



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

OFFICE OF INSPECTOR GENERAL
3318 FOREST HILL BLVD., C-306.
WEST PALM BEACH, FL 33406
(561) 434-7335 FAX: (561) 434-8652
www.palmbeachschools.org
Hotline: (855) 561-1010


CARY A. HIGH, ESQ.
COUNSEL TO INSPECTOR GENERAL

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MEMORANDUM

TO: Case File

FROM: Cary A. High, Counsel to Inspector General 

DATE: April 19, 2024

SUBJECT: Posting Final Investigative Report: OIG Complaint 24-0226-C

The above-listed investigative report, completed by an external conflict agency pursuant to Board Policy 1.092.7, was provided to the OIG on April 16, 2024.

Board Policy 1.092.9.d requires that completed investigative reports “deemed substantiated or unsubstantiated, in whole or in part, will be posted on the Inspector General's website.”

Because this report contained information confidential and exempt from inspection and copying under Florida Statute section 119.07(1), redactions were made to the report to prepare it for posting in compliance with Florida law and Board Policy 1.092.9.d based on the following legal authorities:

§ 119.071(4)(d)2.a., Fla. Stat. for records containing the name of and place of employment of the spouse(s) or child(ren) of a current or former law enforcement officer;

§ 119.071(4)(d)2.j., Fla. Stat. for records containing the name of and place of employment of the spouse(s) or child(ren) of a current or former Guardian Ad Litem;

§§ 1002.221(1) and 1002.22(2)(d), Fla. Stat.; *Johnson v. Deluz* (875 So. 2d 1 (4th DCA 2004); and Op. Atty. Gen. 2006-21 (2006); *see also* 20 U.S.C. § 1232g and 34 CFR Part 99 (“FERPA” generally) for records containing personally identifiable student information.

The Health Insurance Portability and Accountability Act of 1996 (“HIPAA” generally), Public Law 104-191, was enacted on August 21, 1996; *see also* § 760.50(5), Fla. Stat.; for information relating to the medical condition or status of any person covered by employer provided health insurance benefits.

Writer's Direct Dial:

SHANNON L. KELLY
407-418-2305
skelly@fordharrison.com

INVESTIGATIVE REPORT

TO: Honorable Chair and Members of the School Board
Michael J. Burke, Superintendent

FROM: Shannon L. Kelly, Esq.

DATE: April 11, 2024

SUBJECT: Final Investigative Report: OIG Complaint 24-0226-C
Alleged violations of Florida law and school district policies,
including 1006.147, 1003.573, 934.215, 787.03, 817.568, 817.569,
838.21, Florida Statutes and School Board Policies 5.81, 5.002,
3.02, 2.036, 2.504, 3.29

ALLEGATIONS

On January 2023, [REDACTED], reached out to Jupiter High School's ("JHS") [REDACTED] [REDACTED] related to a concern involving communications that [REDACTED] had received [REDACTED] involving an assignment that [REDACTED] completed for [REDACTED] history class. Specifically, [REDACTED] alleged that the history teacher asked students to create a poster that was "pro nazi" and that [REDACTED] who was a friend of [REDACTED] at this time, sent [REDACTED] a picture of the poster that [REDACTED] created and told [REDACTED] who is Jewish, that the poster was "funny". [REDACTED] requested an apology from the teacher who issued the assignment. Following receipt of [REDACTED] email, JHS investigated this issue and communicated the results to [REDACTED] and the parties appeared to move on.

However, several months later, issues between [REDACTED] and [REDACTED] continued. JHS administrators attempted to address this situation through informal means and ultimately a mediation. This situation ultimately resulted in [REDACTED]. Following these events, [REDACTED] raised numerous complaints concerning JHS' handling of the issues between [REDACTED], the school district's and JHS' treatment of [REDACTED] and themselves, and finally, alleged violations of school district policies and law.

The allegations raised by [REDACTED] and [REDACTED] can be summarized as follows:

- The January 2023 history assignment by a history teacher at JHS was antisemitic;
- JHS' response to [REDACTED] January 2023 antisemitism complaint was improperly handled;
- JHS improperly disciplined [REDACTED] following [REDACTED] January 2023 complaint;
- JHS' procedures for handling the situation between [REDACTED] and [REDACTED] including [REDACTED] were improper;
- In a meeting that occurred at JHS on September 15, 2023, involving [REDACTED] JHS administrators improperly treated [REDACTED];
- In a meeting that occurred at JHS on September 15, 2023, JHS administrators engaged in improper treatment of [REDACTED] including isolation, false imprisonment and kidnapping;
- In response to a series of public records requests made by [REDACTED] and [REDACTED] the school district improperly released documents that were exempt from the public record;
- School district employees failed to follow school district procedures regarding the proper use of technology;
- School district employees failed to follow school district procedures regarding the breach of personally identifiable information "PII"); and
- The school district altered documents.

GOVERNING DIRECTIVE

FordHarrison was assigned to conduct the investigation as an external conflict agency pursuant to School District Policy 1.092.

ATTESTATIONS

School Board Policy 1.092 provides for the Inspector General to receive and consider such complaints, and conduct, supervise, or coordinate such inquiries, investigations, or reviews, as the Inspector General deems appropriate.

This investigation was conducted in compliance with the Quality Standards for Investigations, Principles, and Standards for Offices of Inspector General, promulgated by the Association of Inspectors General.

