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PHASE I - 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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TABLE OF CONTENTS

INTRODUCTION.....	1
INVESTIGATIVE MANDATE.....	1
EXECUTIVE SUMMARY	3
INVESTIGATIVE PROCESS.....	10
I. General Overview	10
II. Opening Statement to Interviewees	11
III. Complaints Made to Boston Public Schools	12
A. Claims that MH Admin 3 Engaged in Conduct Confidential Information	12
B. Violations of BPS Non-Discrimination Policy (EQT-1) Based on Race.....	13
C. Concerns Regarding Inappropriate Sexual Touching and Sexual Misconduct at Mission Hill	14
D. Complaints Regarding Mission Hill Staff’s Improper Use of Force on Students	14
E. Concerns Regarding Failure to Deliver IEP and other Specialized Services to Students as Required by Law	15
F. Concerns Raised by MH Parent 3 and 4 Regarding Pervasive Bullying and Other Improprieties at Mission Hill School.....	16
G. Concerns Raised by MH Parent 3 and 4 in August 28, 2021 Letter.....	17
RECORDS AND EVIDENCE REVIEWED.....	17
I. Witness Interviews.....	17
II. Email Communications.....	18
III. Use of Mission Hill School Email Addresses	19
IV. Other Documents Reviewed.....	22
V. Records Produced by Interview Subjects.....	23
VI. Public Records Requests	23
VII. Pertinent Federal and Massachusetts Legal Requirements	23
RELEVANT BACKGROUND FOR FINDINGS	26
I. Mission Hill Founded as an Autonomous, Democratically-Run School.....	26
II. Relocation of Mission Hill School in 2012.....	28

III.	Investigators’ Observations Regarding MH Admin 3’s Persona at Mission Hill	29
IV.	Challenges of Making a Cultural Assessment.....	31
STATEMENT OF CONCERNS AND FINDINGS		31
I.	Findings Regarding the Culture and Climate at Mission Hill School	31
A.	The Mission Hill School Façade.....	32
B.	Failures of the “Mission Hill Way”	34
C.	Growing Culture of Exceptionalism Ignored External Benchmarks and Fostered a “Cult-Like” Atmosphere	35
D.	Failure to Keep All Children “At the Center”	38
E.	Factual Findings.....	41
F.	The Lingering Impact of the “Mission Hill Way” and MH Admin 3.....	41
II.	Findings Concerning Allegations of Sexual Abuse of Students at Mission Hill.....	44
A.	District and Legal Guidance on Addressing Sexual Assault in BPS Schools	44
B.	Incidents Involving Sexualized Conduct by Mission Hill School Students.....	51
1.	Overview of Mission Hill School Records.....	51
2.	Scope and Reliability of Mission Hill School Record-Keeping	52
3.	Specific Incidents Involving Mission Hill School Students.....	53
i.	Incidents Involving MH Student 1.....	53
ii.	Incidents Involving MH Student 11.....	63
iii.	Incidents Involving MH Student 2.....	66
iv.	Incidents Involving MH Student 27 and MH Student 28	69
v.	Incidents Involving MH Staff 42 and MH Student 29.....	75
C.	Other Evidence of Persistent Sexualized Behavior	77
D.	Allegations of Retaliation and Hostile Environment by Mission Hill School Leadership.....	79
E.	Allegations of a Sexualized and/or Overly-Familiar Culture by Mission Hill School	81
F.	Factual Findings.....	84

1. Findings Concerning Adequacy of Mission Hill School's Records Pertaining to Sexualized Conduct	84
2. Findings Concerning Adequacy of Mission Hill's School's Response to Specific Incidents of Sexualized Behavior	84
3. Findings Concerning Retaliation and Hostile Environment by Mission Hill School Leadership.....	91
4. Findings Concerning Mission Hill School's Sexualized Student Culture	92
III. Findings Concerning Allegations of Pervasive Bullying at Mission Hill.....	92
A. BPS's Bullying Prevention and Intervention Plan.....	93
B. Bullying at Mission Hill.....	98
1. Statements from Former and Current Mission Hill Parents	98
i. MH Parent 4 and 3	98
ii. MH Parent 12 and 13	112
iii. MH Parent 15.....	115
iv. MH Parent 16.....	116
v. MH Parent 8	118
vi. MH Parent 5	118
C. Other Comments and Observations From Parents Regarding Bullying at Mission Hill	121
D. Process Changes Under the Co-Teacher Leaders & Present Administration	123
E. Mission Hill's Bullying Processes as Reflected in the School's Community and Staff Handbooks.....	127
F. Boston School Police Reports	129
G. Mission Hill School Climate Survey Results	129
H. Factual Findings Regarding Bullying at Mission Hill	131
IV. Findings Concerning Reports of General Safety Concerns	132
A. Parent Concerns	132
B. Staff Member Concerns	134
V. Findings Concerning Mission Hill's Provision of Special Education Services	135

