at MHS to continue unaddressed for so long.

**Confidential Information** stated that one recommendation for the Equity Office is to be more proactive. They acknowledged that receiving few or no reports from a school could be a red flag, just like receiving too many

Throughout our investigation, we heard from individuals outside of the Equity Office that Equity is accessible. This reputation for responsiveness further supports the finding that the Equity Office is not “pervasively ineffective.” **Conf. Info.** explained that issues outside of Equity’s purview regularly come to the Equity Office because the Office is treated as a “catch all.” Anyone experiencing something can reach out to the Office and it will listen to them and respond. If, after listening, the complaint is not under Equity’s purview, it refers it out to the proper individuals/department. **Confidential Information** all shared the same dynamic during their interviews. Investigators also got the general sentiment during interviews of staff members outside of the Equity Office that there is an understanding and belief in the District that the Equity Office always answers its phone.

### 3. *Performance of Responsibilities*

During the course of the investigation, we regularly heard that individuals made reports to Equity and/or received training from Equity. Accordingly, in addition to looking into specific allegations that investigators received regarding the Equity Office, we looked into the structure and function of Equity. According to the Equity Office webpage, Equity is “a small team of dedicated professionals working to support students, families, and staff in issues of harassment and bias.” The Equity Office’s “staff investigate allegations of bias or retaliation for previously reporting an allegation of bias, and offer a resolution, when appropriate.” Staff also provide “training and counseling around equity issues” and are “the primary point of contact for employees seeking accommodation for disability or religious reasons.” A review of the Equity circulars revealed that Equity’s jurisdiction covers sexual misconduct, nondiscrimination, bias, gender identity and employee accommodation. The description on the website does not clarify what specifically Equity does in regard to each of these areas.

As noted above, Equity is a well-regarded office within the District with a reputation for responsiveness. **Conf. Info.** said **█** has worked hard to create an office that people trust and believe is responsive and helpful. We believe, based on the accounts we received, that **█** succeeded. Equity has a hotline that people can call and make reports on. As explained above, we learned that Equity gets a broad variety of calls. **Confidential Information** **█** explained that any time a call comes in, it is documented in Equity’s digital case tracking system. One of **Conf. Info.** first priorities when starting at the Equity Office **Conf. Info.** **█** was to create a digital case tracking system. Prior to this, all of the files were paper with no clear filing system and it was impossible to track historical or trend data. **█** selected a system, scanned all paper files and uploaded them to the system. Now all reports and steps Equity takes in response to complaints are documented in the case tracking system. Investigators experienced this firsthand during interviews when **Conf. Info.** and others were able to seamlessly find notes and documentation on steps taken regarding specific complaints investigators identified through our own document review. Equity documents all reports it receives whether they fall under Equity’s jurisdiction or are referred out to another department.

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could be. Equity has the data to look at the number of reports it receives each year from a school and can use that data to assess which schools might need more training and/or support. However, staffing constraints limit its ability to take these steps.

Through our interviews and document review, we learned that there was some confusion about what falls under Equity’s jurisdiction. For example, we received allegations that Equity failed to act on a complaint at times when, in fact, the complaint was not under its purview. Investigators heard from Equity that in such instances, it would refer the matters out to the appropriate parties. Investigators found these statements credible. Investigators believe, however, that there needs to be better messaging around Equity’s jurisdiction to avoid further confusion down the line. A close read of the circulars makes clear that Equity does not handle investigations of all areas under its purview. For example, Equity investigates allegations of bias, but does not investigate, in general, incidents of sexual misconduct between students. Sexual misconduct towards students by another student is investigated by schools, with the support of the Equity Office, while sexual misconduct towards a student by a staff member or sexual misconduct towards a staff member is investigated by the Equity Office. These are important distinctions that the investigators believe parents do not fully understand. Confusion also exists about what types of bullying are handled by Succeed Boston and what might be considered bias-based bullying handled by Equity. [Conf. Info.] admitted during [redacted] interview that this might be a distinction without a difference and [redacted] wonders if Succeed Boston and Equity should be in the same office. Investigators make no finding as to the appropriateness of what does and does not fall under Equity’s jurisdiction. We do, however, find that better communication around this topic may improve relations and expectations among stakeholders in the District.

Investigators also learned that when Equity does conduct an investigation, it creates a report and includes recommendations within the report. Equity does not ultimately make final decisions about the recommendations, implement them or track them. [Conf. Info.] said that Equity makes recommendations and then “passes the baton and hopes people do the right thing.” [redacted] stated that [redacted] may not agree with decisions, but it ultimately is not up to Equity. [redacted] CI [redacted] stated that in situations where [redacted] felt there was a big risk and there was resistance from a supervisor, [redacted] has vigorously pursued making sure steps are taken. However, [redacted] does not do this in every instance, nor can [redacted] given the volume of what comes into Equity every day.

Finally, we learned that Equity is responsible for trainings on the Equity circulars. Equity began providing trainings in February 2016. [Confidential Information] [redacted], explained that the Office provides mandatory and requested trainings. The mandatory Equity training is a one-time requirement for all individuals in supervisory roles and school administrators. Equity documents when people are trained;<sup>24</sup> however, it has been difficult for the Equity Office to identify everyone that needs the mandatory training. According to [Conf. Info.], there is no easy way to identify all of the individuals in supervisory roles in the Office of Human Capital’s system—PeopleSoft. Equity, according to [Conf. Info.], has tried its best through messaging, contacting people individually and sending reminders. It has also implemented a new system that helps identify new hires in supervisory roles going forward. At regular intervals,<sup>25</sup> the Equity Office gets a list of all new hires from the OHC and goes through it manually to identify all individuals that are in a role that requires the mandatory training. [redacted] CI [redacted] could not comment on how well the system works because it was newly-implemented at

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[Conf. Info.] was able to seamlessly tell investigators when MH Admin 3 received the Equity training by using the tracker.

[Conf. Info.] could not recall if it was weekly or monthly.



the time of [REDACTED] interview. [REDACTED] Conf. Info. also provides trainings at the request of different departments and/or schools. [REDACTED] has trained schools' entire staff at the request of principals or superintendents and groups of employees like the bus monitors. [REDACTED] Conf. Info. generally holds all trainings in person, but during the pandemic, they were virtual. The trainings can run anywhere from forty-five minutes to two hours depending on the time [REDACTED] is allotted. The trainings cover all of the Equity circulars and include topics such as what is considered sexual misconduct, bias-based conduct and mandatory reporting under 51A. [REDACTED] Conf. Info. stated that Equity has no recourse if individuals fail to attend the training. [REDACTED] also shared that [REDACTED] feels that Equity trainings should be required annually for all school administrators and Central Office staff.

### **C. Conclusion and Recommendations**

Investigators applaud Equity for the reputation it has built in the District for responsiveness and for its diligent efforts to respond and thoroughly document every report it receives. Investigators find, however, that Equity could have done more in regards to the reports of sexual misconduct at MHS. At the time of the reports, EQT-3 was in effect. At a minimum, Equity should have advocated for MHS and MH Admin 3 to receive additional training on the reporting and handling of allegations of sexual misconduct.

As explained above, investigators find that there is some confusion about what the Equity Office handles. Investigators recommend that Equity clarify its website and improve its communications to families and BPS personnel. This will insure that families do not have incorrect expectations of what will occur when they call the Equity Office. Additionally, although investigators understand that, given the structure at BPS, Equity is not responsible for decisions about discipline and investigators appreciate the benefits of separating the investigatory and decision-making functions, investigators believe that Equity needs more involvement and visibility in the disciplinary process. It is troubling that departments such as Equity that conduct BPS investigations and ultimately have institutional knowledge about problems are not notified or consulted with when other incidents arise. Investigators also feel that OHC or Labor Relations should have some documentation that indicates when an Equity investigation (or similar investigation) has been conducted for a specific staff member. If BPS is not going to create a centralized tracking system similar to that used by the Equity Office, then it needs a clear checklist of all the departments/officials that need to be consulted when reviewing personnel histories to make disciplinary or hiring decisions. Finally, investigators feel that Equity needs more tools and authority to better implement its trainings and enforce its reporting requirements. It is troubling that Equity has no way to reliably identify and track all parties that need training. It is even more problematic that it has no authority to discipline parties that fail to attend its "mandatory" training or make mandatory reports. To make its trainings more effective and to expand its reach, investigators believe that all new hires at BPS should be required to take part in Equity trainings, and BPS should decide how frequently staff should be required to attend "refresher" trainings. BPS should also consider requiring mandatory training on topics in which schools have struggled like 51A reports or bias-based bullying. Equity also needs more resources so it can take proactive steps based on the wealth of data it gathers. Equity needs the resources to respond to abnormally high or low volumes of reports from a school and then have the authority to require trainings, reporting and/or other remedial steps in response.

## II. Findings Regarding Succeed Boston

### A. **Background and Allegations Investigated**

The Phase I Report addressed the pervasive bullying issues at MHS that went unabated for years and the real and lasting impact those issues have had on MHS students and their families. In the course of conducting this investigation, investigators spoke with [redacted] CI, Confidential Information, to understand what role, if any, Succeed Boston,<sup>26</sup> which leads the District's work in bullying prevention and intervention, played in MHS's failure to address the bullying issue at the School. [redacted] Confidential Information

We spoke with [redacted] Conf. Info. on February 24, 2022 during the Phase I Investigation and then again on July 11, 2022 during the Phase III Investigation. [redacted] Attorney-Client Privilege

#### 1. *Succeed Boston's Mission and Role in Addressing Bullying within BPS*

Succeed Boston is a short-term counseling and intervention program within BPS that serves BPS students who have committed violations of the BPS Code of Conduct, including bullying. Among other things, Succeed Boston provides individual and group-counseling services and helps students build the social-emotional skills they need to assess risk, consider potential consequences and improve decision-making.

In terms of combating bullying, Succeed Boston is responsible for completing the following tasks either alone or in conjunction with other individuals/offices within BPS:<sup>27</sup>

- 1) Receiving reports on bullying;
- 2) Collecting and analyzing building and/or school-wide data on bullying to assess the present problem and to measure improved outcomes;
- 3) Creating a process for recording and tracking incident reports, and for accessing information related to targets and aggressors;
- 4) Planning for the ongoing professional development that is required by the law;
- 5) Planning supports that respond to the needs of targets and aggressors;
- 6) Choosing and implementing the curricula that the school or district will use;
- 7) Developing new or revising current policies and protocols under the Plan, including an Internet Safety Plan, and designating key staff to be in charge of the implementation of them;

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<sup>26</sup>Succeed Boston was formerly known as the Counseling and Intervention Center and the Barron Center.