The evidentiary standard used by the School District of Palm Beach County OIG in determining whether the facts and claims asserted in the complaint were proven or disproven is based upon the preponderance of the evidence. Preponderance of the evidence is contrasted with “beyond a reasonable doubt,” which is the more severe test required to convict a criminal and “clear and convincing evidence,” a standard describing proof of a matter established to be substantially more likely than not to be true. OIG investigative findings classified as “substantiated” means there was a sufficient evidence to justify a reasonable conclusion that the actions occurred and there was a violation of law, policy, rule, or contract to support the allegation. Investigative findings classified as “unfounded” means sufficient evidence to justify a reasonable conclusion that the actions did not occur and there was no violation of law, policy, rule, or contract to substantiate the allegation. Investigative findings classified as “unsubstantiated” means there was insufficient evidence to justify a reasonable conclusion that the actions did or did not occur and a violation of law, policy, rule, or contract to support the allegations could not be proven or disproven.

METHODOLOGY

Fifteen (15) witnesses were interviewed as part of the investigation. In addition, the investigator was provided documents by [REDACTED] the school district and witnesses.

INTERVIEWS OF COMPLAINANTS

[REDACTED]

The investigator met with [REDACTED] in person on November 17, 2023. At this meeting, [REDACTED] presented the investigator with a large binder containing many documents in support of [REDACTED] complaints, as well as a detailed narrative of events, a timeline, and summaries of alleged violations.

[REDACTED] indicated that in January 2023 [REDACTED] became aware of communication between [REDACTED] related to a history assignment that [REDACTED] was assigned. Specifically, [REDACTED] sent a text message to [REDACTED] of a poster that [REDACTED] part of a school assignment and apologized, stating “ur jewish he tried to kill u”.

After [REDACTED] became aware of this exchange, [REDACTED] reported [REDACTED] concerns to [REDACTED] of Jupiter High School. In an email to [REDACTED] that [REDACTED] was “extremely distressed” about what she described as “a form of bullying” and constituted “antisemitism taught in Jupiter High School”. [REDACTED] indicated that she was concerned regarding the assignment, which she described as directing students to create “pro-nazi” posters.

responded quickly thereafter and asked if it was okay if discussed the issue with the next day. responded that would prefer if were not and asked that address the curriculum issue. stated in interview that asked to discuss because the communications constituted "hate speech" and interviewing would not conform to proper investigation procedure.

indicated in interview that despite stating preference that the JHS chose to and that spoke with Assistant Principal, Casey Runner. further stated that Ms. Runner told that needed to Ms. Runner told that JHS would not pursue further. Thereafter, indicated that she followed up with and told her that did not think that JHS' response was appropriate. indicated that when did not respond, did not pursue further.

However, after this issue, the relationship between was strained and became a battle over mutual friend group. In the fall of 2023, had a and continued to have stated that JHS contacted on September 1, 2023 and informed that made an and asked to discuss with agreed to do so but was not informed that this was a serious issue.

left the country shortly thereafter and on September 14, 2023, while still abroad, was contacted by informing that was meeting with Susan Diaz to mediate the issues between. Notably, responses stated "Good. It's best to get it all out and hopefully it will stop".

However, in interview, stated that was never told in advance that JHS was going to hold a mediation further stated that was never informed that there was an investigation involving and that when was called down to the school office twice on September 14, 2023,

The next day on September 15, 2023, stated that received a message from who stated that was being held in the school office and had been told that the school had evidence against further stated that told that was scared and that the police were involved and that had been in the office for an hour and had no access to water or the restroom and that indicated that called the school and told school administrators that they were not permitted to speak to until arrived and was permitted to be with Once arrived at the school, indicated that the school would not let into the meeting and would not let leave with but permitted to pick up right away. indicated that in total the school office held for over two hours and denied access to

On September 18, 2023, [REDACTED] and [REDACTED] went to the school for a meeting. [REDACTED] alleges that documents that the school gave [REDACTED] at this meeting, including the conference records and [REDACTED] are different than what [REDACTED] and [REDACTED] received in response to public records requests and that the school district altered documents.

[REDACTED] indicated that from the beginning, [REDACTED] has been very concerned and objected that [REDACTED] and that [REDACTED] stated that [REDACTED] understanding is that the basis for [REDACTED] further indicated that JHS issued [REDACTED] and the school did not follow the school district's Title IX policy. [REDACTED] spoke with [REDACTED] and stated that [REDACTED] wanted the [REDACTED] removed, however JHS refused to revisit the decision.

[REDACTED]

The investigator met with [REDACTED] in person on November 17, 2023.

[REDACTED] stated that on September 15, 2023, [REDACTED] told [REDACTED] to get to JHS to assist [REDACTED]. When [REDACTED] arrived at the school, [REDACTED] stated that [REDACTED] told Natalie Diaz in the front office that [REDACTED] was there to see [REDACTED] and was told that she was in a meeting. [REDACTED] told Ms. Diaz that [REDACTED] was supposed to be in that meeting. [REDACTED] stated that Ms. Diaz went to speak with someone and when she came back, she told [REDACTED] that [REDACTED] would have to wait.

[REDACTED] stated that [REDACTED] asked again to see [REDACTED] and his mouth was dry and [REDACTED] could not get words out [REDACTED]. At that point, another person in the office stated to [REDACTED] that [REDACTED] needed to watch how [REDACTED] was speaking. [REDACTED] stated that in response to this [REDACTED] stated that [REDACTED] wanted to be back with [REDACTED] now and Ms. Diaz "snickered" at [REDACTED]. [REDACTED] stated that "when someone's messing with your head, you want to jump over" the counter and [REDACTED] felt that Ms. Diaz and the other individual were looking for a reason to trespass [REDACTED] or have [REDACTED] arrested because they stated [REDACTED] was talking "too loud" and was not speaking "correctly".