A. The IEP Evaluation, Writing and Implementation Process.....	135
B. Identification of Students Who May Require SPED Services	137
C. Implementation of IEP Services and 504 Accommodations	140
D. Perception of IEP Students at Mission Hill.....	146
E. Finding that Mission Hill Had Limited Success in Effectuating IEPs.....	148
F. Finding that MH Admin 3 Flouted IEP and Other Requirements and Fostered an Environment of Noncompliance at Mission Hill	148
VI. Findings Concerning Mission Hill’s Delivery of an Academically Rigorous Education.....	149
A. Curriculum Expectations for Mission Hill School	150
B. Mission Hill School’s Education Curriculum	150
1. Mission Hill School’s Core Educational Philosophy: “Be Kind, Work Hard”	150
2. Theme-Based Curriculum and Project-Based Learning	151
3. Mission Hill School’s Focus on Democracy, Self-Help, and Social-Emotional Learning	153
4. Transition to BPS Curriculum in SY 20-21.....	155
C. Assessment Tools.....	156
D. Adequacy of Mission Hill School Curriculum and Complaints About Academic Rigor.....	162
1. Complaints about the Curriculum	162
2. Complaints about Adequacy of Academic Instruction	162
3. Complaints about Adequacy of Social-Emotional Education and Effects on Students from Marginalized Populations.....	164
4. School Quality Reviews (SQRs).....	165
E. Governing Board Oversight of Mission Hill School Curriculum.....	166
F. Findings Regarding the Adequacy of Mission Hill School’s Academic Instruction	167
G. Concerns Relating to Mission Hill School’s Delivery of FAPE	169
1. Legal Requirements under FAPE	169

2. Mission Hill School’s Practice of Reassigning Students from Assigned Classrooms	169
3. Findings Regarding Mission Hill School’s Ability to Deliver FAPE.....	170
VII. Findings Concerning Mission Hill’s Adherence to BPS’s Mission of Equity.....	172
A. Mission Hill Culture and Policy Implementation Surrounding Transgender/Gender-Nonconforming Students.....	172
B. Mission Hill School’s Culture Toward Gender-Nonconforming Students.....	173
C. Reports of Mission Hill School’s Failure to Maintain a Safe and Supportive Environment for Gender-Nonconforming Students	173
D. Factual Findings.....	177
E. Mission Hill’s Practice Regarding Reporting and Resolving Bias-Based Conduct Against Gender-Nonconforming Students	177
F. Incidents Involving MH Student 46.....	178
G. Factual Findings.....	180
H. Incidents Involving MH Student 16.....	181
I. Factual Findings.....	183
J. Incidents Involving MH Student 5.....	184
K. Factual Findings.....	184
L. Incidents Involving MH Student 45.....	185
M. Factual Findings.....	187
N. Other Equity-Based Nonconformance	187
CONCLUSION	188

INTRODUCTION

Since 1997, the Mission Hill School has enjoyed a reputation as an institutional icon of progressive education, social justice focus and democratic governance. In recent years, even as many parents and staff members continued to extol the model, objectives and results of the school, others raised serious and troubling concerns about the educational environment and culture. Unfortunately, when a school fails to adequately educate and protect students entrusted to it, the damage to those educationally-deprived and victimized children is also profound. Such alleged failures, if borne out, may have a pernicious impact on those children, their parents and the communities they live in, and they must be addressed and resolved. As a result, the Superintendent directed that investigators conduct an independent and confidential investigation of the environment and culture at Mission Hill School and that the investigators' findings and recommendations be memorialized in phased reports. The Phase I Report follows.

INVESTIGATIVE MANDATE

In September, 2021, Superintendent Dr. Brenda Cassellius, on behalf of the Boston Public Schools ("BPS" or the "District"), engaged Hinckley Allen & Snyder LLP ("Hinckley Allen")¹ to conduct a privileged investigation into a number of serious allegations that called into question the educational environment and culture at the Mission Hill K-8 School in Jamaica Plain ("Mission Hill School," the "School," or "MHS"), a Boston Public Pilot School serving approximately 211 students in grades K-8.

The Superintendent asked Hinckley Allen to perform a comprehensive evaluation of Mission Hill School's historical and current educational climate, including that created by and through the actions and inactions of the School's **Conf. Inf.** MH Admin 3 (who **Confidential Information**).² The investigation was tasked with reviewing a broad range of areas that bear directly on the quality of the educational experience offered at Mission Hill School and the well-being of its students. Investigators were requested to review a series of prior complaints brought to BPS's attention, including those contemporaneously investigated by BPS and the findings made, as well as other areas of potential deficiencies relating to the operation of Mission Hill School, its support for students and families of diverse needs and ethnicities, and the adequacy (and inaction) of the School's and the District's leadership teams' responses to various allegations that Mission Hill School and its staff have failed to comport with applicable laws, regulations, policies and circulars, as well as to follow best practices in several of these areas.

Broadly, the investigation was expected to review concerns that Mission Hill School and/or its leadership have failed to protect the mental, physical and educational well-being of all students, including by failing to appropriately investigate and respond to incidents of bullying, sexual misconduct, and unsafe behavior of and among students, and failing to deliver a

¹ Hinckley Allen attorneys assigned to lead the investigation include William F. Sinnott, Elizabeth J. McEvoy, Tara A. Singh, and Shasky K. Clarke (hereinafter "Hinckley Allen" or "investigators" or "we").

² Because the Superintendent's term commenced on July 1, 2019, **Conf. Inf.** had no institutional knowledge of events occurring at the Mission Hill School during MH Admin 3's tenure, and wished to be fully informed.

sufficiently rigorous academic curriculum, including a failure to adequately staff and support the educational advancement of all students at Mission Hill School and deliver appropriate and necessary specialized learning services. To evaluate each of these areas of deficiencies, investigators were directed to evaluate the broader culture of the School, as it evolved over time under various leadership models, and how that culture affected the equal support and access to education for all students.

