



## Office of Equity

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## EXECUTIVE SUMMARY

### Investigation of Violations of BPS Nondiscrimination Policies at Boston Latin School: Phase II

#### Background and Current Scope

On February 18, 2016, the Boston Public Schools (BPS) Office of Equity issued an executive summary of an investigation involving a total of seven incidents reported to Boston Latin School (BLS) administration between November 2014 and January 2016. This initial investigation was in response to the “#BlackatBLS” social media campaign launched by two BLS seniors on January 17, 2016. The Office of Equity identified these seven incidents based primarily on documentation of such incidents created and provided to us by BLS administrators.

This second executive summary details the results of the Office of Equity’s subsequent review and investigation of all bias-based incidents reported to the BLS administration or our Office between January 18, 2016, and June 24, 2016 (the last day of the BPS school year) regarding BLS students or employees. These reports reference incidents that occurred:

- 1) prior to January 18, 2016, were reported to administration, but were not included in the administration’s initial production of documents to the Office of Equity;
- 2) prior to January 18, 2016, but were not reported to administration until after January 18, 2016; and
- 3) after January 18, 2016, but before June 24, 2016.

Since January 18, 2016, the Office of Equity has responded to a total of 115 concerns regarding bias-based conduct at BLS (not including the seven incidents examined in the initial investigation). This second phase of investigation mainly involved allegations documented during a January 22, 2016 BLS Black Leaders Aspiring for Change and Knowledge (B.L.A.C.K.) meeting where the organization’s leadership encouraged members to complete incident reports. The incident report forms were developed by BLS B.L.A.C.K. leaders and their advisors, and solicited students’ experiences with racial or ethnic bias. That day, a total of 91 report forms were completed and collected regarding 81 alleged incidents or broader observations; in some cases, more than one student reported the same incident. The Office of Equity had previously investigated seven of those 81 alleged incidents during phase 1.

The allegations included incidents that took place early as the 2012-13 school year, and as recently as the 2015-16 school year. Assistant Headmaster Malcolm Flynn gave copies of all 91 report forms to the Office of Equity on January 28, 2016.

A total of 109 reporters submitted the 115 reports. Twenty-four of the reporters were Black/African-American, 11 were White, seven were Hispanic/Latinos, three were Asian, and one was from a person who identified as “other.”<sup>1</sup> Sixty-three were anonymous, so the reporter’s racial identity is unknown.

On January 27, 2016, Office of Equity staff met with the BLS administration. At that time, the Office directed the administration to contact us immediately each time an additional concern regarding past or current bias-based conduct of any kind came to their attention. As the result of this directive, administrators reported a total of six new incidents to the Office from February 13, 2016 through June 24, 2016.

During Phase 2, the Office of Equity reviewed or investigated a total of 115 allegations:

1. 91 allegations reported on BLS B.L.A.C.K. incident forms, detailing 81 incidents, 74 of which were not previously investigated;
2. 24 other reports of alleged racial, ethnic, or other bias-based conduct: 18 incidents reported to the Office of Equity by current BLS students or their parents; and six new incidents BLS administrators reported this year.

Of the 115 allegations, the Office of Equity:

- Investigated or supervised the investigation of 31 allegations of bias-based conduct by one or more students toward another student or students and 7 allegations of bias-based conduct by a teacher toward one or more students. The Office of Equity designated BLS administration to investigate only those incidents that were characterized as single (not repeated) interactions. In these instances, the Office provided close monitoring and intensive coaching to ensure that the investigations were thorough, and appropriate action was taken in response to the findings.
- Conducted a total of eleven investigations regarding insufficient action by administrators in response to allegations of bias-based conduct. These investigations related to allegations that fit into the scope of the initial Phase 1 investigation, because they occurred during the November 2014 to January 2016 time frame. However, the Office of Equity did not learn about these incidents until after the close of the initial investigation. The Office of Equity did not receive any allegations of insufficient action by administrators in response to bias-based incidents that occurred after January 2016.
- Conducted or supervised a total of 34 investigations into allegations of bias-based conduct by substitute or permanent teachers toward students.

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<sup>1</sup> In identifying students by race, the Office of Equity relies upon registration data provided by the student’s parent or guardian. The Boston Public Schools are currently in the process of examining “disaggregating” these categories to invite students to be identified by more specific categories, such as “Vietnamese-American” or “Haitian-American.”



These investigations determined whether the BPS Nondiscrimination Policy (Equity Circular 5 or EQT-5) and/or Student, Families and Other Third Party Grievances of Discrimination or Harassment – Uniform Procedures (Equity Circular 3 or EQT-3) were violated. Any allegations received after February 1, 2016, were investigated based on the updated Equity circulars released on that date. These investigations determined whether violations of the BPS Nondiscrimination Policy (EQT-4) and/or Student, Families and Other Third Party Grievances of Discrimination or Harassment – Uniform Procedures (EQT-3) occurred.