At that point, [REDACTED] stated that [REDACTED] walked out and called [REDACTED] spoke with a police officer and told him that [REDACTED] was trying to get access to [REDACTED] but [REDACTED] stated that everyone that [REDACTED] encountered was indifferent. [REDACTED] estimates that [REDACTED] interactions in the office lasted 45-50 minutes. [REDACTED] stated that [REDACTED] believed that on September 15, 2023, that JHS "held [REDACTED] captive there for two hours" and [REDACTED] thoughts were "they didn't want what they were doing to be seen by others". [REDACTED] stated that [REDACTED] was concerned for [REDACTED] safety due to the actions of the JHS administrators and that [REDACTED] believes that the JHS administrators' conduct constituted child abuse. [REDACTED] alleges that the school district has acted improperly by not suspending the JHS administrators [REDACTED] alleges engaged in child abuse while this investigation is pending.

learned that when arrived at the school was treated differently than was and permitted access to right away. stated that is Christian and is Jewish. When asked why felt that this situation was handled differently based on faith, stated that found this question “insulting” but understood why the question was asked. ultimately stated that while nothing was stated, it “certainly felt” and this was based upon belief that JHS mishandled the earlier concern in January involving the history assignment. indicated that believed should have been suspended for sending hate speech to

After interaction at JHS on September 15, 2023, began reaching out to other individuals within the school district, including the Superintendent’s office. spoke to Patricia Martin, and indicated that she told how should behave and that had no rights to ask questions about because was not in the system. stated that later spoke with Joseph Lee and Karen Brill, and ultimately complaint ended up with the OIG’s office.

Thereafter, met with Oscar Restrepo in the OIG’s office and provided a sworn statement on or about October 2, 2023. During this same timeframe and made multiple public records requests to the school district. Based upon the documents that and received from the school district in response to these public records requests, have raised violations of multiple school district policies and Florida laws. alleges that Mr. Restrepo intentionally released the memorandum of interview from their meeting and further alleges that the school district improperly altered documents and took pictures of messages on cell phone.

OTHER INTERVIEWS

Oscar Restrepo

The investigator met with Oscar Restrepo on December 13, 2023. Mr. Restrepo is the Director of Investigations, Office of Inspector General. Mr. Restrepo indicated that he initially became aware of concerns raised by from Teresa Michael, Inspector General. Ms. Michael told Mr. Restrepo that Karen Brill, a school board member, had been contacted by regarding concerns related to

Thereafter, Mr. Restrepo contacted and scheduled a meeting with . There is some dispute about whether this meeting took place on October 2, 2023 (as indicated on the memorandum of interview) or on October 3, 2023 (the date that maintains that the interview occurred). However, this dispute is immaterial for purposes of this investigation. The purpose of the meeting between Mr. Restrepo and was to gather information about concerns. Notably, at the time of this meeting, an investigation had not been opened as the purpose of the meeting was to determine how to address concerns. At the conclusion of this meeting, Mr. Restrepo asked that provide him with evidence related to allegations of impropriety by JHS administrators and agreed to provide this information to Mr. Restrepo within two weeks.

After their meeting, Mr. Restreppo was copied on correspondence from ██████ requesting public records. The typical process is that for public records requests to the OIG's office to be filtered through OIG legal counsel before they are responded to and Mr. Restreppo would not respond on his own to public records requests.

After his conversation with ██████ Mr. Restreppo requested that Intake Coordinator Morgan Fagan prepare a draft of a memorandum of interview based on review of the audio recording of Mr. Restreppo's meeting with ██████ Ms. Fagan prepared a draft and emailed it to Mr. Restreppo, who edited the document. Thus, two versions of this document existed- the one that was drafted by Ms. Fagan and the one that was revised by Mr. Restreppo. Documents created in the OIG's office are stored on a shared drive and a case management tracking system, in which access is restricted.

This is Mr. Restreppo's standard practice with investigations and while an investigation had not been officially opened in this case, at the time that the memorandum of interview was prepared, Mr. Restreppo reasonably believed that there may be an investigation that was opened and thus this document was not a public record.

A few weeks later, ██████ reached out to Mr. Restreppo via email and was upset that ██████ statement had been released in response to the public records requests that ██████ and ██████ Mr. Restreppo stated that he had not released any documents in response to the public records requests and while he initially did not believe that ██████ actually had any documents, he set up a second meeting with ██████ because he wanted to determine what documents that ██████ had.

In this second meeting, Mr. Restreppo, ██████ and the OIG's office's legal counsel, Cary High, were present. ██████ was very upset and wanted to record the meeting. Mr. Restreppo told ██████ he did not have permission to record the meeting and ██████ became more upset. ██████ stated that Mr. Restreppo could not be trusted. Ms. Michaels came into the meeting and tried to calm ██████ down but did not succeed. In total the meeting lasted approximately 10-15 minutes.

At some point in the meeting, ██████ showed the document that ██████ had received. According to Mr. Restreppo, the document that ██████ had was not the final version of the memorandum of interview, but the one that had been circulated by email between Ms. Fagan and himself.