<sup>27</sup>Succeed Boston's roles and responsibilities with respect to addressing bullying are outlined in Superintendent's Circular SSS-18 and the District's Bullying Prevention and Intervention Plan (rev. 2017).

- 8) Amending district-wide and school-based student and staff handbooks and codes of conducts;
- 9) Leading the parent/guardian/caregiver or family engagement efforts and drafting information materials; and
- 10) Reviewing and updating the Plan biennially, or more frequently as needed.

Succeed Boston also hosts various Student Support and Prevention Workshops, which provide students with education about the impact of bullying and skill development to stop and prevent bullying. In short, the District has designed Succeed Boston to act as a partner for schools in terms of preventing, addressing and correcting bullying behaviors. However, Succeed Boston's ability to serve as a meaningful partner is only possible if school leadership and staff follow BPS's policies with respect to elevating reports of bullying to Succeed Boston. For example, BPS's bullying policy states that school administrators (or their designees) must submit all bullying investigations, findings and plans to Succeed Boston within five school days. Succeed Boston then uses this information to perform the above-referenced analyses and implement changes as needed and appropriate. If a school fails to report bullying incidents to Succeed Boston, as MHS did, then Succeed Boston cannot assist the school, or collect and/or present a true representation of bullying issues within the District.

## **B. Factual Findings**

### *1. Staffing Challenges at Succeed Boston*

The current staff at Succeed Boston consists of one Senior Director, one Clinical Coordinator, two School Social Workers, one Program Manager, one Intervention Specialist and one Academic and Special Education Teacher.<sup>28</sup> [Conf. Info.] expressed [redacted] belief that Succeed Boston is not adequately staffed to handle the number of bullying complaints it receives, let alone the other tasks and responsibilities that fall within Succeed Boston's jurisdiction. [CI] [redacted] explained that [Conf. Info.] staff have been "slammed" dealing with and responding to the "highest number of referrals" Succeed Boston has received in five years. [Conf. Info.] attributes this increase in reporting, at least in part, to BPS's release of the Phase I Report, noting that the "bullying allegations have exploded" since the Report's release.

[Conf. Info.] explained that when [redacted] started, Succeed Boston had 20 staff members, but that number has fallen to seven employees. [Conf. Info.] recalled that, at one point, Succeed Boston included four Safe and Welcoming Schools Specialists ("SAWS"), but BPS Staff 84, [redacted] Confidential Information, removed these four positions from Succeed Boston without [Conf. Info.] knowledge. [Conf. Info.] said [redacted] has raised Succeed Boston's staffing issues with a number of individuals within BPS, including, but not limited to, Interim Superintendent McDonough, BPS Staff 59, BPS Staff 2, BPS Staff 4, BPS Staff 85 and Superintendent Cassellius in an attempt to secure additional funding and support. Notwithstanding these attempts, Succeed Boston has remained at a staffing deficit for at least five years. [Conf. Info.] noted, however, that as a result of additional ESSER funding and

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<sup>28</sup>See MEET THE SUCCEED BOSTON TEAM, available at <https://www.succeedboston.org/#OurTeam>.

Superintendent Cassellius’s directive that Succeed Boston be properly supported, four full-time staff members are expected to join Succeed Boston in September 2022.<sup>29</sup>

Conf. Info. explained that staffing issues have made it difficult for Succeed Boston to “provide critical services” to BPS students. For example, in 2011, Succeed Boston implemented the Saturdays for Success program, which was a bullying prevention and intervention program that provided skills and strategies for all students—aggressors, targets and bystanders. CI stated that due to insufficient staffing, Succeed Boston had to cut the program in or around 2015. Conf. Info. noted that they had conducted qualitative research during the program’s four-year operation and received many anecdotal reports of positive changes in students’ behaviors.

In addition, Conf. Info. stated that the staffing shortages have affected Succeed Boston’s ability to conduct trainings for schools and staff. Per SSS-18, Succeed Boston is expected to offer quarterly training sessions throughout the school year during which staff will learn about, among other things: (1) state and district regulations and procedures; (2) reporting and investigation protocols; (3) safety plans for targets and action plans for aggressors; (4) differentiating between bullying and conflict; and (5) the role school staff play in preventing bullying. In addition, SSS-18 states that each school must have “at least 2 staff trained as Bullying Intervention Specialists,” who will lead the annual bullying prevention and training at their respective schools. Conf. Info. admitted that Succeed Boston has not “done a good job” over the last few years of confirming that schools have the required number of Bullying Intervention Specialists, but is working to “boost accountability to make sure every school” is meeting this requirement. Conf. Info. noted that Succeed Boston was planning on resuming its in-person 12-hour Bullying Intervention Specialist Training in August 2022, which training was overenrolled.

## 2. *Succeed Boston’s Involvement with Schools, Including MHS*

Conf. Info. explained that receives “dozens of calls a day from school leaders asking for advice” and works closely with operational leaders to let them know about school safety issues that are reported to Succeed Boston. If a school leader reports an incident that squarely falls within the definition of bullying, Succeed Boston will recommend next steps in terms of speaking with the families involved and developing safety and/or action plans. CI noted that even if the incident does not constitute bullying *per se*, generally recommends that the school address the complaint or report because it is still a “culture/climate issue.”

## 3. *Addressing Lack of Reporting at MHS and Need for More Accountability*

Conf. Info. told investigators that did not recall MHS or MH Admin 3, in particular, ever reporting any bullying incidents to Succeed Boston. As noted in the Phase I Report, investigators discovered three instances in which MH Admin 3 appeared to have reported

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Conf. Info. applauded Cassellius for following up with “often” about concerns and wanting to know what steps were being taken to remedy complaints filed with Cassellius’s office.

bullying allegations/complaints to Succeed Boston. *See* Phase I Report, p. 6. However, these reports were rare and not representative of a school making a good faith effort to comply with the District’s reporting requirements. When investigators asked [Conf. Info.] whether [ ] had heard of similar breakdowns at other schools in terms of their failure to report, [ ] responded, “Nothing like this.” [Conf. Info.] commented, “schools that have no reports or incidents are the ones we worry about because we know there are going to be issues.” [Conf. Info.] stated that MH Admin 3 was not open to using the District’s resources. Instead, MH Admin 3 “flaunted” that MHS “did their own thing.”

Investigators asked [Conf. Info.] whether Succeed Boston takes any proactive steps to remind schools, like MHS, who are notorious for not reporting, of their reporting obligations or to offer additional training opportunities. [Conf. Info.] explained that per SSS-18, Succeed Boston is obligated to report any concerns to the operational leader who, in turn, will escalate concerns to the academic superintendent. In accordance with that policy, [Conf. Info.] reported [ ] concerns to BPS Staff 6, [Confidential Information].<sup>30</sup> [Conf. Info.] noted that the operational leaders, [Conf. Info.] have been “exceptional” and have “worked closely” with Succeed Boston to support schools. [Conf. Info.] told investigators that BPS Staff 6 “tried to address many things at MHS,” but there was only so much that BPS Staff 6 could do because MH Admin 3 was “very politically connected.” [Conf. Info.] commented that it is ultimately a question of “who you can tell,” because you do not want to exceed your authority or role. As noted herein, several interviewees echoed this sentiment about there being a lane-driven approach within the District.

[Conf. Info.] expressed a need for “more accountability higher up the chain beyond the school leader,” noting [ ] opinion that the District failed the school, staff and students. [Conf. Info.] described [ ] as being “on the low end of the totem pole” and, therefore, [ ] cannot tell a school leader, [Conf. Info.], what to do. More specifically, [Conf. Info.] said, “school leaders do not have to listen to me because of this structure.” Even if an operational leader talks to a school leader about concerns and the leader fails to address them, the operational leader similarly cannot force the school leader to “make it happen.” From [Conf. Info.] perspective, the academic superintendent is the only person within the reporting chain who can require a school leader to take action. Ultimately, [Conf. Info.] said the failings at MHS happened on the “District’s watch.” While the District may not have been aware of everything happening at MHS, “MH Admin 3 was no secret to anyone,” including [Conf. Info.] and others within BPS.

Neither SSS-18 nor the District’s Bullying Prevention and Intervention Plan afford Succeed Boston the authority to hold schools accountable or to take any action for a school’s failure to meet BPS’s reporting and investigatory obligations. Such accountability from non-compliant schools like MHS must be demanded by those supervisory personnel possessing authority, informed by Succeed Boston. However, this can only happen if Succeed Boston is properly staffed and resourced. Investigators find that the District, at Cassellius’ directive, has taken a positive step forward by adding four additional members to Succeed Boston’s team. However, Succeed Boston has been operating at a deficit for many years and may need

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<sup>30</sup>As noted herein, BPS Staff 6 refused to meet with investigators in this investigation. As a result, we were unable to vet these claims with BPS Staff 6 directly.

additional support, particularly in light of the influx of reports it has received since the release of the Phase I Report.

#### 4. *Fear of Retaliation*

During [REDACTED] first interview, [REDACTED] Conf. Info. shared that [REDACTED] received one report from a MHS teacher who reached out via the hotline to report some unidentified concerns about MHS. [REDACTED] CI [REDACTED] recalled that the teacher was “concerned about reporting” and “wanted to be certain that [Succeed Boston] would protect [REDACTED] anonymity because [REDACTED] was afraid of retaliation.” [REDACTED] CI [REDACTED] best memory was that nothing happened in connection with this report. Investigators followed-up on this incident during [REDACTED] Conf. Info. second interview. [REDACTED] Conf. Info. stated that [REDACTED] found this teacher’s fear of retaliation to be concerning, but not unusual. [REDACTED] Conf. Info. said other teachers outside of MHS have also expressed similar concern about retaliation for reporting bullying incidents. [REDACTED] Conf. Info. explained that school leaders are worried about how these reports will look from the outside and, therefore, may not be supportive of staff reporting incidents outside of the school. [REDACTED] Conf. Info. clarified that it is actually in the school’s interest to report bullying, but schools do not appear to believe the messaging coming from Central Office. [REDACTED] Conf. Info. noted that school leaders are facing many pressures, including academic accountability, such that culture and climate issues (*i.e.*, bullying) can “get lost.”