In pursuit of the above objectives, and following a review of available documents, including prior investigations and parent complaints, Hinckley Allen further refined the broader areas of potential deficiencies, with the understanding that the investigative process might disclose new issues and areas of concern relevant to the above mandate that might suggest or require an expansion or shifting of investigators' attention.

The topics and issues included the following:

- A. Issues concerning the Mission Hill School Culture:
 - a. MH Admin 3's influence and creation of a "Mission Hill School Façade."
 - b. Lingering impact of the "Mission Hill Way" and MH Admin 3.
- B. Issues Concerning Allegations of Sexual Abuse to Students at Mission Hill School:
 - a. Failure to adequately and reliably document reports of purported sexual misconduct and/or abuse among students.
 - b. Failure to adequately and reliably report incidents of sexual misconduct and/or abuse among students.
 - c. Fostering of a student culture inundated with sexual behaviors.
 - d. Retaliation and/or creation of a retaliatory and hostile environment by MH Admin 3 toward Mission Hill School staff members who did not keep matters in-house or follow MH Admin 3's direction.
- C. Issues Concerning Allegations of Pervasive Bullying at Mission Hill School:
 - a. Failure to consistently and adequately identify, record, address and/or report incidents of purported bullying in conformance with District policies and Massachusetts law.
- D. Issues Concerning Reports of General Physical Safety Concerns at Mission Hill School:
 - a. Failure to ensure physical and emotional safety of students at Mission Hill School.
 - b. Failure to ensure physical and emotional safety of staff members at Mission Hill School.
- E. Issues Concerning Mission Hill School's Provision of Special Education Services:
 - a. Failure to provide adequately and timely educational support services to students with heightened or specialized needs, including 504/IEP plans.
 - b. MH Admin 3's creation of a culture that flouted compliance with Federal, State and District requirements on delivery of IEP services.

- F. Issues concerning Mission Hill School's Adherence to BPS's Mission of Delivering an Equitable Education to All Students:
- a. Failure of Mission Hill School to promote and foster a culture that ensured the safety, support, and full inclusion of all students—including gender-nonconforming students—and provide equal access to the School's educational opportunities.

Finally, as noted on the cover sheet and below in the Investigative Process section of the Report, this is a "Phase I Report." The unexpectedly high and time-consuming volume of interviews of parents, many of whom sought investigators out and requested that they be scheduled for interviews, all of which were informing and valuable, coupled with the District's assignment calendar, necessitated that the completion of this investigation be bifurcated to prioritize the evaluation of Mission Hill School's educational culture, as described by the topics above.

EXECUTIVE SUMMARY

Since last fall, investigators have conducted 65 interviews and collected well over two million documents, including 3,500 documents from BPS spanning nearly 14,000 pages, to ascertain the educational climate and culture of the Mission Hill K-8 School. What has emerged is a picture of a failed school, one that largely hid behind its autonomous status and the philosophical ideals of **Conf. Inf.**, MH Admin 1, and **Conf. Inf.**, MH Admin 3, often to the detriment of the Boston Public School students it served.

The investigation focused on the past decade at Mission Hill School, since its relocation from Mission Hill to its current location in Jamaica Plain in 2012 through the current administration. This ten-year period has featured the expansion of the school community from its smaller foundational model, the diversification of its student population, and the occurrence of serious threats to the well-being of its students. As the **Conf. Inf.** and administrator of the Mission Hill School from **Conf. Inf.**, MH Admin 3's leadership, decision-making, and conduct lie at the center of this investigation. During multiple discussions with interview subjects, MH Admin 3 was portrayed to investigators as setting the tone at the School and defining the cultural norms. **Conf. Inf.** position at the helm of the School has had long-lasting effects; indeed, the educational culture of today's Mission Hill School is a remnant of MH Admin 3's **Conf. Inf.** of leadership.

MH Staff 1 and MH Staff 2 assumed the roles of Co-Teacher Leaders at Mission Hill School for the 2019-2020 school year.³ The Co-Teachers held that role until August 2021 when the District placed them on administrative leave pending further investigation into their roles in certain misconduct at the School. Thereafter, Mission Hill School's leadership changed a number of times with oversight by the District, including Grace Wai, the Elementary School Superintendent. MH Admin 4 is the current **Conf. Inf.** at Mission Hill School.

³ In **Conf. Inf.**, the Mission Hill School Governing Board voted to approve MH Staff 1 and MH Staff 2 for the Co-Teacher Leadership positions pending final approval by the Superintendent, which approval was obtained in or around **Conf. Inf.**

I. Scope of the Cultural Assessment

In assessing the continuum of culture at the Mission Hill School over the past decade, investigators examined the following aspects of the educational environment:

- Student well-being, including safety from sexual abuse and/or misconduct by other students as well as from bullying and other threats to physical safety;
- Delivery of an academically-rigorous educational experience, including the provision of adequate special education services and an adherence to the District's mission of delivering a safe, supportive, fully-inclusive and equitable environment; and
- Fostering a general atmosphere of tolerance and support for teachers and staff.

While investigators acknowledge that rendering a cultural assessment as external observers to any community is challenging, and that conducting such an assessment requires us to extrapolate, investigators were nevertheless able to compile an objective picture of Mission Hill School and its functionality within the BPS community of schools based on first-hand witness accounts and perceptions, and our review of a large quantity of relevant documents. Among our key findings are the following:

II. Culture of Mission Hill School Exceptionalism

We find that the culture of the Mission Hill School, while publicly perceived as instilling democratic qualities through the "Mission Hill Way," in reality featured an institutional identity of exceptionalism that allowed it to take advantage of its autonomous status and hide behind the elusive, philosophical ideals of a democratic education to effectively substitute the School's judgment, and that of MH Admin 3 and [REDACTED] loyal staff, for that of parents, the District, and state regulators in a manner that prevented students with various behavioral and emotional needs from receiving the support and attention they required.