Following this meeting, Ms. Michaels contacted the Superintendent regarding the release of the draft memorandum of interview and Mr. Restreppo indicated that the school district began looking into this situation. Approximately one week later, Mr. Restreppo attended a meeting with several individuals, including the Superintendent, Chief of Staff, Chief Financial Officer, General Counsel, Communications Director, and IT Director. In this meeting, Mr. Restreppo learned that after an internal review it had been determined that a member of the school district's communications staff sent the public records request to the IT Department and IT staff performed a key word search for any emails containing ██████ name and it pulled the memorandum of interview that had been circulated by email between Mr. Restreppo and Ms. Fagan.

As a result of this incident, further controls have been instituted so that this situation will not reoccur. Specifically, all email addresses for OIG personnel have been provided to the IT department and communications department, so that in the future no documents to or from those addresses are released without permission. In addition, now only using share drive to share confidential documents.

Mr. Restreppo denied being aware of any efforts to retaliate against [REDACTED] for bringing forward complaints.

Dr. Mickale Linton

Dr. Mickale Linton was interviewed on December 15, 2023. Dr. Linton is employed by the school district as the Manager, Public Records. The duties and responsibilities of his position include processing public records requests received by the school district. Dr. Linton indicated that his department handles close to 2200 public records requests each year and at any one time, has about 80 public records requests open.

Dr. Linton indicated that when the school district receives public records requests, they are logged and entered into an e-support system. Then the request is given to internal gate keepers to gather information that is responsive to the public records request. Mr. Linton indicated that his department does not typically redact for exemptions and if a public records exemption applies, it is the responsibility of the records custodian to redact.

Regarding the public records requests from [REDACTED] and [REDACTED], Dr. Linton indicated [REDACTED] request was classified as complex as it requested over 20 separate items. Dr. Linton stated that when the first requests were received, on or around October 5, 2023, he noticed that the OIG's office was copied and several other departments were involved. In order to discuss gathering the responsive documents, Dr. Linto set up a Google meet with all of the involved departments.

Thereafter, a Google folder was set up for all of the relevant records custodians to upload documents responsive to the public records requests submitted by [REDACTED] and [REDACTED]. After concerns related to the release of the memorandum of interview came to light, Dr. Linton and other individuals met with the Superintendent on November 2, 2023, to review the situation. After investigation, it was determined that Lucia Ungaro from Records Management, in IT uploaded the document to the Google folder. Dr. Linton does not know where the document came from, but indicated that IT was involved in pulling emails. However, in this case, the email attaching the memorandum of interview was not included, just the document. Dr. Linton indicated that because the document was not identified as a draft and did not have a cover email, he did not follow up to inquire further as he would have if the document had been identified as a draft.

While Dr. Linton received a write up related to this incident, he submitted a written rebuttal as he disputes that he did anything wrong as he believes that the incident was the Records Management department's responsibility. Following this incident the procedure related to handling public records requests involving the OIG's office has been updated, including having the OIG's office sign off on any records that are released. In Dr. Linton's opinion, it would be best practice that drafts are identified with a draft watermark or documents that should not be accessed are password protected. Dr. Linton has no information to suggest that the release of the document was retaliatory.

Frank Barbieri

School Board Member Frank Barbieri was interviewed on December 13, 2023. Mr. Barbieri received an email from [REDACTED] on November 14, 2023, containing [REDACTED] complaint. This emailed complaint was also sent to others, including the Superintendent.

Following receipt of this email, Mr. Barbieri spoke on the phone with [REDACTED] and [REDACTED] was present. Mr. Barbieri believes that he had two conversations with [REDACTED] and [REDACTED]. In these conversations, Mr. Barbieri told [REDACTED] and [REDACTED] complaint could be investigated by the OIG's office, but if they were making a complaint about the OIG and believed that the OIG was involved in improper conduct, then their complaint would need to be referred out to an outside investigator. Mr. Barbieri indicated that [REDACTED] and [REDACTED] confirmed that they believed that the OIG was involved and had allowed documents to be released as part of their public records request. Mr. Barbieri did not have conversations with [REDACTED] and [REDACTED] regarding the substance of the complaint.

Patricia Martin

The investigator met with Patricia Martin on January 11, 2024. Ms. Martin is the Secondary Instructional Support Team Leader for the North Regional Superintendent's Office.

In September 2023, [REDACTED] reached out to Ms. Martin after a disturbance occurred at JHS involving [REDACTED]. Ms. Martin understood that [REDACTED] had a negative interaction with two JHS staff members in the school's front office after [REDACTED] was not permitted to attend a meeting involving [REDACTED]. Ms. Martin's understanding was that [REDACTED] was in attendance at the meeting via phone and that JHS staff was in discussions with [REDACTED] was at the time and that JHS staff simply asked [REDACTED] to wait until the meeting concluded.

Following this incident, [REDACTED] began reaching out to the North Regional Superintendent's Office. Ms. Martin indicated that under FERPA she spoke with [REDACTED] and informed [REDACTED] that she was not able to discuss issues related to [REDACTED] academic or disciplinary records as [REDACTED].

After that conversation, [REDACTED] provided a document to JHS purporting to provide [REDACTED] to [REDACTED] reached out to Ms. Martin for guidance because she did not believe the document looked legitimate and [REDACTED] wanted to know if it needed to be honored. Ms. Martin then sought the legal opinion of one of the school district's attorneys, Lisa Carmona. Ms. Martin also reached out to [REDACTED] and asked if [REDACTED] was aware of the [REDACTED] [REDACTED] told Ms. Martin that [REDACTED] was not aware of any [REDACTED] and [REDACTED] did not consent to Ms. Martin having communication with [REDACTED] about [REDACTED] Ms. Carmona advised Ms. Martin that the paperwork was not legitimate, particularly where [REDACTED] had not consented.