When investigators asked [REDACTED] Conf. Info. whether [REDACTED] followed up with MH Admin 3 after receiving the report from the MHS teacher referenced above, [REDACTED] said [REDACTED] did not in order to protect that teacher from being “found out.” [REDACTED] Conf. Info. advised the teacher about [REDACTED] reporting obligations and potential next steps, but ultimately did not address it with MH Admin 3. Investigators find that this teacher’s expressed concern about retaliation should have put Succeed Boston on notice that there was a serious issue at MHS in terms of the School’s culture around reporting events outside of the School. Given the scope of the Phase III Investigation, investigators did not speak with teachers outside of MHS to determine whether other BPS teachers have a fear of retaliation for reporting and, therefore, could not corroborate this statement. However, investigators found that a number of BPS employees expressed a general hesitancy towards reporting things to the “wrong person.” Investigators recommend that BPS work with Succeed Boston to implement more effective messaging about how reporting will and will not affect schools to alleviate any fears or misperceptions that may exist throughout the District.

#### 5. *Implementing Change at MHS*

During the Phase I Investigation, MH Staff 1 and MH Staff 2, [REDACTED] Confidential Information [REDACTED], told investigators that one of the first steps they took [REDACTED] Conf. Info. to course correct the bullying issues at MHS was to meet with [REDACTED] Conf. Info. After speaking with [REDACTED] Conf. Info. MH Staff 1 and MH Staff 2 quickly realized that MHS was not taking the necessary steps for reporting and investigating bullying incidents. [REDACTED] Conf. Info. impression from [REDACTED] discussions with MH Staff 1 and MH Staff 2 was that they were not opposed to doing the right thing but, rather, were unaware of what they needed to do. In spring and fall of 2021, Succeed Boston hosted two trainings with MHS staff via Zoom to relay the District’s policies and expectations with respect to reporting and investigating bullying. After these trainings, MHS’s reports to

Succeed Boston increased markedly. On January 16, 2022, [Conf. Info.] provided BPS Staff 79 a memorandum summarizing bullying reports at MHS, among other things. In the report, [Conf. Info.] states:

Dear BPS Staff 79

Since September 13, 2021 there have been 23 reports of bullying:

- 11 in grades 5- 8
- 12 in grade K2-4
- 18 remain open
- 19 of the reports have been made by staff

When investigators asked [Conf. Info.], whether [Conf. Info.] received a similar number of reports from MHS under MH Admin 3’s [Conf. Info.], [Conf. Info.] responded, “No, not at all.” While MH Admin 3 had left MHS by 2021, [Conf. Info.] disdain for reporting was still prevalent at MHS. [Conf. Info.] explained that, during the spring training, MHS staff were “quite arrogant” and pushed back on the training, claiming that Succeed Boston was “feeding the school to prison pipeline by talking about reporting and documenting.” [Conf. Info.] stated that one teacher was “very aggressive” with [Conf. Info.] during the training, arguing that MHS “could use restorative justice practices as a way to resolve bullying issues,” which [Conf. Info.] made clear was not the case. [Conf. Info.] told the staff that “their not reporting and not being accountable had put a number of students in jeopardy both physically and mentally.” [Conf. Info.] informed investigators that [Conf. Info.] elevated MHS’s staff’s “hostile” feedback to a number of people within BPS, including, but not limited to, BPS Staff 79, BPS Staff 86 and BPS Staff 18.

We confronted [Conf. Info.] with the message we had heard from various MHS teachers that BPS did not emphasize reporting prior to 2021. [Conf. Info.] responded that Succeed Boston has offered training in prior years, but that MH Admin 3 was “closed off and not interested.” While [Conf. Info.] did not provide training at MHS in prior years, [Conf. Info.] noted that BPS Staff 77, [Confidential Information], provided training at the School at some point. Investigators interviewed BPS Staff 77 on April 14, 2022 as part of the Phase I Investigation. BPS Staff 77 recalled providing bullying training at MHS for parents in or around 2016, but did not recall who or what prompted the training.

### C. Conclusion and Recommendations

Investigators find that Succeed Boston has a substantial mission ahead of them in terms of supporting the many schools and students in the District for all Code of Conduct violations, as well as receiving, reviewing and analyzing the flood of bullying reports that have come in since the release of the Phase I Report. Succeed Boston will only be able to meet this daunting task with adequate staff and resources, which investigators recommend BPS provide. With appropriate staffing, Succeed Boston can assume a more active role in preventing bullying and holding schools accountable for failing to make any reports—schools like MHS. Furthermore, with appropriate funding, Succeed Boston can resume programming, such as Saturdays for Success, that are specifically tailored to combat bullying issues within the District—programs which have proven to be effective in the past. Investigators agree with [Conf. Info.] that the District needs to implement “clear lines of communication” about responsibilities around

reporting and accountability and implement corresponding messaging across the District to alleviate any perceived misconceptions about the impact of reporting on schools. Finally, investigators recommend that the District consider creating a role within or above Succeed Boston that has enforcement authority to hold schools and school leaders accountable to their reporting and investigatory obligations.

These steps will help reduce the risk of another BPS school suffering the same fate as MHS. Furthermore, by implementing these changes, along with investigators' other District-wide recommendations, the District can begin to address DESE's finding, as reported in its May 2022 report, that BPS does not have an effective and consistent process for tracking and responding to complaints regarding student bullying and other safety concerns.<sup>31</sup>

### III. Findings Regarding the Office of Special Education

#### A. **Background and Allegations Investigated**

The Phase I Report outlines the wide-ranging complaints and concerns investigators received from MHS parents relating to the provision of special education ("SPED") services at MHS. In certain instances, MHS parents and former staff reported that they turned to the District for support and guidance when the situation at MHS failed to improve. When problems continued at MHS, some families—particularly families who were savvy enough to navigate the District's grievance processes and who were in a position to advocate for their children—sought the District's assistance in obtaining compensatory services and/or placements outside of MHS. In light of these allegations, investigators examined if, and to what extent, BPS leadership and employees within the Office of Special Education (the "SPED Office") were aware of the issues at MHS. To perform this part of the investigation, we reviewed hundreds of communications between MHS staff and parents and BPS employees, including communications that were sent to the highest levels of leadership (*i.e.*, the Superintendent level), and sought to interview a number of BPS individuals, including former employees, who worked with MHS on SPED issues.

As noted above and herein, investigators' ability to complete a full and robust investigation on the SPED issues at MHS was impeded, at least in part, by certain witnesses' unavailability and/or refusal to cooperate with this investigation.<sup>32</sup> In addition, due to the passage of time, among other things, a number of interviewees could not recall specific actions that were taken as a result of particular complaints. Nevertheless, it became clear to investigators in the course of performing the Phase III Investigation that several BPS employees and former Superintendents were on notice of the SPED deficiencies at MHS. Investigators' findings as to the District's actions and attempts to address the SPED issues at MHS are set forth below.

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<sup>31</sup>During the course of this investigation, we learned that MH Parent 3 and MH Parent 4 were referred to [REDACTED] CI [REDACTED] in connection with their bullying concerns at MHS. Investigators' findings and conclusions with respect to [REDACTED] CI [REDACTED] handling of MH Parent 3 and MH Parent 4's concerns are addressed in the Phase II(b) Report.

<sup>32</sup>As noted herein, [REDACTED] Confidential Information [REDACTED], refused to meet with investigators after initially agreeing to participate in an interview.



### *1. DESE Reports*

In evaluating the problems at MHS and assessing the District’s role in failing to take timely action to address the problems at MHS, it is critical to understand that some of the problems identified at MHS—specifically in the area of special education—were purportedly occurring system-wide. Accordingly, we provide a summary of deficiencies identified by the Massachusetts Department of Elementary and Secondary Education (“DESE”) beginning in 2019 and culminating in the report released in May 2022. In the fall of 2019, DESE conducted a District Review of BPS. This was the first review of BPS since the establishment of DESE’s Office of School and District Accountability in 2008. In March 2020, the results of this review were published, which identified significant alleged deficiencies. The deficiencies were of such concern to DESE that Jeffrey C. Riley, the Commissioner of DESE, considered placing BPS into receivership.

The following deficiencies were described in DESE’s 2020 report: BPS not providing adequate services for students with disabilities and English Language Learners in accordance with applicable laws; BPS lacking quality curricula and effective instructional practices; and the BPS system lacking “a stable, supportive and trusting relationship between the schools and District staff due to in part to frequent turnover of superintendents and Central Office staff.” Despite these allegations, Commissioner Riley decided against placing BPS into receivership. Instead, DESE and BPS entered into a Memorandum of Understanding, which required BPS to improve its performance in key areas, including low performing schools, educational services provided to students with disabilities and services provided to English Language Learners.

In the spring of 2022, a review was conducted to assess BPS’s progress in addressing the identified deficiencies. DESE’s May 2022 findings asserted that BPS failed to remedy several deficiencies, some of which we identified at MHS.

#### **DESE FINDINGS IN MAY 2022 REPORT ON BPS**

- “BPS has shown little to no progress in addressing the needs of its students with disabilities, English learners, and students at the district’s lowest-performing schools;”
- SPED “services remain in disarray, the district lacks well-understood special education policies and procedures as well as appropriate plans for educating students in the least restrictive environment;”
- “Hundreds of English learners are still not receiving their required EL instruction,” despite BPS being a party to agreements with DOJ in 2010 and 2012 requiring them to provide better instruction in this area; and
- BPS has failed to provide targeted support to the District’s 31 lowest performing schools that serve 14,000 students.

DESE’s conclusion, stated in the report, is that “the district has failed to effectively serve its most vulnerable students, carry out basic operational functions, and address systemic barriers to provide an equitable, quality education.” Our review and recommendations address some of these same issues at MHS in the context of the District-wide findings set forth herein.

## B. Factual Findings

### 1. *BPS was on Notice of SPED Issues at MHS Since at Least March 2015*

On March 23, 2015, MH Staff 54, a former MHS [REDACTED] CI [REDACTED], emailed then-Interim Superintendent McDonough, Superintendent-designate Chang, the [mayor@boston.gov](mailto:mayor@boston.gov) email address and one other BPS employee to inform them of significant problems at MHS. In the email, which contained 39 separate attachments, MH Staff 54 reported a number of deficiencies at MHS in the area of academics, lack of proper trainings and licensures of teachers and failures in meeting the needs of ELL and IEP students. More specifically, MH Staff 54 stated that, “the school is supposedly inclusion and democratic. Yet I found out many of the students’ needs were not being met.”

With respect to students with IEPs, MH Staff 54 reported the following:

Students who have IEPs are not pulled out of the classroom because it is supposedly inclusion. **Many staff members are either currently working towards their SPED license or don’t have one, yet IEPs require the instruction to be delivered from licensed Special Education teachers.** Legally the school is playing with fire. Many students are incorrectly coded within the computer system. Some students need a completely different setting to help them to improve literacy and math skills. **It is not realistic to think a teacher that had lots of general education classroom experience to really meet the needs of every single child without the proper training.**

(emphasis in original).