### **Summary of Interviews Conducted and Documents Reviewed**

The investigations included interviews with a total of 134 individuals associated with BLS, including: relevant administrators, teachers and other staff; and relevant students and parents. BLS administrators interviewed 38 of those individuals.

In addition to the documents reviewed during the initial investigation, the Office of Equity obtained and reviewed the following documents during Phase 2:

- 68 pages of Twitter and Instagram messages dated between January 18, 2016 and January 26, 2016. An advisor to BLS B.L.A.C.K. provided a copy of these messages to BLS administration on January 26, 2016.
- 91 incident reports collected at the January 22, 2016 BLS B.L.A.C.K. meeting.
- 27 pages of text messages and Instagram posts regarding ongoing cyber-bullying, some bias-based, toward a BLS student.
- BLS records relevant to these incidents, including 16 personnel records and 4 student disciplinary records.
- All relevant email and other written communications.

### **Allegations and Findings of Fact**

Of the 31 investigations of new incidents conducted by BLS administrators this school year, seven resulted in a finding of a violation of EQT-4 by a student, and none resulted in a finding of a violation of EQT-4 by a teacher. In the remaining 22 allegations investigated by an administrator, there was not sufficient evidence to find a violation of an equity circular. In a number of these cases, the students alleged to have engaged in bias-based conduct were not able to be identified by the reporters or by administration, and/or the reporters could not be further interviewed because they had chosen anonymity.

In the eleven Phase 2 investigations the Office of Equity conducted regarding insufficient action taken by BLS administrators in response to students' reports of alleged bias-based incidents, a finding of a violation of EQT-4 was made in six cases. The failures in these cases were similar to those found during Phase 1, including the failure to appropriately investigate, document, and take steps to prevent recurrences of bias-based conduct.



The investigations concluded that BLS administrators took sufficient action in the remaining five cases.

In the 34 investigations regarding alleged bias-based conduct by teachers, sufficient evidence to demonstrate equity circular violations was found in four cases. In 23 cases, there was not sufficient evidence to conclude that a violation occurred. However, in seven cases, the investigations concluded that the teachers involved had demonstrated cultural insensitivity that did not rise to the level of a policy violation. The BPS Office of the Opportunity and Achievement Gap will be rolling out cultural proficiency training across the district this fall, and the training will include BLS teachers.

### **Recommendations**

Recommendations regarding student or employee discipline or other employment actions are not included in this executive summary.

In addition, the Office of Equity recommended the adoption of a district-wide circular regarding the use of offensive language in the classroom by the start of the 2016-17 school year. While studying the breadth of history and literature sometimes requires exposure to the worst of human behavior and language, educating students regarding that behavior and language requires thoughtful planning; carefully crafted ground rules; a high degree of awareness of students' wide range of backgrounds, identities, and experiences; and skilled facilitation. In addition, the circular will address how to effectively hold classroom discussions regarding highly-charged issues of difference, such as bias and discrimination based on race, ethnicity, disability, gender, religion, or sexual orientation.

### **Previous Recommendations**

Implementation of the extensive recommendations adopted by Superintendent Chang after the initial Office of Equity investigation began in February 2016. Implementation steps to date at BLS include completion of:

- A racial climate audit conducted by the consulting firm, VISIONS, Inc.
- A school Parent Council meeting regarding issues of race facilitated by YW Boston.
- A five-session dialogue series on race and ethnicity for a group of sixteen administrators, faculty, and staff facilitated by YW Boston.
- Collaboration with the Office of Human Capital to maximize retention of provisional teachers of color. (There were no job openings for teachers at BLS this spring.)
- Participation in equity protocols training conducted by the Office of Equity by all BLS administrators.
- Signoff by BLS employees that they have read and understood the current equity circulars.

Implementation steps taken to date regarding all Boston exam schools include:



- Launch of a working group to study best practices for creating a more racially diverse student population at Boston's exam schools.
- Expansion of the Exam School Initiative to include 300 additional seats with active outreach to students at those BPS schools that have been underrepresented in previous years.

Implementation steps taken to date districtwide include:

- Participation in equity protocols training conducted by the Office of Equity by all BLS principals and headmasters, plus 25 other school-based and 76 other central office administrators. Rollout will continue during school year 2016-17.
- Signoff by 68% of BPS employees that they have read and understood the current equity circulars.<sup>2</sup> Signoff will continue during school year 2016-17.

Key additional implementation steps during school year 2016-17:

- Required participation in tailored educational programming for any BPS employee or student who is found to have violated an equity circular.
- Two-day all-staff workshop regarding issues of race and racism for BLS faculty and staff facilitated by YW Boston in fall 2016.

**The Office of Equity**

Rebecca Shuster, Assistant Superintendent of Equity  
 Steven Chen, Senior Equity Manager  
 Juna Pierre, Director of Compliance

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<sup>2</sup> Most of the employees who have not yet signed off are those who have limited computer access and/or employees who are currently on leave.