[REDACTED] provided the [REDACTED] to JHS, which had [REDACTED] passport number on it. Ms. Martin noted that [REDACTED] passport number was provided only as verification for the notary, which [REDACTED] could have redacted. Ms. Martin further stated that the paperwork was only transmitted for official school district business and not any improper purposes, specifically to determine whether the [REDACTED] needed to be honored. Further the document was sent to [REDACTED] because as [REDACTED] is entitled to everything in [REDACTED] student record.

Ms. Martin stated that at any time she would have been happy to discuss any concerns related to [REDACTED] with [REDACTED] however she was unable to discuss with [REDACTED] as [REDACTED] [REDACTED] Later, Ms. Martin did have a virtual meeting with [REDACTED] with Dr. Lee. Ms. Martin recalled that during this meeting, [REDACTED] alleged that [REDACTED] was being investigated for a Title IX investigation. During the meeting, Ms. Martin informed [REDACTED] that there was never any Title IX investigation regarding [REDACTED] During this meeting, [REDACTED] did not bring up antisemitism concerns related to the January 2023 school assignment or concerns related to [REDACTED] Ms. Martin stated that had [REDACTED] raised up any concerns related to any disciplinary issues, there are avenues in place for appeal.

[REDACTED]

The investigator met with [REDACTED] on January 16, 2024. [REDACTED] is an [REDACTED] [REDACTED] at JHS. [REDACTED] responsibility for students is split by alphabet and [REDACTED] is one of [REDACTED]

[REDACTED] was not involved in complaint made in January 2023 by [REDACTED] regarding the history assignment. Ms. Runner investigated this issue. [REDACTED] first became aware of issues [REDACTED] from [REDACTED] Ms. DeSena. Specifically, Ms. DeSena informed [REDACTED] that she was experiencing a disruption in her classroom [REDACTED] and sought [REDACTED] advice. [REDACTED] advised Ms. DeSena to [REDACTED] in the classroom, however this did not improve the issue. On September 1, 2023, [REDACTED] called [REDACTED] Thereafter, [REDACTED] complained to Ms. Runner about [REDACTED] continuing behavior in classroom. Both [REDACTED] and Mr. Runner told [REDACTED] to ignore comments by [REDACTED]

explained that typically when there is conflict between students in a classroom, the first option is . However, in this case, was hesitant to do that because Ms. DeSena's class

ue to the continuing conflict, spoke with on September 6, 2023, to get side of the story. In this meeting, also tried to coach so that the behavior did not continue, telling not to perpetuate the situation. After this meeting, Ms. DeSena again

On September 6, 2023, there was an incident on social media that resulted in in the parking lot and calling a "fat bitch". After review, JHS believed that told . At that point, Ms. Runner received an email from requesting that the school undertake a

After this, requested that a mediation occur because as at this point she would need to institute consequences and she wanted to avoid that if possible. requested that TOSA Susan Diaz conduct the mediation and she met with Ms. Diaz to give her the relevant background. were informed of the mediation and were onboard. believes that photos of phone taken during the mediation by Ms. Diaz only to show that contact had been made with and that agreed to mediation.

Ms. Diaz told that the mediation went well and . Ms. Diaz told that she thought there would be peace in the classroom.

However, the day after the mediation, September 15, 2023, Mr. Steele received a witness statement details of mediation. In addition, learned that this about the mediation, but was not allowed to talk about it.

called down to the office to get side of the story. Ms. Diaz and Ms. Runner were also present for this meeting. told that did not . told that at this point, she would have to . At this point, started to cry and said that was going to be in trouble.

During this meeting, which lasted no longer than 30 minutes, stated that the door was propped open. In addition, Ms. Cummings, a teacher who is close to happened to walk by during the meeting and Ms. Runner asked her to take for a walk, during which got water and used the restroom. tried to call who did not initially answer. However, shortly thereafter, called back and did as well. Then had a three-way call with

While [REDACTED] was speaking with [REDACTED] she received a call on the radio that [REDACTED] was in the office. [REDACTED] radioed back, to tell [REDACTED] that [REDACTED] would be out to speak with [REDACTED] shortly, as she was on the phone with [REDACTED] at the time. Then Ms. Webster, an administrative assistant, knocked on the door to tell [REDACTED] that [REDACTED] was very insistent about getting back into the meeting. [REDACTED] told Ms. Webster to tell [REDACTED] that as soon as she was off the phone she would be up to meet with [REDACTED]

During [REDACTED] call with [REDACTED] she learned that [REDACTED] had no knowledge of the situation, so [REDACTED] had to bring him up to speed. [REDACTED] stated that [REDACTED] claimed [REDACTED] did not know anything about the situation either, however [REDACTED] reminded [REDACTED] that they had spoken on both September 1, 2023 and September 6, 2023.