MH Staff 54 provided the District with [REDACTED] suggestions, including, among other things, recommendations that the District “provide more regular check-ins and feedback for principals,” and “there needs to be some sort of check and balance, specifically for autonomous schools.” Finally, MH Staff 54 requested that the District look into a number of issues at MHS, including, but not limited to, MHS “not meeting legal compliance and the needs of specific groups of students (students with IEPs and ELLs)” and “teachers not having correct licenses to legally give instruction.”

Investigators asked former Interim Superintendent McDonough about this email exchange during [REDACTED] interview. McDonough recalled this email and explained that it “disturbed” [REDACTED] further stated that the email was an “indication that something bigger than what we’re doing now needs to be done and that’s why we looked to the external investigation.” As noted above, at around this time, McDonough commissioned the 2015 Coffey investigation, which focused on allegations that MH Admin 3 acted inappropriately in at least six ways, namely [REDACTED]: (1) failure to provide specialized instructions by certified special education teachers; (2) lack of support of the special education program teachers and students; (3) failure to take action to protect the mental and physical wellbeing of students, including but not limited to the manner in which students are restrained and/or reassigned because of their conduct; (4) failure to have proper reporting mechanisms or complete reporting of incidents; (5) violation of BPS policies,

rules and procedures including, but not limited to, uncertified teachers, improper child restraints, corporal punishment, child abuse and neglect; and (6) creation of a culture of fear, threats or intimidation in violation of the BPS non-discrimination policy.

In that 2015 Report, Coffey concluded that MH Admin 3 was accountable for several failures at the Mission Hill School during the 2014-2015 school year, including not complying with the legal and regulatory mandates to ensure that the needs of the special education students at Mission Hill School were met. Coffey further found that MH Admin 3 failed to comply with ESL staffing requirement at the School, and that ██████ inexplicably exacerbated that failure by creating the perception that ██████ was asking ██████ staff to lie regarding ESL compliance reports. As discussed, *supra*, MH Admin 3 was not disciplined or terminated in connection with Coffey's 2015 Report and findings, even though Coffey found MH Admin 3's actions amounted to conduct unbecoming ██████ **Conf. Info.** and that discipline was warranted.

Coffey's 2015 Report contained a number of recommendations and remedial steps. Specifically, Coffey recommended that: (1) MH Admin 3 implement specific requirements for each classroom teacher regarding daily reading and literary practices and that independent reading be required daily in each classroom; (2) MH Admin 3 or a specific administrator be required to observe each classroom teacher on a routine schedule instead of continuing the present classroom autonomy; (3) ESL and SPED teachers be scheduled and utilized appropriately in an inclusion setting; (4) staff and student scheduling be structured and prioritized to comply with student IEP requirements; (5) all staff be trained in CPI and re-trained annually; and (6) an independent ESL audit of MHS be conducted covering the past three school years to determine whether or not compliance reports were fabricated and to ensure that ELL students at Mission Hill School received specialized instruction in compliance with their IEPs.

In order to determine whether MH Admin 3 implemented these steps and BPS's role in connection with the same, investigators spoke with ██████ **Confidential Information** ██████ **Confidential Information**,<sup>33</sup> and ██████ **Confidential Information** ██████ **Conf. Info.**. Investigators met with ██████ **Conf. Info.** twice during this investigation, namely on April 28, 2022 and July 12, 2022. ██████ **Conf. Info.** could not speak to what actions MHS took in response to the 2015 Coffey Report, because ██████ stopped working with MHS ██████ **Conf. Info.** ██████. However, ██████ **Conf. Info.** shared that ██████ conducted an Audit at MHS in March 2015 to determine whether MHS students were receiving their SPED services and accommodations as outlined in the students' IEPs. ██████ **Conf. Info.** prepared an Audit Report dated May 2015, which detailed ██████ findings. Of particular relevance, ██████ **Conf. Info.** found as follows:

- Teachers are creating inclusive groupings in their classrooms. However, **due to the fact that some of them do not hold a special education certification, students are not receiving their special education services by a certified special education teacher as required by the IEPs.**

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33 ██████ **Confidential Information** ██████

- Students that are eligible to receive Reading/Math Intervention outside of the classroom are not receiving these services since January 1st 2015, as the part time Resource Room Teacher had resigned.
- **Many students on IEPs are working significantly below their grade level in reading/writing specifically in grades 6th, 7th, and 8th.**
- Parents now are questioning the special education service delivery for the students at Mission Hill and are requesting that their children receive appropriate services as stated in their IEP by a special education teacher and some of these parents are looking for compensatory services.

(emphasis added).

Confidential Information

Conf. Info. shared the Audit Report with Confidential Information Confidential Information, who, according to Conf. Info. elevated it to McDonough.<sup>35</sup> Because Conf. Info. shortly after completing Audit, Conf. Info. could not speak to what actions, if any, were taken by BPS and/or MHS to remedy the issues identified during Audit. Conf. Info. noted that Conf. Info. that same summer, which may have resulted in Audit findings falling “through the cracks.” Like many other interviewees, Conf. Info. stated that “BPS had such a high turnover,” specifically in SPED positions, that Conf. Info. could not recall with whom Conf. Info. discussed Audit.

Given Conf. Info. involvement in Conf. Info. Audit at MHS and Conf. Info. role within the SPED Office, investigators met with Conf. Info. on two occasions. During Conf. Info. interviews, Conf. Info. disclosed that Conf. Info. did not recall what specifically prompted Conf. Info. Audit. However, Conf. Info. did generally recall there being complaints about the provision of IEP services at MHS. After Conf. Info. interview, Conf. Info. provided investigators with an updated version of Conf. Info. CI Audit Report, which reflected certain “action steps” that were taken at MHS with BPS’s support. These action steps included:

- In March[,] special education students in Room 212 were moved to Room 216. The lead teacher in 216 has Conf. Info. special education certification license. These students now are receiving specialized instruction as stated in their IEPs.
- In April, a Resource Room Teacher was hired full time in order to service the students that need to receive specialized instruction outside of their classroom and

<sup>34</sup> Confidential Information

<sup>35</sup> Investigators were not able to confirm with Conf. Info. whether Conf. Info. shared this report with McDonough, Conf. Info.

also to support the 5th and 6th grade classrooms that do not have lead teachers that hold a special education certification license by DESE.

- The Principal is proposing to fund a literacy focused summer program at Mission Hill, Monday-Thursday starting the week of July 13 ending the week of August 10 staffed by 3 teachers, 2 with literacy expertise and 1 specialist (or general education teacher) from 8:30 to 2:30. This summer program will provide 120 hours of literacy (Reading/writing and Math) which will cover most of the missed specialized instructions that the sped students missed during the school year.
- All newly hired teachers must be dual-certified.

In addition to these action steps, [Conf. Info.] informed investigators that [Conf. Info.] was in regular contact with MH Staff 37, [Conf. Info.] at MHS, in November and December 2015, to review [Conf. Info.] schedule and to “answer [Conf. Info.] questions around services, allocations and some budget questions.” [Conf. Info.] also reported that the SPED Office arranged a professional development program at MHS on March 1, 2016 to provide support and training on ABA services. After the training, MH Admin 3 expressed [Conf. Info.] concern about a video that was shown during the training, which appeared to depict Black children walking in the hallways with their hands behind their backs. [Conf. Info.] conferred with [Conf. Info.] about MH Admin 3’s concerns and they met with MH Admin 3 directly. [Conf. Info.] described the meeting as a tirade as opposed to an open dialogue because MH Admin 3 was solely focused on the video, which [Conf. Info.] recognized as being problematic. According to [Conf. Info.] MH Admin 3 was so myopically focused on the video that it derailed any meaningful discussion about the SPED issues at MHS and the ways in which BPS could support MHS.

## 2. *BPS Continued to Receive Concerns about MHS’s Provision of SPED Services*

Investigators reviewed several email communications in the 2019 and 2020 period, where MHS parents and/or staff reported continued SPED issues at MHS. When investigators asked [Conf. Info.] about [Conf. Info.] role in addressing these issues, [Conf. Info.] reported that [Conf. Info.] Confidential Information<sup>36</sup> asked [Conf. Info.] to help support the School once again. While [Conf. Info.] was hesitant to [Conf. Info.] CI to MHS in light of [Conf. Info.] past experiences at the School, [Conf. Info.] ultimately agreed to support MHS because the school was operating under new leadership.

It is apparent from the investigatory record that certain MHS parents elevated SPED-related issues at MHS to the District. For example, MH Parent 3 and MH Parent 4 complained in October 2019 to [Conf. Info.] about MH Staff 6’s failure to provide [Conf. Info.] CI with [Conf. Info.] 504 accommodations. While MH Parent 3 and MH Parent 4 found MHS staff to be ineffective, MH Parent 3 and MH Parent 4 thanked [Conf. Info.] for “working to make [Conf. Info.] IEP evaluation happen.” During their meetings with investigators, MH Parent 3 and MH Parent 4 expressed that [Conf. Info.] was instrumental in securing another placement for [Conf. Info.] CI. Investigators attempted to meet with [Conf. Info.]

<sup>36</sup> Confidential Information

█ to discuss █ role in addressing issues at MHS. However, █ Conf. Info. █ declined to meet with investigators. Overall, investigators heard from interviewees that █ Conf. Info. █ attempted to address parents' concerns, but that █ effectiveness and follow-through in addressing SPED issues at MHS were deficient.

Another MHS parent, MH Parent 15, also turned to █ Conf. Info. █ for support when █ had concerns about MHS's ability to service █ child's IEP. █ Conf. Info. █  
Confidential Information

During █ interview, █ Cont. Info. █ stated that █ worked "pretty closely" with MH Parent 15 and █ child's teacher. █  
Confidential Information

Confidential Information

(emphasis in original).

█ Conf. Info. █ told investigators that █ sent this detailed account to █ Conf. Info. █ because █ was "on the ground" at MHS and, therefore, responsible for taking action on these issues. According to █ Conf. Info. █, █ only responsibility upon learning this information was to report it to █ Conf. Info. █. During █ interview, █ Conf. Info. █ stated that █ believed █ talked to █ Conf. Info. █ about █ Conf. Info. █ email and whether or not █ Conf. Info. █ could remain in █ position since there were still issues at MHS. █ Conf. Info. █ did not recall what next steps, if any, were taken in response to █ Conf. Info. █ January 2020 email.