We further find that Mission Hill School leadership, and MH Admin 3 in particular, by viewing the School as singularly qualified to serve its diverse student population, was resistant to external criticism, to internal dissent, to change, as well as to District input or intervention. Moreover, we find that the current school administration, while grappling with abrupt staffing changes and a post-COVID-19 environment, has been unable to restore an educational climate that facilitates academic instruction and support at the level expected of a BPS school. The current educational climate of Mission Hill School reflects the same tensions and deleterious cultural values that defined MH Admin 3 tenure [REDACTED] and allowed troubling patterns of unsafe sexual behavior, bullying, and physical violence to continue unabated.

III. Mission Hill School Failed to Ensure the Safety and Well-being of Students

A. *Sexual Misconduct and/or Sexual Assaults at Mission Hill School*

We find that Mission Hill School failed to ensure the physical and emotional well-being

of its students because it systematically failed to protect students from threats of sexual misconduct and/or abuse from other students. Investigators were surprised to learn that the existence of persistent sexualized behavior was not limited to MH Student 1, [REDACTED] **Alleged Sexual Assault** [REDACTED] MH Admin 3.⁴ Rather, the School's unwillingness to acknowledge the severity of persistent, troubling sexual behaviors by several different students at different grade levels led to a lack of consistent internal and external reporting of those behaviors, which effectively undermined the School's ability to provide much-needed support to both the alleged aggressors and the alleged victims.

Investigators found a striking lack of documentation of sexually-charged incidents among students, as revealed to investigators. What documentation the investigators could locate illustrated a troubling pattern in which numerous students, across the ten-year period reviewed, had engaged in multiple or repeated acts of sexual misconduct or inappropriate behaviors toward other students without adequate intervention or School response. As identified during the investigation, the School frequently learned of the incidents shortly after their occurrence, but kept its responses "in house." The School's practice was to institute an ill-defined "safety plan" that focused on monitoring the involved students and placed the burden on teachers and paraprofessionals to put "extra eyes" on the alleged aggressor. We find that this practice often left Mission Hill School students in vulnerable positions and placed an unrealistic burden on teachers and paraprofessionals to address complicated dynamics that required expert intervention and support services at the earliest possible time, and to do so without additional resources and while tasked with educating entire classrooms. The result was that patterns of sexualized behavior persisted largely uninterrupted.

Moreover, we find that under MH Admin 3 influence and leadership, Mission Hill School staff under-reported incidents of sexually-charged behaviors that allowed the School's systematic failures to go undetected. Because these incidents were seldom properly documented, and even more rarely reported in accordance with District policies and Massachusetts law, namely BPS Superintendent Circulars LGL-13 and ETQ-3, and Mass. Gen. Laws. Ch. 119, § 51A, the Mission Hill School largely escaped accountability for its responses—or lack thereof. Moreover, we find that the failure to consistently report sexual incidents was not a coincidence, as the investigation revealed ample evidence that MH Admin 3 actively resisted such protocols out of an apparent concern for labeling and stigmatizing the aggressors, several of whom came from disadvantaged backgrounds or were children of color. [REDACTED] did so, however, to the students' detriment, as neither the aggressors nor victims received the appropriate support to ensure their physical and emotional safety.

While we could not substantiate parental allegations that Mission Hill School tolerated and promoted a sexualized culture among students, investigators did find that the School fostered a culture that promoted over-familiar relationships between teachers and students, which created heightened and undue risk and opportunities for physical and sexual harm.

Finally, we found that for those Mission Hill School staff who pushed for more affirmative and "by-the-book" responses, MH Admin 3 reacted with hostility and actively

⁴ MH Admin 3 was subsequently dismissed from the lawsuit.

withdrew [REDACTED] professional support, as was the case with MH Staff 3, whom MH Admin 3 not only failed to support in MH Staff 3 efforts to respond to incidents of serious sexual misconduct – including MH Staff 3 filing of a 51A report with DCF – but whom [REDACTED] professionally undermined through a pattern of conduct that unfairly exposed MH Staff 3 role in the *confidential* reporting process.

B. Bullying at Mission Hill School

We find that the Mission Hill School, despite recent efforts to come into compliance with District standards, systematically failed to identify, document, and address pervasive reports of bullying by students in contravention of Massachusetts law and District policies. Mission Hill School’s failure to implement a standard approach to addressing bullying concerns—and its “hands-off” attitude toward such concerns—normalized student-on-student violence and allowed pervasive bullying to continue, in some cases for years, including by serial bullies who repeatedly targeted other students without discipline or effective intervention.