While on the phone with [REDACTED] had apparently asked [REDACTED] to come to school and it became a topic of confusion with whom should JHS release [REDACTED] asked [REDACTED] why she would not let [REDACTED] into the meeting and [REDACTED] responded to the effect that because I am speaking with you. [REDACTED] stated that because [REDACTED] was staying with them, that [REDACTED] should go with [REDACTED] After that [REDACTED] agreed that [REDACTED] could go with [REDACTED] When the meeting was over, [REDACTED] went to the front desk to speak with [REDACTED] but [REDACTED] had already left. [REDACTED] stated that she would have dismissed [REDACTED] with [REDACTED] but [REDACTED] simply needed to wait until [REDACTED] completed her conversation with [REDACTED]

As a result of [REDACTED] mediation, a [REDACTED] [REDACTED] also [REDACTED] but [REDACTED] was [REDACTED]

[REDACTED] had another meeting with [REDACTED] on September 18, 2023. During this meeting, [REDACTED] explained to [REDACTED] the background regarding the situation as [REDACTED] did not have the entire history. Ms. DeSena was also present for this meeting. [REDACTED] asked during this meeting why [REDACTED] was not permitted into the September 15, 2023 meeting. [REDACTED] stated that she explained to [REDACTED] that her priority during that meeting was to speak to [REDACTED] regarding the situation and that [REDACTED] could have picked [REDACTED] up after the meeting was over. [REDACTED] further explained to [REDACTED] that [REDACTED] is not listed as [REDACTED]. Then [REDACTED] said that [REDACTED] does have [REDACTED] handed over a document that was clearly not a court document. [REDACTED] sent this document to the North Region Office for an assessment of the paperwork and her understanding is that the school district's attorneys concluded the paperwork was not a court document, so access was not changed. [REDACTED] asked for a copy of the document and was sent a copy by the North Region Office. [REDACTED] also informed [REDACTED] how to request the documents regarding the [REDACTED].

Casey Runner

The investigator met with Casey Runner on January 16, 2024. Ms. Runner is an Assistant Principal at JHS.

In January 2023, [REDACTED] was off campus, and she asked Ms. Runner to investigate a concern raised by [REDACTED] regarding a history assignment. First, Ms. Runner spoke to [REDACTED]. She learned that a Snapchat of the poster that [REDACTED] created for the assignment was sent to [REDACTED]. Ms. Runner stated that [REDACTED] told her that [REDACTED] were just kidding around. Ms. Runner then spoke with the teacher and learned that the assignment was for students to make a poster regarding the events that led up to WWII. Thereafter, Ms. Runner called [REDACTED] told [REDACTED] what assignment was and that she had [REDACTED]. Ms. Runner stated that [REDACTED] told her that [REDACTED] was not satisfied with the response related to the assignment and indicated that [REDACTED] felt further consequences were warranted. [REDACTED] then asked Ms. Runner whether she knew how many people were killed in holocaust. In response, Ms. Runner stated that she told [REDACTED] that she certainly understood genocide, as she is Native American and takes these issues seriously. Following this conversation, Ms. Runner thought the situation was resolved and [REDACTED] continued to be friends for the remainder of the school year.

In the fall of 2023, [REDACTED] did complain to Ms. Runner about [REDACTED] but it was initially just little things. Eventually, Ms. Runner called [REDACTED] who response was essentially that [REDACTED] needed to “suck it up” and stand up for [REDACTED]. However, after September 1, 2023, things became escalated and Ms. DeSena witnessed things as well. At that point, Ms. Runner got [REDACTED] involved because [REDACTED]. Ms. Runner understood that [REDACTED] met with [REDACTED] and contacted [REDACTED]. After that, Ms. Runner really thought that was the end of it. However, after the communications on Snapchat, [REDACTED] then stated that [REDACTED] thought it may be worse than [REDACTED] thought. Ms. Runner understood that was when the mediation was scheduled.

Ms. Runner stated that she was present when [REDACTED] was called into the office on September 15, 2023. Ms. Runner stated that [REDACTED] wanted them to call [REDACTED] however [REDACTED] was out of the country. When Ms. Diaz stated that we are going to call [REDACTED] crying and said “don’t call [REDACTED]. In Ms. Runner’s opinion, [REDACTED] became upset when they decided to call [REDACTED] but was not otherwise in any distress. Ms. Runner stated that Ms. Cumming took [REDACTED] for a walk to calm down and when [REDACTED] returned to the room [REDACTED] was fine.

Susan Diaz

A meeting was scheduled with Ms. Diaz on January 16, 2024, however Ms. Diaz, through her attorney, declined to participate in the scheduled interview.

Sherman Steele

The investigator met with Sherman Steele on January 18, 2024. Mr. Steel is a teacher on special assignment (TOSA) at JHS. His assignment involves performing some of the duties of an assistant principal, but he does not exercise supervisory authority.

While Mr. Steele sat in other mediation between [REDACTED] as well as the later meeting with [REDACTED] he does not have any specific recollections of these meetings. Following the mediation, Mr. Steele also took the statement from [REDACTED] but he merely directed [REDACTED] to write a statement and passed it on.

Tim Kubrick

The investigator met with Tim Kubrick on January 18, 2024. Mr. Kubrick provided background only regarding the school district's human resources policies and procedures.

[REDACTED]

The investigator met with [REDACTED] on January 26, 2024.

[REDACTED] was first contacted by JHS on September 15, 2023. [REDACTED] stated that Ms. Diaz called [REDACTED] at 11:49 am and [REDACTED] returned her call five minutes later. [REDACTED] joined in the call at some point. [REDACTED] stated that [REDACTED] was extremely frustrated at JHS for bringing [REDACTED] in at the last minute and felt that the school failed as they did not reach out to [REDACTED] earlier. [REDACTED] stated that [REDACTED] could hear [REDACTED] crying in the background and felt that it was a chaotic situation that the school did not handle properly. [REDACTED] felt the school was ganging up on [REDACTED]

[REDACTED] indicated that [REDACTED] and on that Friday, [REDACTED] was already on the way to pick up [REDACTED]. This was their normal practice and it became a source of disagreement between [REDACTED] and [REDACTED] about whether [REDACTED] should be released to [REDACTED]. [REDACTED] indicated that [REDACTED] insisted that [REDACTED] as that is the normal routine.