### 3. *Inequality in Addressing IEP Issues*

A number of SPED employees noted that when it comes to IEP issues, BPS generally becomes involved when parents are vocal and elevate issues to the Superintendent's Office. █ Conf. Info. █ reported that SPED staff "go to who is yelling the loudest" or "who has the nastiest advocate or attorney." In other words, if a student with an unfulfilled IEP did not have parents who were "screaming or threatening to go through" other channels, *i.e.*, seeking compensatory services from the District, then their services would likely continue to go unmet without any recourse. With respect to compensatory services, which the District provides to remedy any

educational or other deficits that result from students not receiving the IEP services to which they are entitled, [Conf. Info.] explained that these services are prompted by parents who complain to the District about their child's services not being met. Here too, BPS's actions are triggered by the parent and/or guardian advocating on the student's behalf. While this approach addresses specific complaints, it does not address the District-wide SPED issues identified by several interviewees and DESE, as referenced above. Furthermore, this approach creates an inequitable system within BPS where certain families, such as families with language barriers, are at a disadvantage because they may not be aware of this option and/or able to advocate for their children in the same manner.

### C. Conclusion and Recommendations

Investigators note at the outset that they are not experts in the SPED field and these conclusions and recommendations are based on the totality of information gathered during this investigation, including during several meetings with current and former members of the SPED Office. [Conf. Info.]  
Attorney-Client Privilege [Redacted]

Investigators heard that a number of issues contributed to the SPED issues at MHS, several of which continue to affect the District's ability to serve SPED students adequately. First, multiple interviewees reported the need for more accountability at the school level to ensure that schools are complying with SPED regulations and requirements. [Conf. Info.] explained that the current reporting and oversight chain of command does not hold schools and staff accountable because the SPED Office does not have any power or authority over the principal or teachers. According to multiple interviewees, the most the SPED Office can do is remind schools about their obligation to meet students' IEPs and/or elevate noncompliance issues to the school's academic or operational superintendent. [Conf. Info.] shared that, based on [Redacted] experiences within BPS, schools will likely benefit from the creation of a dedicated SPED administrator at each school, such as a Program Director for Special Education, who can address and remedy SPED issues in real time. [Conf. Info.] explained that a school-based administrator would be more effective in creating real and meaningful change as opposed to a position where the person drops in on the school one day (or half day) a week and who may not have the specialized knowledge to know if schools are satisfying various SPED requirements.<sup>37</sup> Without a dedicated role like the one suggested by [Conf. Info.], the SPED Office must rely on schools' self-reports or parent complaints, which can delay BPS's discovery of school-wide SPED issues, like those that existed at MHS.

Second, investigators heard that there is significant turnover in the SPED Office. While this issue has been reported in other contexts, the way in which the turnover has affected the SPED Office, specifically, is significant. For example, [Conf. Info.] reported that with the high

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<sup>37</sup>To offset this shift in responsibilities and the costs associated with this new position, [Conf. Info.] recommended that BPS consider adjusting the role of Special Ed Coordinators, who are generally union members themselves and thus lack the authority to require compliance or to discipline school leaders/staff, accordingly.

turnover in SPED, the positions are generally filled with inexperienced staff who do not have the benefit of learning from experienced and more senior mentors. This means that new staff do not have the specialized knowledge or expertise to recognize when there are noncompliance issues at schools, let alone the skillset needed to remedy the issues at the school level. [Conf. Info.] noted that the lack of specific policies, procedures and guidance for the SPED Office also makes it difficult for new staff to know what they should be doing to support schools. The high turnover also disrupts the institutional knowledge within the SPED Office in terms of identifying and monitoring schools, like MHS, that are known for SPED issues. As noted above, [Conf. Info.] was not able to speak to what actions were taken as a result of Coffey's Report or [Conf. Info.] Audit in 2015 [Confidential Information]. In short, the rotating door and siloing within BPS affects the District's ability to act on reports the District commissions, which increases the likelihood that those issues go unaddressed.

Third, relating to the turnover issue, several interviewees reported that there is a serious "burnout" issue within the SPED Office. [Conf. Info.] reported that at one point Assistant Directors ("ADs") within the SPED Office had to cover 35-40 schools in addition to covering other schools when other ADs were out, which happened on a frequent basis. [Conf. Info.] explained that by running from one school to another school and from one crisis to the next, issues inevitably "fall through the cracks." When this happens, the District bears the added cost and expense of paying for compensatory services and/or out-of-District placements. Investigators recommend that BPS conduct a review of the costs it has incurred over the past five years to remedy IEP issues to determine whether that money could better serve the District as a whole by adding additional support positions within the SPED Office or at the school level.

As a final note, investigators heard that certain dedicated and experienced employees within the SPED Office left BPS because they could not keep "yelling into a vacuum" or "spinning their wheels" trying to implement systemic change that was not happening. These individuals' departures are a significant loss for the District. Investigators recommend that BPS seriously consider these recommendations, along with others, to make real and meaningful changes to the District's SPED practices, as the District will continue to lose talented and experienced staff if it does not make a concerted effort to remedy these District-wide shortcomings.

#### IV. Findings Regarding the Office of the Ombudsperson

##### A. **Background and Allegations**

During the course of the Phase I and Phase II investigation, we learned that, at times, MHS parents turned to the Office of the Ombudsperson ("Ombudsperson Office") for help resolving ongoing issues at the School. We heard frustration from some families regarding the Ombudsperson Office's handling of their complaints. Accordingly, we looked into the role and responsibilities of the Ombudsperson Office and its effectiveness in responding to complaints.

Investigators conducted interviews and reviewed documents as part of their investigation. We interviewed [Conf. Info.], on two occasions, first, as part of the Phase I Investigation on April 8, 2022 and second, as part of the Phase III Investigation on June 29,



2022.

## B. Factual Findings

The BPS website states that the “Ombudsperson serves as an objective and neutral party tasked with listening and investigating complaints within the Boston Public School system. The Ombudsperson is a central point of contact and resource for parents and other members of the community who have concerns related to our schools and the District. The Ombudsperson represents the Superintendent in matters of concern.” The four principles of the Ombudsperson Office are neutrality, independence, confidentiality and informality.

When asked about this description, **Conf. Info.**, shared that the role of the Ombudsperson is somewhat investigatory. **■** explained that when the Ombudsperson Office receives a complaint or concern it does not “pass the buck.” **■** stated issues largely get to the Ombudsperson Office because people did not do their job or did not respond in a way that made the family happy. **■** then makes a phone call, sends an email or makes other contact with the family to understand their experience. Based on that information, the Ombudsperson then engages the right stakeholders at the District to address the concern or complaint. Additionally, the Ombudsperson can review student files and other records as part of the process. The Ombudsperson relies on other people, *e.g.*, school leaders and Succeed Boston, to understand what was done and what more might be needed.

**Conf. Info.** shared that during Superintendent Cassellius’ administration, the Ombudsperson Office was moved out of the Superintendent’s Office into BPS’s Office of Family and Community Advancement. **■** feels this move “watered down” the role and took away some of the Ombudsperson’s authority. **■** stated the Ombudsperson role is more than family engagement; “it is handling high level complaints and concerns.” **■** stated that **■** is part of various Ombudsperson groups and that Ombudspersons in other districts tend to report directly to the Superintendent or the School Committee.<sup>38</sup> **■** stated that **■** is just one person in a District of 50,000 students. As a result, **■** does not have the capacity to do more comprehensive investigations. The Ombudsperson Office does its best to ensure that the appropriate personnel in BPS address complaints or deal with problems effectively and demonstrably. Unlike other Ombudspersons in comparably-sized districts, according to **■** **CI**, BPS’s Ombudsperson’s Office does not have a team of investigators or any administrative help. **Conf. Info.** shared that over the years **■** has been told the Ombudsperson Office will get more money and more help, but that has never happened. During **■** interview, Superintendent McDonough echoed the belief that the Ombudsperson Office should have more than one person.

Investigators spoke to Superintendent Cassellius regarding the Ombudsperson’s role and office. Cassellius confirmed that **■** moved the Ombudsperson Office. **■** explained that **■** made the move because **■** felt the Ombudsperson Office needed more oversight than what **■** could provide out of **■** office. **■** stated that **■** was dissatisfied with the data **■** received

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<sup>38</sup>It is not within the scope of this investigation to review and make findings regarding the reporting structure of the Ombudsperson Office.

from the Ombudsperson Office. [REDACTED] asked for weekly updates and only received them on one or two occasions. Cassellius said that [REDACTED] had the Chief of Staff start to put a Call Center together for the District to have more accountability on complaints. Cassellius did not want to micromanage, but needed a better tracking system to understand the number and topics of complaints that were coming into the Superintendent's email and to track how they were being handled.

Investigators also interviewed [REDACTED] Confidential Information [REDACTED]. [REDACTED] Conf. Info. confirmed that the Ombudsperson Office is now in the Office of Family and Community Advancement and that the District is in the process of establishing a Call Center. [REDACTED] stated that the Call Center launched on May 11, 2022 and [REDACTED] is working to hire more employees to staff the Call Center. [REDACTED] Conf. Info. explained that the idea was for the Call Center to become the first avenue for families to report complaints and seek help to resolve school issues. [REDACTED] did not express concern that the Ombudsperson Office was run out of [REDACTED] office or that it would not run the Call Center. Rather, [REDACTED] expressed the importance of the Call Center and the need to create one location where families can call with complaints, concerns and questions with a case management system and an escalation tree to ensure there is consistent case responses, tracking and follow-up. [REDACTED] Conf. Info. explained that the Ombudsperson Office does not have a formal system for documenting and tracking complaints and has shown resistance to implementing one. The new escalation tree makes the Call Center the first level for receipt and vetting of complaints and the Ombudsperson Office the last line of appeal, as, according to [REDACTED] Conf. Info., it always should have been. [REDACTED] Conf. Info. believes this will improve documentation, ensure that complaints are escalated properly and consistently and provide the District with valuable data to help it identify trends and proactively work to remedy persistent issues. Additionally, [REDACTED] Conf. Info. stated that the Ombudsperson now has an updated job description that includes tracking as a requirement.

### C. Conclusion and Recommendations

Investigators understand the value and import of the Ombudsperson Office. However, we find there has, at times, been a lack of accountability within the Ombudsperson Office due to the lack of a consistent case tracking system to record and monitor complaints and reports made to the Ombudsperson Office. Investigators believe that the recent steps taken to create a Call Center and both an escalation tree and a new job description for the Ombudsperson will help address these concerns. Investigators recommend monitoring how things progress with the Call Center and the division of labor between the Call Center and the Ombudsperson Office. Depending on how much work the Ombudsperson Office receives and given the size and needs of the District, the Ombudsperson Office might benefit from additional resources.