We find that Mission Hill School’s failure to adopt or apply standardized disciplinary or reporting mechanisms gave rise to a pattern of bullying that went largely unaddressed by staff and leadership under MH Admin 3 leadership. There is credible evidence that the complained-of behaviors continued largely unabated, and caused substantial physical and emotional harm to students across the ten-year period examined. While it is difficult to identify precisely how prevalent bullying was under MH Admin 3 leadership given the School’s haphazard reporting and documentation processes, investigators identified several students who engaged in ten or more instances of bullying. Furthermore, MH Admin 3’s failure to report bullying incidents to Succeed Boston, the appointed District support agency, in any regular and/or consistent manner during the relevant time period of this investigation, which spans nearly ten years, underscores [REDACTED] general unwillingness to label specific acts as “bullying,” even when parents explicitly complained to MH Admin 3 that their children were being targeted and bullied by other students at Mission Hill.⁵

We further find that the School, and MH Admin 3 in particular, routinely minimized complaints of bullying, dismissing some complaints as “tattling,” which only exacerbated the unequal power dynamic between the students. More often than not, MH Admin 3 [REDACTED] paid “lip service” to the handling of serious safety and bullying incidents by meeting with parents but offering limited responses built upon [REDACTED] preferred method of applying restorative practices instead of taking concrete steps to address, document, and/or resolve the core issues threatening student safety, despite the fact that restorative techniques are inappropriate in most instances of

⁵ Investigators note that they uncovered evidence that MH Admin 3 elevated a total of three incidents of bullying to Succeed Boston (or its predecessor) during [REDACTED] entire tenure as Conf. [REDACTED] of Mission Hill School. Investigators located the first report in a summary spreadsheet capturing a report purportedly elevated to Succeed Boston in October 2011. While the time period of that report exceeded the focus of this investigation, investigators have not located any corroborating information. The second report is based on an incident in March 2013, however investigators did not identify any corroborating information that this report was submitted to Succeed Boston or that it resulted in any further follow-up at Mission Hill School. Finally, the third report was submitted to Succeed Boston in May 2018, via facsimile. While the Incident report indicates that the student “will meet with teachers regarding safety plan,” investigators did not find any safety plan for this student or any additional follow-up from Mission Hill School regarding this incident.

bullying. In fact, the investigation revealed that when parents sought re-assurances of their children's safety, MH Admin 3 often refused to engage in a dialogue and, at times, turned the tables to accuse white and white-passing parents of being racist or unnecessarily hostile in advocating for their child(ren)'s safety.

Finally, we find that, in the wake of widespread criticism of the School that manifested in Attorney Joe Coffey's 2021 report, the Co-Teacher Leaders strongly encouraged Mission Hill School staff to report any and all instances of bullying and elevate these matters to Succeed Boston and/or the Office of Equity, as appropriate. We find that the Co-Teacher Leaders took steps toward bringing Mission Hill into compliance with BPS's basic reporting protocols, and improving the culture of minimization and/or indifference toward bullying that previously existed at the School. However, we do not find that Mission Hill staff have fully embraced the well-accepted definitions of bullying, as defined by BPS policy and Massachusetts law alike. Notwithstanding recent changes, Mission Hill School continues to lack an effective and systematic approach to identifying and combatting bullying within its walls. For example, during the 2021-2022 school year, current staff have reported as "bullying" general incidents between students, including one-off disputes, which do not meet the definition of bullying, such that true instances of bullying are obscured among a sea of reports, perpetuating, albeit in a different way, the School's failure to readily identify and address bullying as required by law.

C. Other Safety Concerns at Mission Hill School

We find that the Mission Hill School failed to consistently address evolving safety threats at the School and was not capable of guaranteeing the physical safety of its students and staff.

While student and staff experiences varied, we nevertheless find that the School did not ensure a physically safe environment for all. Even among those families that told investigators that they felt their children were generally kept safe, parents unanimously recounted explosive and violent episodes involving children that happened with alarming frequency at the School. Moreover, we found that the use of restorative justice techniques to address acts of physical violence often diluted the impact of certain physical episodes or minimized their seriousness among parents. School incident reports and Boston School Police records evidence a persistent pattern of student-on-student violence, and, in some cases, threats or the brandishing of weapons.

But the dangers posed by failing to properly respond to unsafe encounters was not limited to dangers experienced by students. Numerous staff reported being physically assaulted or feeling unsafe at times. Even among the most experienced and well-trained staff members, there was an acknowledgement that students at every grade level routinely engaged in physical violence toward staff.

We note that such routine violence manifested in one particularly explosive incident in which student MH Student 2 violently assaulted former Mission Hill School staff member MH Staff 4. MH Staff 4 reported to MH Admin 3 and other Mission Hill staff that upon returning from a field trip and walking back to the school, MH Student 2 "stormed" MH Staff 4 after [REDACTED] instructed [REDACTED] to drop a stick. MH Student 2 "grabbed [MH Staff 4's] hair and pulled [REDACTED] down," causing MH Staff 4 to slip on the ice and "MH Student 2 kept dragging [REDACTED] across the

ice by [REDACTED] hair].” MH Staff 4 explained that there were other instances with MH Student 2 leading up to this event, including MH Student 2 slapping MH Staff 4 in the face, punching [REDACTED] so hard that [REDACTED] had the wind knocked out of [REDACTED] and making explicit stabbing motions with a knife when [REDACTED] found [REDACTED] in the kitchen with a knife. In the email, MH Staff 4 expressed [REDACTED] concern that “incidents like this get downplayed and covered up too much at our school.” MH Admin 3, [REDACTED] Conf. Inf. [REDACTED] at the time, responded to MH Staff 4’s troubling email report by simply bidding [REDACTED] to “Be well, MH Staff 4.”