[REDACTED] stated that following these events, it took [REDACTED] until the next morning to be able to talk about what happened. [REDACTED] stated that [REDACTED] told [REDACTED] that [REDACTED] was told that [REDACTED] could not go to the bathroom or get water and said that the administrators made [REDACTED] sign something.

[REDACTED] asked for the meeting that occurred on September 18, 2023 and [REDACTED] asked to attend. [REDACTED] stated that after this meeting [REDACTED] had the impression that the school did not like [REDACTED] and [REDACTED] felt a bias from them.

Lucia Ungaro

The investigator met with Lucia Ungaro on February 1, 2024. Ms. Ungaro is employed by the school district and her job duties relate to responding to public records requests received by the school district involving student records.

Related to the public records requests from [REDACTED], Ms. Ungaro recalls that the request was extensive, over 20 items with multiple sub-requests. Ms. Ungaro was brought in to assist with the response to the requests related to student records.

Ms. Ungaro received the investigative memorandum and uploaded it to the Google Drive after the search was conducted by IT. She did not review for public records exemptions as this was outside her purview. Ms. Ungaro has no reason to believe that the investigative memorandum was released for any improper purpose or retaliation.

Juliana DeSena

The investigator met with Juliana DeSena on February 7, 2024. Ms. DeSena is a teacher at JHS.

[REDACTED] and [REDACTED] had both been in Ms. DeSena's classroom the year before and had been friends. However, Ms. DeSena began to notice issues in the classroom between [REDACTED] [REDACTED] were not talking to each other and [REDACTED] was more upset than usual. Ms. DeSena also noticed that [REDACTED] and others in class were not talking to [REDACTED]. Ms. DeSena stated that both [REDACTED] and [REDACTED] separately came to her and her that they had a fight. Ms. DeSena waited a week to see if it would resolve and she then sought input from administrators and [REDACTED]

After that, when the issues continued, Ms. DeSena directed [REDACTED] to their assigned assistant principals. Ms. DeSena noticed that [REDACTED] continued to be upset in the classroom, but she did not see further issues in class, but it apparently escalated. In Ms. DeSena's opinion, [REDACTED] was the aggressor based on how others in the classroom were also treating [REDACTED] but also based on previous experiences where Ms. DeSena had observed unkind things that [REDACTED] had said. Ms. DeSena confirmed that after [REDACTED] the atmosphere in class improved.

[REDACTED]

The investigator met with [REDACTED] on March 26, 2024.

[REDACTED] indicated that during the September 14, 2023 mediation, [REDACTED] was present, along with Mr. Steele, and Ms. Diaz. [REDACTED] indicated that during the mediation, [REDACTED] further stated that earlier that morning, Ms. Diaz told [REDACTED] to send a message to [REDACTED] who was out of the country, regarding the mediation and took photos of [REDACTED] screen showing message to [REDACTED]. While [REDACTED] stated that Ms. Diaz did not contact [REDACTED] until after the mediation, the photos provided to the investigator show [REDACTED] response approving the mediation.

The next day, on September 15, 2023, ██████ stated that ██████ was called down to the office. Ms. Diaz and ██████ were there and that Ms. Runner was there at some points during meeting. ██████ stated that they presented ██████ with text messages ██████ which they believed demonstrated that ██████ that ██████ showed the administrators ██████ phone in ██████ hand and that Ms. Diaz took it out of ██████ hands and took pictures of ██████ phone with a cell phone. ██████ stated that Ms. Diaz held on to ██████ phone for at least 30 minutes. ██████ stated that during the meeting, ██████ asked to go to the bathroom and get water, but was told no, although ██████ did not remember who told her that. ██████ stated that at least an hour later, Ms. Cumming showed up and ██████ was permitted to get water and use the bathroom. ██████ further stated that ██████ told the administrators during the meeting that ██████ wanted to leave and go with ██████ but ██████ was told ██████ no. ██████ further stated that ██████ was told that if the situation gets worse, then the police would get involved, although ██████ does not remember who said that. ██████ stated that during the meeting ██████ was panicking and shaking and felt like the administrators were attacking ██████ and that ██████ stated that the meeting lasted at least two hours.

CONCLUSION

The allegation that ██████ was mistreated during the September 15, 2023 meeting are **unsubstantiated**. ██████ recollection of this meeting differs substantially from that of the school administrators. While ██████ and ██████ stated that the meeting lasted for several hours, ██████ indicated that the meeting lasted approximately 30 minutes. It is likely that ██████ perception of the meeting was different than the school administrators. For this reason, the investigator attempted to resolve this conflict by requesting a video or other documentary evidence to resolve this dispute, which was not available. ██████ described being scared and feeling attacked during the meeting and stated that ██████ was threatened with having the police called. ██████ further stated that ██████ was denied access to water and the bathroom, until Ms. Cumming took ██████ for a walk, which ██████ described as taking place after ██████ was in the room for about an hour. The school administrators also stated that Ms. Cumming took ██████ for a walk where ██████ had access to the bathroom and water. ██████ further stated that during this meeting Ms. Diaz took ██████ phone and kept it for at least 30 minutes. This allegation was disputed by ██████ who stated that she did not observe Ms. Diaz take ██████ phone. Rather, ██████ indicated that ██████ used ██████ phone during the meeting to communicate with ██████ via text and when ██████ called ██████ ██████ put the phone on speaker and it was left on the desk for the duration of the call.