### V. District-wide Findings and Recommendations

During the course of our Phase III Investigation, we looked into what could be done to avoid another set of circumstances similar to MHS and improvements that could be made District-wide. With the knowledge we gained during our interviews of experienced educators and from our extensive document review and analyses of BPS policies/circulars, we compiled a list of District-wide findings and recommendations. We set them out below.

### A. Mission Hill School's Autonomous School Status

Mission Hill School is a pilot school—also referred to as an autonomous school. During the course of the investigation, investigators regularly heard from BPS personnel who oversaw MHS that they felt their ability to oversee and make changes at MHS was limited due to its autonomous school status and that MH Admin 3 felt MHS could operate “differently” because of this status.

For example, [Confidential Information] informed investigators that when [redacted] became responsible for supervising MHS and MH Admin 3, [redacted] determined that some of the MHS teachers were not fully licensed as required, that there was a lack of paraprofessionals in the classrooms and that MHS did not have the number of ESL-full time employees that BPS required based on the number of ESL students in the School. [redacted] stated that [redacted] inference was that this occurred because the “school was autonomous, they were given leeway to say they were not doing it the required way.” Similarly, at the time MHS had insufficient staff to meet their IEP needs. [Conf. Info.] indicated to investigators that [redacted] made clear to MH Admin 3 that during the budgetary process the following year [redacted] would need to remedy the staffing issues to ensure there were no ESL or SPED shortfalls. [Conf. Info.] believed that these shortfalls existed because, in the past, MHS, as an autonomous school, was given budgetary discretion.

[Conf. Info.] also provided background to investigators about the MHS Governing Board. [redacted] attended several Governing Board meetings and had numerous conversations with Individual 7, [Confidential Information] MHS's Governing Board, not BPS Central Office, was responsible for MH Admin 3's annual evaluation. Accordingly, [Conf. Info.] shared [redacted] was limited in [redacted] ability to evaluate MH Admin 3, but did [redacted] best to alert Individual 7 of [redacted] concerns, which included special education licensure requirements and MHS's standardized testing participation and performance. [Conf. Info.] stated that although the Governing Board generally seemed appreciative of the information, it was deferential to MH Admin 3 and gave [redacted] exemplary evaluations for the year.

[Confidential Information], stated that while overseeing MHS [redacted] immediately noticed that the School “operated very differently.” [redacted] recounted instances of students leaving classrooms and wandering around the School without supervision by MHS staff. [Conf. Info.] recalled conversations with MH Admin 3 during which [redacted] questioned whether the School's model worked for its students. According to [Conf. Info.], MH Admin 3 typically responded: “we operate differently,” “this is our model, you have to remember, we are an autonomous school” and “later on is when they thrive.” [Conf. Info.] shared that like [Conf. Info.], [redacted] lacked evaluative authority over MH Admin 3 and MHS due to its autonomous status. [redacted] stated this was problematic because MHS's Governing Board was rarely in the building and did not have educational training and background, so they often took MH Admin 3's word at face value at Governing Board meetings.

Investigators heard from other long time BPS veterans that MHS's pilot school status gave it and MHS discretion to operate differently. [Conf. Info.] did not believe that Operational or Academic Superintendents had the authority to mandate changes in discipline practices at MHS.

**Conf. Info.** stated that **█** felt that, because MHS was a pilot school, it would do what it wanted. There was a “wall” and attitude of “do not come to my school, I am not sharing information with you.”

There was a general sentiment among the Central Office staff members whom we interviewed that the inability to evaluate and implement changes at MHS was problematic. In fact, **Conf. Info.**, suggested that “there needs to be some sort of check and balance, specifically for autonomous schools.”

Although MHS is a pilot school, investigators found that the District is not completely without recourse to hold the School, its administrators and staff accountable. In 1993, pursuant to the Education Reform Act, Massachusetts established pilot schools. The founding principle of pilot schools is that they have the most success at educating their diverse population of students if they are granted the maximum autonomy over their resources. Accordingly, while pilot schools are public schools, they are not subject to certain legal requirements incumbent on other public schools in the state and, at BPS, are given autonomy over their budgets, staffing, governance, professional development, curriculums, and calendars. Pilot schools are exempt from School Committee and District policies unless they specifically opt in to such local procedures. BOSTON AUTONOMOUS SCHOOL MANUAL, June 2014.<sup>39</sup> Importantly, however, BPS has required and continues to require that all operating agreements entered into between pilot schools and the District afford the Superintendent and the School Committee “the appropriate level of oversight to ensure the quality of education offered, the protection of the rights and interests of the students and staff, and the expenditure of public funds in educationally sound ways.” In order to correct this misperception, investigators make the following finding and recommendation:

**Finding:** There is a perception within the District that Central Office staff do not have the authority to oversee, intervene or evaluate pilot schools, including their school leaders, because of their autonomous status.

**Recommendation:** The District needs to re-establish the relationship between autonomous schools and Central Office staff, making clear that, although autonomous, the District still has an important oversight role. Central Office personnel overseeing pilot/autonomous schools must document BPS policy violations and elevate serious, repetitive and/or continuous violations to the Superintendent and the appropriate evaluative bodies (*i.e.*, Governing Boards).

## **B. Mission Hill School’s Use of its Own Email Server**

As discussed in the Phase I Report, investigators learned in March 2022 that MHS was using its own email system and subsequently worked with BPS to obtain access to MHS’s email domain. At that time, **Conf. Info.**, informed investigators that BPS was accessing MHS’s server for the first time and, therefore, was unable to answer certain

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<sup>39</sup>The purpose of the document is to serve as an operational manual for BPS autonomous schools and for BPS Central Office staff explaining the policies, practices and responsibilities that govern the autonomous schools in BPS.

questions about the account. In the course of conducting the Phase II Investigation, it became clear that BPS was aware of MHS's email server prior to the instant investigation and, further, that certain individuals within BPS had received MHS credentials, which would have allowed them to access the MHS email server. Investigators interviewed [Conf. Info.] on May 12, 2022 to reconcile the apparent disconnect between [Conf. Info.] prior statements to investigators and the information obtained during Phase II of the investigation.<sup>40</sup>

According to [Conf. Info.], BPS adopted a District-wide Google domain in 2013 at which time approximately 12 schools, including MHS, were already using their own Google email domains<sup>41</sup>—domains that were completely separate and apart from BPS's Google domain. [Conf. Info.] explained that in 2013, a school leader or teacher could reach out to Google directly to create their own school domain, but that is no longer possible, as Google will flag any schools associated with BPS. In 2013, there was no BPS policy prohibiting schools from operating their own Google domain.<sup>42</sup> As such, [Conf. Info.] met with the schools using their own domains to try and persuade the schools to come under the umbrella of BPS's Google domain. Five or six schools immediately ceased using their own domains and joined BPS's domain. The remaining schools, including MHS, were resistant to the idea of using BPS's Google domain for two reasons. First, these schools were used to their own system and thought it would be too difficult to transition to BPS's Google domain. Second, these schools were autonomous schools who wanted to be seen as "separate" from BPS and who valued their emails' school-specific branding.

[Conf. Info.] informed investigators that BPS, in conjunction with the Phase I investigation, recently revisited the email domain issue with schools that are still using their own domains and reported that each of these schools have agreed to "sunset" their domains with the exception of the Horace Mann Charter Schools. [Conf. Info.] explained that school leaders recognized that it requires a significant amount of manpower and time to maintain two separate domains and that their teachers, who are BPS employees, were "living in two places."

As noted in the Phase I and II Reports, [Conf. Info.] and others within BPS worked with MH Staff 1 and MH Staff 2 to migrate MHS's account from MHS's server to the BPS server to alleviate some of the administrative burdens on MH Staff 1 and MH Staff 2. Notwithstanding this assistance from BPS, MH Staff 2 deleted MH Admin 3's email account, which consequently resulted in the deletion of certain student records that did not exist on any other account and/or platform and could not be replicated. In order to prevent this from happening at any other school, investigators make the following finding and recommendation:

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<sup>40</sup>During [Conf. Info.] interview, [Conf. Info.] acknowledged that [Conf. Info.] and certain individuals in LEGAD received credentials to MHS's email domain. However, [Conf. Info.] did not recall whether [Conf. Info.] access was limited in any way (*i.e.*, Legal Review Access only) or whether [Conf. Info.] was actually able to access the domain prior to March 2022.

<sup>41</sup>In this document, the term "domain name" is used to identify email services provided through the Internet and specifically, through Google. BPS and MHS both had registered email domain names with Google and thus, had separate accounts.

<sup>42</sup>[Conf. Info.] informed investigators that in 2014 or 2015, BPS updated its Acceptable Use Policy to prohibit schools from creating their own email domains.

**Finding:** BPS’s failure to require that all schools use only BPS’s Google domain and a single email domain has impeded the ability of BPS school staff, students and parents to access important information and has allowed emails and information to be deleted or otherwise lost.

**Recommendation:** The District’s Office of Technology should work with the schools who have agreed to sunset their own domains to ensure that no accounts are deleted, lost or damaged in the migration process and that all school records are maintained in accordance with BPS’s retention policies. Furthermore, with respect to Horace Mann Charter Schools, investigators recommend that BPS implement regular check-ins with the schools to ensure that they are complying with the District’s retention and student record requirements. If BPS encounters resistance from the Horace Mann Charter Schools, we recommend that BPS consider requiring the schools to transition to BPS’s Google domain. Further, BPS needs to ensure that it strictly enforces its Acceptable Use Policy to ensure that no other schools create their own domains moving forward.

### C. District’s Silo/Lane-Driven Approach

As recognized in the Introduction section, non-responsiveness and lack of accountability are manifestations of a failure in the culture of the District. They are also outgrowths of an approach to management that over-values compartmentalization of responsibilities. Indeed, this “siloeing” of roles and duties, while convenient in the drafting of organizational charts and lines of authority, is not consistent with the reality of the world in which school leaders, staff and students must live, work and learn. As former Interim Superintendent McDonough explained, “BPS is a very large bureaucracy ... Central administration had a fairly traditional siloeed org chart.”