IV. Mission Hill School’s Shortcomings in Delivering an Academically-Rigorous and Equitable Educational Experiences to all Students Regardless of Their Learning Needs and/or Racial, Social, or Gender Identity

A. *Academic Rigor of a Mission Hill School Curriculum*

We find that Mission Hill School failed to deliver sufficiently rigorous academic curricula and instructional skills to its student population, as is required of all BPS schools regardless of their autonomous status. The School’s failure to adopt meaningful benchmarks for its students allowed the School’s consistent failure to competently teach basic academic skills, such as reading, writing, and math to many students, to continue unrecognized and unreported.

As a Pilot School, Mission Hill School enjoyed complete curricular freedom, which allowed the School to implement theme-based and project-based learning across all grade levels that more closely aligned with its commitment to fostering healthy “Habits of Mind” and social justice values. However, while these philosophies may have widely appealed to parents and teachers, we find that the School’s persistent focus on such esoteric concepts created voids in the educational curriculum, as evidenced by the “abysmal” MCAS scores—the Governing Board’s own description of the scores—in which Mission Hill School students consistently outpaced the state average in students performing at a level of warning, failing, or not meeting expectations.

We further find that the School provided no functional guidance to its teachers, many of whom either lacked or failed to apply the needed skills to instruct in core academic skills, such as reading, writing, and math, or were not held accountable for failing to do so. School Quality Reviews of Mission Hill School revealed academic instruction as a weakness as early as 2004 and we find that neither MH Admin 3, [REDACTED] Conf. Inf. [REDACTED], nor the Governing Board, made any effort to address it.

Moreover, we find that the School’s purported focus on prioritizing a social-emotional education, and promoting diversity, cannot substitute for the level of academic rigor a BPS school must deliver to its constituents. Many parents of typically-learning and/or general education students described their decision to send, and keep, their children at Mission Hill School as one in which they accepted a “trade off”: substandard academics for the opportunity to learn in an inclusive environment and develop social-emotional intelligence. However, despite its reputation for fostering strong social-emotional skills, investigators did not find that Mission Hill School provided a consistently robust social-emotional education to all students. Even if the School had, this would not compensate for its prolonged failure to provide strong academic instruction.

Finally, we find that while the School's long-term instructional aspiration of promoting literacy among students from marginalized backgrounds was an admirable and important educational goal, the School's social missions often obscured the School's own recognition that students from a variety of backgrounds, and with a variety of needs, struggled to demonstrate basic academic skills, and often put students of color at a significant disadvantage compared to their state-wide and District-wide peers.

B. Implementation Issues with IEPs and 504 Accommodation Plans

We find that Mission Hill School consistently under-identified specialized needs and under-delivered special education services to students who required them. The failure to deliver specialized services, such as those required under an assigned IEP or 504 plan, derives in large part from MH Admin 3 disregard for—and, in one notable instance, conscious attempt to defy—various laws and District policies that imposed rigorous requirements for the School to deliver IEP, Child Find, and ESL/ELL-related services.

We find that MH Admin 3 fostered a culture of non-compliance around special educational requirements. Specifically, MH Admin 3 view, shared by some parents and educators at Mission Hill School, that IEPs and SPED services unfairly singled out minority children and undermined heterogeneously-grouped inclusive —classrooms, created an institution-wide resistance to implementing such requirements, particularly when it came to identifying Black boys who may qualify for IEP services. Moreover, we find that the anecdotal evidence from parents who reported that their child(ren)'s individual learning disorders went undetected, despite having voiced concerns about their child's lack of progress, is consistent with the School's general indifference, if not disdain, for identifying and designating children with special needs, even when it is legally required and appropriate to do so.

Finally, we note that, while it was difficult for investigators to confirm whether the School delivered the designated services under a specific student's IEP, and in many instances parents complained that provided-for services were either not delivered consistently or not delivered at all, we find that, perceptions aside, the School had some success in delivering specialized services to a small cohort of students, including students with diagnosed autism, who showed marked progress under their respective IEPs.

V. Mission Hill Did Not Promote or Foster an Inclusive Culture at the School for all Students, Including Gender-Nonconforming Students

We find that Mission Hill School failed to promote and foster a culture that ensured the safety, support, and full inclusion of all students—including gender-nonconforming students—and failed to provide equal access to the School's educational opportunities. Instead, Mission Hill School historically minimized the unique social-emotional and safety needs of gender-nonconforming students, which has allowed increased bias and discrimination toward those students based on their gender identity to occur, in direct violation of the spirit and letter of District policies.

While not all gender-divergent students reported negative experiences, we find that

Mission Hill School did not historically provide an environment in which all transgender and gender-nonconforming students felt safe, supported, and fully included. We find that MH Admin 3 and other staff members' indifference toward protecting this vulnerable population of students played a central role in the historically unsupportive environment at the School. Specifically, we find that the School's failure to ensure an equitable learning environment denied several gender-nonconforming students equal access to educational opportunities, which directly violates the guarantees put in place in ETQ-2 and ETQ-4. Bias-based conduct towards gender-nonconforming students persists today, despite evidence that Mission Hill School has taken steps, in conjunction with BPS, to make this issue a stronger priority.

Nevertheless, we highlight that the School has consistently failed to take seriously, and protect, the needs of gender-nonconforming students through to the current day. On several documented occasions, the School has minimized the gender-related aspects of an incident and either failed to investigate the incident or failed to elevate the results of the investigation to the Office of Equity as required. This culture of minimization is best illustrated in the unanswered complaints made by a number of separate gender-nonconforming students, each of whom reported being the subject of targeted physical and/or verbal violence. While early displays of indifference and/or intolerance by MH Admin 3 and staff toward students facing gender identity struggles have waned somewhat, the School continues to struggle with how to ensure it is a safe space for gender-divergent students and to eradicate gender-based harassment.