The undersigned investigator concludes that the remaining allegations of the complaint are **unfounded**.

With regards to the history assignment in January 2023 that led to the negative interaction between ██████ and ██████ the investigator was provided no evidence that this assignment itself was improper or antisemitic. After being made aware of ██████ concerns, Ms. Runner reviewed the assignment, which related to the causes of World War II, and determined that no action was warranted against the teacher. While ██████ alleges that JHS ignored ██████ concerns, this is inaccurate. Ms. Runner investigated the situation and communicated the results of the investigation to ██████ Relatedly, while ██████ alleges that JHS acted improperly in this situation by bringing ██████ to discuss, Ms. Runner specifically denied this, alleging that ██████ spoken to separately.

When issues arose between [REDACTED] and [REDACTED] in the 2023-2024 school year, [REDACTED] alleges that the school improperly [REDACTED]. Initially, JHS administrators utilized informal means to resolve the issues between [REDACTED] including counseling [REDACTED] instituting [REDACTED] and reaching out to parents. While JHS could have [REDACTED] it opted to exhaust other remedies first in an effort to keep [REDACTED]. When issues between [REDACTED] and [REDACTED] escalated a mediation was held and [REDACTED] was advised of and agreed to the mediation. The day after the mediation occurred, JHS received information that [REDACTED]. It was only at that point that [REDACTED].

[REDACTED] alleges that the meeting on September 15, 2024, resulted in [REDACTED] experiencing abuse or neglect at the hands of JHS administrators. Specifically, [REDACTED] alleges that [REDACTED] was kept from accessing water or the restroom for a period of hours. However, there is no evidence to support these allegations. [REDACTED] states that the door propped open during the meeting, which lasted no longer than 30 minutes. In addition, Ms. Cummings, who was close to [REDACTED] was walking by and Ms. Runner asked her to take [REDACTED] for a walk, during which [REDACTED] got water and used the bathroom.

In addition, the investigator reported these allegations to DCF hotline on November 21, 2023 and a complaint was accepted. Later that day, the investigator received notification that concerns did “not rise to the level of reasonable cause to suspect harm”.

[REDACTED] and [REDACTED] further allege that [REDACTED] was discriminated against because [REDACTED] is Jewish when [REDACTED] arrived at the school on September 15, 2023, however no evidence was presented to support this allegation. [REDACTED] and [REDACTED] further allege that [REDACTED] was improperly denied access to [REDACTED] when [REDACTED] arrived at JHS on September 15, 2023. As set forth above, [REDACTED] was on the phone with [REDACTED] and [REDACTED] when [REDACTED] arrived at JHS. [REDACTED] is [REDACTED] so would not have been able to enter into the meeting, although [REDACTED] indicated that [REDACTED] could have taken [REDACTED] home after meeting., but [REDACTED] had already left. Moreover, on the phone call with [REDACTED] and [REDACTED] the subject of whether [REDACTED] would take [REDACTED] home was the subject of some disagreement, with ultimately [REDACTED] stating that [REDACTED] would go home with [REDACTED] as this [REDACTED].

[REDACTED] alleges that JHS failed to follow Title IX procedures, however at no time was a Title IX investigation concerning [REDACTED] ever opened, thus this allegations is unfounded.

[REDACTED] and [REDACTED] make various allegations related to the school district’s handling and the release of public records. While the investigative memorandum should not have been released, it was inadvertent. Following this incident, procedures have been put into place where this issue should not reoccur. There is no evidence of intentional release by OIG’s office or any other school district employee.


While [REDACTED] makes other allegations that JHS officials fabricated documents, there is no evidence to support this allegation. In support of this allegation, while [REDACTED] alleges that the 9/6/23 and 9/14/23 conference notes do not accurately reflect conversation with [REDACTED]. However, there is no evidence that these documents were “fabricated” as the conference notes are simply notes of conversations. While [REDACTED] may not agree with the recollections expressed, this merely represents a difference of opinion regarding matters discussed.

[REDACTED] alleges that the fact that JHS took pictures of [REDACTED] texts with [REDACTED] on September 14, 2023, approving the mediation, constituted an illegal search and seizure of [REDACTED] phone. However, [REDACTED] stated that Ms. Diaz did not take [REDACTED] phone during this meeting, but rather took photos of the screen showing message [REDACTED]

[REDACTED] alleges that the fact that [REDACTED] showing her passport number provided in the public records request was improperly transmitted by school district. [REDACTED] provided the [REDACTED] to JHS at the 9/18 meeting in an effort to have [REDACTED] listed as a [REDACTED] with the school. As the school had concerns whether this was legitimate paperwork, it sought input from the area superintendent and the legal department to weigh in on this issue. Thus, the transmittal of this paperwork was for legitimate business. Notably, [REDACTED] was the one that provided paperwork containing passport number. [REDACTED] could have redacted the passport number as that was only included for the notary and not material to the [REDACTED] itself. This document was placed in [REDACTED] student record and was released to [REDACTED] following [REDACTED] public records request.

During the course of the investigation, the investigator was provided information from [REDACTED] and [REDACTED] regarding several allegations that were outside the scope of the investigation. Specifically, [REDACTED] and [REDACTED] provided information to the investigator which they allege demonstrate that several JHS administrators have misrepresented their qualifications and criminal background. These allegations are outside the scope of this investigation and thus no determinations were made regarding these allegations. However, I will comment that regardless of whether true or not, these allegations would not impact the results of the investigation.

Sincerely,



Shannon L. Kelly

SLK/vb