McDonough explained that [REDACTED] believed the biggest siloes were in the three big functional areas: SPED, ESL, and Transportation. [REDACTED] Conf. Info. described it as: “We overtax school leaders by having too many bosses to report to ... [REDACTED] CI in academics, [REDACTED] Conf. Info. in operations, [REDACTED] [REDACTED] CI in SPED, someone else in English Learners, someone else in budget and finance.” [REDACTED] [REDACTED] CI agreed that such siloeing did not make sense: “I was strictly looking at what was happening instructionally, but you can’t separate that for a principal, teacher or student.”

Investigators found this lane-driven approach in Central Office staff’s handling of issues that arose at MHS. For example, [REDACTED] Conf. Info. expressed a “lane-focused” attitude when investigating concerns raised by MHS parents regarding MHS staff and District personnel’s response to their complaints. [REDACTED] Conf. Info. completed [REDACTED] job, but stayed within what [REDACTED] considered [REDACTED] “lane” during the course of the investigation. [REDACTED] stated that [REDACTED] did everything [REDACTED] could do, but [REDACTED] role was limited because [REDACTED] was not a school superintendent overseeing MHS and [REDACTED] could not dictate or drive what happened from there. Likewise, Equity expressed that during the course of investigations it looks into items that fall under its jurisdiction and refers everything else to the proper office’s or personnel with the understanding that those items will be addressed by the individuals/offices. [REDACTED] Conf. Info. noted that [REDACTED] responses to complaints and issues are ultimately a question of “who you can tell,” because you do not want to exceed your authority or role. Although investigators understand the need to divide responsibilities,

particularly given the size of BPS, we found that this “lane focused” approach allowed for items to get passed around and, ultimately, to go unaddressed.

We found that such compartmentalization was further amplified at MHS due to its autonomous status. As more fully explained above, this added to administrators’ perception/feeling that they lacked authority to address problems identified at MHS and undoubtedly added hurdles to taking such actions. Nonetheless, the District was not without remedy and investigators found that the siloing/lane-driven approach exacerbated problems at MHS.

Numerous former BPS administrators agreed that this is a problem that negatively affects how BPS functions. Superintendent Cassellius indicated that some District officials are too focused on staying within their lanes and as a result are not responsive. ■ noted two steps that ■ took to address this problem: (1) evaluating all cabinet members on responsiveness; and (2) creating a Call Center to receive, respond to and track incoming complaints. Similarly, ■ CI noted: “I think the silos have to stop. One department knows one thing but the other department doesn’t know it. Sharing of information is huge. Break[ing] down the silos [will allow the District] to be more coordinated.”

We commend the District for its recent creation of a Call Center and believe that this Call Center should be adequately staffed and publicly advertised as a means to file complaints—including anonymous ones—about school leaders, supervisors, teachers and other BPS staff. The tracking system that the Call Center started should be properly maintained and supported. ■ CI explained that the aim is to transition all departments to the same tracking system. Investigators believe this is a wise and imperative step that should be prioritized by the District moving forward.

In addressing this cultural impediment to organization responsiveness and accountability, investigators make the following finding and recommendation:

***Finding:*** District officials are excessively focused on operating within the narrow confines of their formal assigned duties, to the detriment of the District’s responsiveness and accountability.

***Recommendation:*** The District must empower and demand of its staff members that they assume responsibility for addressing complaints brought to their attention unless/until other officials are assigned to the problem. Further, investigators believe that the Call Center initiated by Superintendent Cassellius can help address these concerns. Accordingly, investigators encourage the District to continue this initiative and to monitor it closely to assess its effectiveness and make changes as necessary.

#### **D. High Turnover Within BPS, Lack of Institutional Knowledge and their Impact on Oversight**

Numerous individuals expressed concerns about the problems caused by repeated turnover and changes in the BPS Superintendent’s position, among school superintendents and in

departments such as SPED. For instance, [Confidential Information], indicated it has been very hard to maintain continuity at BPS because every new Superintendent changes everything when they arrive and there have been five Superintendents over the last ten years. However, each Superintendent interviewed felt that an incoming Superintendent must have the prerogative to hire and structure the District staff as they see fit. [Conf. Info.]

[Confidential Information], said that [ ] is the eighth leader in two years in [ ] department and provided the following comment: “What does that do to individuals and the level of work productivity and the level of ... trust within the system and the culture that it creates? That is a huge element.”

[Conf. Info.] reported that SPED has such high turnover, it makes it difficult to follow up on things. People come and they do not know if they are doing things right or wrong, “they just do their best” and before you know it they are overwhelmed and leaving. [ ] believes that there needs to be more senior mentorship and fewer schools assigned to each person.

[Conf. Info.] advised that BPS must do a better job in hiring skilled and competent school superintendents, who should be the “first alarm bell” for problems in the schools. [ ] explained that the school superintendents are the first ones that see if things are not working. Therefore, [ ] believes it is essential that the right people hold those positions. [ ] advocated for re-interviewing every current superintendent to ensure that only the most capable are serving in the most critical positions in the system. Hiring the best people and keeping those people in the same division will, [ ] argues, ensure stability.

[Conf. Info.] stated that one of the biggest challenges is constant reorganization. [ ] [CI] explained that constant changes mean that if you have leaders with troubled pasts and they constantly have a different supervisor, there is no continuity in terms of follow-up for those leaders. There is also a lack of oversight to address problems and failures to comply with BPS policies and procedures. Sometimes, these issues are a mere oversight or lack of familiarity with the rules that can be addressed by getting the school leader proper training and placing the person on a performance improvement plan, while others, like those that occurred at MHS, are far more serious requiring disciplinary action.

Based upon our investigation and our findings summarized here concerning turnover, loss of institutional knowledge, and lack of oversight and their impact on the District, we offer the following finding and recommendation:

**Finding:** Leadership instability, deficient hiring and high turnover at BPS deprives its schools of institutional knowledge and enables poor leadership and a pernicious culture to go unaddressed.

**Recommendation:** Install a stable management structure composed of competent persons with appropriate skills and experience to create continuity for the entire BPS system. More clearly delineate the roles of BPS’s senior leadership/executive team so that everyone understands the responsibilities of each role/position. Investigators understand that even with the best of efforts, turnover does occur. Accordingly, BPS also needs to



create transition plans/mechanisms to ensure incoming personnel are provided with the training and information necessary to excel in new positions. It is of the utmost importance that institutional knowledge is not lost when key personnel leave the District.

#### **E. Need for Greater Communication and Transparency**

Several senior BPS officials acknowledged that communication at BPS is poor and that it needs to be improved. As **Conf. Info.** described, non-responsive communication is pervasive and problematic throughout the District. One senior staff disclosed that, as a matter of practice, the staff member does not respond to any inquiry for at least 48 hours because the inquirer would presumably follow-up sooner if the situation was an emergency. Further, as noted herein, we heard that some District officials have numerous unread emails and unretrieved voicemails.

One academic superintendent who was in charge of MHS during the relevant time period noted that **█** was not even aware of Attorney Coffey's 2015 investigation and other investigations. **█** believed that **█** should have been made aware of these issues to ensure that problems with reporting deficiencies were rectified and addressed. By failing to share that information, BPS was only concealing the problems and perpetuating a deficient learning environment and ineffectual culture.

Communication is vital to maintaining some level of institutional knowledge within the District given the high turnover in BPS. Superintendent Chang stated that the high turnover at the beginning of **█** tenure was not "ideal" and recognized that some things may have been "missed" due to the turnover and lack of communication. Superintendent Cassellius also shared that **█** should have been briefed on the Coffey Report and other pending legal issues at that start of **█** tenure, which did not happen. Cassellius expressed that, at times, **█** "did not trust the internal systems" or that **█** was receiving "good" or complete information. Cassellius recommended that the incoming Superintendent (and subsequent Superintendents) receive a comprehensive legal/risk management briefing soon after **█** term begins.

**Conf. Info.** attributed the rehiring of MH Admin 3 **Conf. Info.** to, in part, a lack of communication and collaboration in the District: "We have silos at the Central Office. The Office of Labor Relations should be tightly coupled with the Office of Human Capital. There has been turnover in both offices."

**Conf. Info.** noted that the high turnover in school superintendents is made more problematic when information about recent and/or pending investigations, litigation, etc., is not transferred from predecessor to successor. For example, Interim Superintendent McDonough did not relay the problems of which **█** was aware at MHS to Superintendent Chang during Chang's transition, which both superintendents agreed would have been helpful to inform whether further District action and/or intervention was needed. Furthermore, Interim Superintendent Perille similarly failed to receive a list of pending litigation or recent investigations within the District, including Coffey's 2015 Report relating to MHS. Passing along important institutional information should be a required component of the transition process. In furtherance of this objective, we offer the following finding and recommendation:

**Finding:** Failures to communicate and share information deprive District officials at all levels of the tools they need to identify and confront dysfunction and achieve excellence.

**Recommendation:** More broadly distribute information about the types of investigations that are occurring at each school with the relevant supervisory staff at the District level, including, at a minimum, the BPS Superintendent, Deputy Superintendents, Academic Superintendents, relevant School-level Superintendents (elementary or secondary), and the Chief Human Capital Officer. Ensure that all relevant supervisory staff at the District level are aware of any adverse factual findings against a school leader or principal that bear on their ability to comply with federal and state laws and BPS policies.

## **F. District’s Vetting, Hiring and Oversight Processes**

### *1. Failure to Impose Appropriate Discipline.*

Numerous individuals, including former MHS parents and staff, as well as Central Staff members, acknowledged that MH Admin 3 was seen as untouchable because of [REDACTED] high profile and racial justice-based advocacy. As detailed in previous sections of this Report and in our Phase I Report, formal and informal complaints about MH Admin 3 and [REDACTED] responsibility for wide-spread dysfunction at MHS, including by [REDACTED] inaction on sexual misconduct, bullying and the school’s failures to implement IEPs and 504 plans, had been brought to the District’s attention by parents, current and former staff members, and by Central Staff departments dating back to at least 2014. In 2015, Coffey had conducted a detailed investigation involving the interviews of numerous persons that addressed these and other allegations and resulted in a damning Report and Addendum. In 2017, a lawsuit by parents alleging that MHS failed to protect their children from sexual assaults by another student was filed in United States District Court. Nevertheless, MH Admin 3 continued in [REDACTED] position until [REDACTED] Conf. Info. [REDACTED]. [REDACTED] was then re-hired [REDACTED] Conf. Info. [REDACTED] for the 2020-2021 school year. And while some of the above allegations and reports went to a limited audience, there was a broad perception among those who were aware of certain allegations that the District would not—and did not—take meaningful action on the allegations until 2021, after MH Admin 3 had already [REDACTED] CI [REDACTED]. Such inaction undermines accountability and creates and prolongs the risk to the school community. It also fosters a belief among staff that discipline is not handed out consistently or equitably. We therefore offer the following finding and recommendation:

**Finding:** Failure to hold BPS leaders accountable and to impose appropriate discipline endangers students and staff and harms the BPS school community.