VI. Summary

In summary, motivated by a sense of exceptionalism, Mission Hill School and its leadership created and fostered a culture of indifference or resistance to District, state and federal protocols, regulations and laws that conflicted with their social and educational vision and philosophy. As a result, sexual misconduct, bullying, poor academic outcomes, the failure to fully deliver special needs services and to ensure equitable treatment of gender-nonconforming students, went largely unreported and frequently unresolved. A compulsive institutional desire to keep problems "in-house" exacerbated these problems to the great detriment of children whose safety or behavioral issues went unaddressed. Unfortunately, notwithstanding changes in leadership, the deleterious effects of that culture remain at the School.

INVESTIGATIVE PROCESS

I. General Overview

This privileged and confidential investigation began on or about October 1, 2021. To fulfill the investigative mandate, investigators worked to interview a representative sample of current and former Mission Hill School parents and Mission Hill School staff known or believed to have relevant experiences at the School relating to the areas under investigation. Investigators identified, to the best of their ability and in conjunction with BPS, parents from a variety of racial, ethnic, geographical, social economical, and familial backgrounds to gain various perspectives on how Mission Hill School served a diverse student and family population, and how that service may have differed historically, across different subsets of the population. In addition to interviewing persons who had raised prior concerns with BPS and/or the Boston

School Committee, we closed each interview by asking parents for their confidential recommendation on other parents who may be able to speak to the educational climate and culture of the School, positively or negatively.

In order to ensure the integrity of the investigatory findings, investigators informed witnesses at the outset of each interview of the purpose of the investigation and reminded them to be truthful. Given the sensitivity of the subject matter, investigators did not record or transcribe the interviews into a formal record. The witnesses' statements to investigators are reflected in over 750 pages of extensive, contemporaneous notes taken at the interviews. Those notes, along with a variety of documents obtained throughout the investigative process, are the basis for the findings made in this Report.

Due to the challenges of the evolving COVID-19 epidemic, scheduling constraints, and dispersed locations of some former Mission Hill School parents, interviews took place largely via Zoom. On February 17, 18, and 28, 2022, investigators visited Mission Hill School's campus at 20 Child Street to interview staff and tour the premises. We offered each staff interviewee not interviewed on the above dates the opportunity to speak to investigators at Hinckley Allen's offices at 28 State Street in Boston; one interviewee requested an in-person interview, which took place on March 2, 2022.⁶ Investigators conducted certain follow-up questioning via email. For all in-person staff interviews conducted in February, witnesses and investigators socially distanced and wore masks, per the mask mandate in place by BPS at the time.

II. Opening Statement to Interviewees

Whether conducted remotely or in-person, 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 subject 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 subject 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. We told each Mission Hill School staff member interviewed that they were expected to provide truthful statements and that nobody should coerce or intimidate them into making false statements, or retaliate against them for cooperating in the investigation. We asked each person if anyone had, prior to the interview, discussed what information they should give, or had threatened retaliation or adverse action, and advised them to notify us of such conduct by others before or subsequent to the interview. We requested that, in order to preserve the integrity of the investigation, each subject refrain from sharing our questions or their responses with other persons. Before beginning the interview, each subject was invited to ask investigators any questions they might have.

⁶ MH Staff 1, accompanied by representative Individual 1, met with investigators in person at Hinckley Allen's offices at 28 State Street on March 2, 2022.

Because of their unique vantage point—and because many staff interviews were squeezed in between classes—current and former Mission Hill School staff members were additionally informed of a non-exhaustive list of topics we were interested in discussing:

- safety concerns including bullying and physical, sexual, and verbal assault involving students and staff
- failure to address or adequately staff specialized needs including IEPs, 504s, ESL/ELL
- failure to communicate timely and adequately with parents
- failure to maintain required student records
- failure to follow district, state and federal policies and procedures
- the effectiveness of the governing structure and
- the existence of a hostile/retaliatory atmosphere toward some parents and staff members

With four exceptions,⁷ Boston Teachers Union members were further informed that this was not a disciplinary hearing, which would typically entitle them to have a representative present, and that no truthful statements made to investigators would be used against them. Nevertheless, each member was allowed to have such a representative with them if they chose to. Most did; a few did not.

Because of the not-yet-resolved status of the two Co-Teacher Leaders and two faculty members, all of whom were placed on-leave just prior to or at the beginning of the 2021-22 school year, the preceding assurances, that their interviews are not a disciplinary hearing and that their truthful statements would not be used against them, were not provided to them. However, each was permitted to, and did, have a representative present during their interviews.

III. Complaints Made to Boston Public Schools

Over the six-year period leading up to this investigation, the District received various concerns about certain purported deficiencies in the educational fabric of the Mission Hill School. These complaints, and the District's responses thereto, are summarized below.