**Recommendation:** To ensure accountability, it is imperative, if credible allegations of misconduct are made against any school leader or BPS employee, that within a short period of time, an Investigative Meeting is held and a written decision is made regarding the imposition of discipline. No exceptions should be made based upon prominence or status at BPS or in the community. Further, BPS must continue to ensure that all serious misconduct findings and disciplinary actions are reported to the proper licensure boards

2. Confidential Settlement Agreements.

During our Phase III Investigation, we learned that BPS has a practice whereby, in settling disciplinary allegations against BPS employees, including school leaders, it will agree to designate the settlement agreement as “Confidential” and will exclude the settlement agreement from the personnel and disciplinary files of the employee. BPS typically states in the document that it will, notwithstanding the agreement’s designation as “Confidential,” disclose the record if legally required to do so. We take no issue with the practice, where appropriate, of negotiating a settlement of disciplinary matters, as they can expedite the resolution of employment misconduct and disciplinary allegations. We also recognize that internal personnel rules and practices and personnel files are exempted from disclosure under the Massachusetts Public Records Law (see M.G.L. c. 4, § 7), meaning that such documents are generally excludable when responding to public records requests. The problem with the practice of excluding such settlement agreements from BPS personnel and disciplinary records, however, is that it can result in the concealment of misconduct from supervisory staff within BPS.

In this case, MH Admin 3 had [redacted] Confidential Information [redacted]  
[redacted] As described in detail above, while [redacted]  
MH Staff 42 Confidential Information [redacted] Alleged Sexual Assault [redacted]  
[redacted]. Approximately six months later,  
after MH Admin 3 had hired MH Staff 42 to teach at MHS, [redacted] was arrested for indecent assault  
on a child at an off-site location. [redacted] Attorney-Client Privilege [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

The practice of not including settlement agreements in BPS’s personnel and disciplinary files does not appear to be in the best interests of BPS students or to promote a safe school community, and leads us to offer the following finding and recommendation:

**Finding:** The exclusion from a BPS official’s personnel and disciplinary files of confidential settlement agreements resolving allegations of misconduct undermines accountability, increases the risk to students and others and is not in the best interest of the District, as this practice prevents leaders from recognizing, documenting and addressing misconduct.

**Recommendation:** Discontinue the exclusion of settlement agreements from the personnel and disciplinary files of BPS officials.<sup>43</sup> Also, to ensure that appropriate supervision is maintained, a BPS employee’s personnel and disciplinary records, including settlement agreements, should be made available to each person in their supervisory chain and such records should be consulted when preparing performance evaluations and making any supervisory decisions, including whether an employee is qualified to maintain a leadership or teaching position, deserves a promotion or warrants the renewal of their contract.

### 3. Rehiring of Problem Employees

While investigators could not determine whether it reflects a District-wide problem, the re-hiring **Conf. Info.** of MH Admin 3 in 2020 revealed that there are flaws in the rehiring process at BPS that need to be addressed. Indeed, one member of the Central Staff described BPS’s rehiring processes as “a vulnerability of the system.”

**Confidential Information**

**Conf. Info.** MH Staff 1 and MH Staff 2, whom MH Admin 3 had recommended **Confidential Information**, were unaware of the results of MH Admin 3’s **Conf. Info.** **Conf. Info.** They relied upon the vetting process overseen by the Office of Human Capital, which was clearly incomplete. No one flagged MH Admin 3’s application. **Conf. Info.** stated that MH Admin 3’s re-hiring “slipped through the cracks.” According to **Conf. Info.** despite what people believe, there is no such thing as a “No Rehire List” at OHC.<sup>44</sup> The District also failed to share the results of Coffey and **Conf. Info.** Reports with individuals who supervised MH Admin 3. The results of these investigations were not even shared with Chang’s successors—Perille or Cassellius. **Confidential Information**

**Conf. Info.**, acknowledged that the District struggles to ensure that school leaders do not bring people back that were dismissed. There are 121 schools that act as individual entities in a competitive hiring environment. This makes it difficult to ensure that all school leaders are informed and make good decisions on hiring and rehiring. In light of the above, we offer the following finding and recommendation:

**Finding:** BPS lacks adequate safeguards to prevent the rehiring of problem employees.

**Recommendation:** Tighten the District’s rehiring and vetting processes to ensure that all available records, including disciplinary records, are reviewed and that the Office of Labor Relations is consulted, prior to making an employment offer to a prior employee.

<sup>43</sup>This recommendation does not implicate or attempt to alter the protections or exclusions for personnel records provided under Massachusetts public records law.

<sup>44</sup>It is investigators’ understanding that PeopleSoft allows OHC to code a BPS employee as “DNR” (Do Not Rehire). OHC generally uses this code for employees who resign in lieu of termination.

## G. Legal Issues and Risk Management

During the course of our investigation, we learned from multiple BPS officials, including Superintendents Perille and Cassellius that they did not receive information about pending litigation and critical investigations/investigation reports upon starting at BPS and wished that they had received such information in order to have better addressed potential problems related to such litigation and investigations.

For example, when we interviewed former Superintendent Perille on July 22, 2022, [REDACTED] told us, among other things, that although [REDACTED] was generally aware of lower performing academic schools like MHS, when [REDACTED] served as Interim Superintendent from 2018-2019, [REDACTED] was not aware of the specific sexual misconduct, bullying and SPED issues identified in the Phase I Report. Indeed, Perille told us that [REDACTED] never saw a copy of Coffey's then-existing Reports (the original dated June 3, 2015 or the Addendum dated August 18, 2015) during [REDACTED] tenure. Nor was [REDACTED] aware that Coffey had found that MH Admin 3 had committed numerous serious violations of BPS policy, violated state mandates and engaged in conduct unbecoming of a [REDACTED] CI warranting discipline. Further, Perille advised that when [REDACTED] began as Interim Superintendent, [REDACTED] was not given a list of pending litigation against BPS. [REDACTED] recommended that future Superintendents be notified of past and current litigation against the District at the beginning of their tenure. This type of information would be helpful in understanding potentially significant problems at individual schools and ensure that issues are addressed and changes (if necessary) are implemented.

Similarly, former Superintendent Cassellius was unaware of the significant problems at MHS for the first two years of [REDACTED] term as Superintendent. When [REDACTED] learned about the problems in 2021, [REDACTED] immediately took steps to remedy the situation. Prior to 2021, Cassellius had neither read the 2015 Coffey Reports or was even aware of them. Nor had [REDACTED] been informed of the lawsuit related to the alleged conduct of MH Student 1 until shortly before the settlement. Cassellius highlighted this as a problem that needed to be fixed for future Superintendents.

Cassellius stated that to the best of [REDACTED] recollection [REDACTED] had, [REDACTED] Conf. Info. [REDACTED], commissioned Coffey to conduct an investigation after reading in a story in a newspaper about the sexual misconduct litigation, which culminated in the \$650,000 settlement in 2021.<sup>45</sup> Shortly after that settlement, Cassellius received a letter from MH Parent 3 and MH Parent 4 describing the years of bullying which they claimed [REDACTED] Conf. Info. [REDACTED] endured at MHS and violations of state law. Coffey completed [REDACTED] investigation and issued a 21-page Report on June 10, 2021 detailing repeated failures and grievous violations of state law and BPS policy by MH Admin 3 and recommending that MH Admin 3, who had been re-hired as a [REDACTED] CI at MHS, face a disciplinary process "forthwith." MH Admin 3 [REDACTED] Conf. Info. [REDACTED] Conf. Info. [REDACTED]. Cassellius subsequently authorized [REDACTED] Conf. Info. [REDACTED] Confidential Information [REDACTED] As noted above, Cassellius also retained Hinckley Allen to conduct an extensive internal investigation of MHS.

<sup>45</sup>

We agree with the assessments of former Superintendents Perille and Cassellius that new Superintendents should be provided a thorough briefing about any serious legal issues confronting BPS and pending investigations and lawsuits. Such a briefing, at the earliest practical opportunity, will give the new Superintendent insight on the most significant legal and risk management issues facing the District. With that information, the Superintendent can make District-wide decisions on how to address these issues, assess risk and potential compliance issues and convene experts/specialists who can determine an action plan to prevent further problems of the same type in the future. We offer the following finding and recommendation:

***Finding:*** Failure to provide incoming Superintendents with proper briefings regarding pending legal matters and investigations denies them the opportunity to address serious legal issues and investigations and potentially endangers students and staff.

***Recommendation:*** During transition, the incoming Superintendent should receive a report and be briefed on all pending legal matters against BPS and any ongoing investigations, as well as a summary of any legal matters that were recently adjudicated or threatened against BPS. We also recommend that the Superintendent meet with the BPS Legal Advisor at least weekly.

## CONCLUSION

In submitting this Phase III Report, investigators have pursued and fulfilled our investigative mandate to evaluate the actions of Central Office leadership, staff and departments to determine whether their action or inaction warrants remedial action or other redress. As in Phases I and II of the Investigation, our vital purpose has been to follow the facts wherever they lead in order to ensure personal and institutional accountability for past errors and to prevent mistakes or omissions from being repeated. Of equal importance has been the manner in which we have sought to conduct the investigation: by ensuring that every person and entity whose actions are reviewed is afforded due process and the deliberative weighing of the facts and circumstances that such important assessments require.

We vigorously investigated a wide array of concerns and allegations implicating potential District neglect, deficient judgement and deleterious culture which may have deprived students at the Mission Hill School the safety, educational resources and thoughtful guidance which every child entrusted to our schools deserves and their families the candor, responsiveness and peace of mind which our societal values demand. We have tried to, at all times, be fair in our observations and findings. If we appear to be overly strident in our judgements, it is because the stakes—the education and safety of Boston school children—are so high.

In addition to providing our findings and the factual underpinnings for the conclusions set forth herein, we have, in drawing upon the expertise, knowledge and life experiences shared with us by educators and parents, presented recommendations for improvements in how BPS implements its policies and actualizes its mission to serve students.

It is our great hope that out of the many tragedies, failures and heartaches experienced at the Mission Hill School there will come wisdom, resilience and peace. We, again, express our deep gratitude to the many courageous families who so generously provided their time and shared their families' sometimes heart-wrenching experiences, to the magnificent educators and administrators who shared their insights and empathy and to the leadership of the Boston Public Schools for their willingness to confront these difficult issues.