A. Claims that MH Admin 3 Engaged in Conduct Confidential Information

On June 3, 2015, then-Superintendent John McDonough of the Boston Public Schools retained Attorney Joseph E. Coffey to conduct an investigation into allegations that MH Admin 3, among other concerns, engaged in conduct Confidential Information. Attorney Coffey made factual findings in response to allegations that MH Admin 3 acted inappropriately by 1) failing to provide specialized instruction by certified special educational ("SPED") teachers; 2) failing to support special education program teachers and students; 3) failing to take action to protect the mental and physical well-being of students including but not limited to the manner in which students are restrained and/or reassigned because of their conduct; 4) failing to have proper

⁷ The four excepted individuals were Conf. Inf., MH Staff 1 and MH Staff 2, and Mission Hill School staff members MH Staff 5 and MH Staff 6, who are currently on administrative leave.

reporting mechanisms or complete reporting of incidents; 5) violating 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.

Based on sixteen specific findings reached in Attorney Coffey's report, Attorney Coffey concluded that MH Admin 3 was accountable for several failures at the School during SY 2014-2015. Specifically, Attorney Coffey found that MH Admin 3 did not comply with the legal and regulatory mandates to ensure that the needs of special education students at the Mission Hill School were being met; that [REDACTED] had failed to address issues regarding the appropriate use of restraints by staff and the discipline of students by staff; and that [REDACTED] had failed to comply with the ESL staffing requirement at the school during the 2014-2015 school year. Additionally, Attorney Coffey concluded that MH Admin 3 asked Mission Hill School staff to misrepresent the School's delivery of ESL services and submit fabricated lists that falsely designated ELL students' assignment to certified teachers to appear to be in compliance "on paper."

As a result of these findings, Attorney Coffey concluded that MH Admin 3's actions amounted to conduct [REDACTED] Conf. Inf. [REDACTED] and that discipline was warranted based on [REDACTED] investigation.

On August 18, 2015, Attorney Coffey issued an addendum to [REDACTED] June 3, 2015 report providing supplemental findings based on information [REDACTED] had received since issuing [REDACTED] original report. New information included reports from Mission Hill School staff that remedial actions and audits, and in particular, audits for the ESL and SPED programs, did not occur, that Mission Hill School frequently assigned uncertified paraprofessionals and interns to teach classrooms on short-term and extended bases, that Mission Hill School, and MH Admin 3 in particular, did not require nor encourage CPI training or maintain a restraint log, which has led to improper use of physical restraints by staff, and that staff members who cooperated with the investigation feared retaliation by MH Admin 3 for speaking with [REDACTED] in connection with [REDACTED] investigation. Attorney Coffey reaffirmed the conclusion made in [REDACTED] June 3, 2015 report that MH Admin 3 conduct was [REDACTED] Confidential Information [REDACTED]

B. Violations of BPS Non-Discrimination Policy (EQT-1) Based on Race.

On April 25, 2017, the Boston Public Schools Office of Equity received a written report from Greater Boston Legal Services ("GBLS"), on behalf of MH Student 1, [REDACTED] Confidential Information [REDACTED], alleging that the Mission Hill School violated the District's Discrimination Policy (EQT-1). The report contends that, beginning in the fall of 2016, MH Student 1, a [REDACTED] Confidential Information [REDACTED] in the fall of 2014, experienced bias-based conduct based on race when White parents from Mission Hill School began a "concentrated effort to push MH Student 1 out of Mission Hill," and school administrators "filed frivolous reports of child neglect against MH Student 1's Mother, MH Parent 1." The GBLS report further alleged that staff and administrators at Mission Hill School created a "racially hostile environment" for MH Student 1, [REDACTED] Confidential Information [REDACTED]

The Office of Equity, led by BPS Staff 1, conducted an investigation into the allegations

over the ensuing months. BPS Staff 1 reviewed a variety of documentation, including school records, reports to and from DCF and email communications, and interviewed MH Student 1's family, teachers, MH Admin 3 and District personnel.

On June 30, 2017, BPS Staff 1 issued an Investigatory Report of Race-Based Bias-Based Conduct at Mission Hill K-8 School concluding that there was insufficient evidence to support the assertion that Mission Hill School parents and/or staff engaged in bias-based conduct toward MH Student 1 based on [REDACTED] race in violation of EQT-1. Further, BPS Staff 1 found insufficient evidence to substantiate the allegation that Mission Hill School staff filed frivolous 51A reports in an effort to push MH Student 1 out of the School.

C. Concerns Regarding Inappropriate Sexual Touching and Sexual Misconduct at Mission Hill.

From 2014 to 2017, the District received numerous complaints by parents and members of the Mission Hill School community reporting inappropriate sexual touching and sexual misconduct that occurred at the School.

For example, Attorney Coffey's June 3, 2015 report cited concerns voiced by a staff member that the staff member had witnessed [REDACTED] Alleged Sexual Assault [REDACTED] inappropriately touch [REDACTED] Alleged Sexual Assault [REDACTED]

[REDACTED] The staff member reported these incidents at a staff meeting and recommended the student be evaluated. As relayed to Attorney Coffey, MH Admin 3 responded, "No... there is an increasing tendency to over diagnose, resulting in disproportionate numbers of young [B]lack boys with IEPs."

Two years later, a group of five parents filed a lawsuit against BPS alleging that the District (and specifically MH Admin 3) acted negligently and with deliberate indifference in not preventing sexual misconduct by MH Student 1 [REDACTED] Alleged Sexual Assault [REDACTED]

[REDACTED] The Complaint further alleged that MH Admin 3 discouraged Mission Hill School staff from filing 51A reports about the student's conduct and that of other students, and that the School fired at least one staff member in retaliation for filing a 51A in response to incidents of sexual misconduct.

D. Complaints Regarding Mission Hill Staff's Improper Use of Force on Students

Specifically, as detailed in the June 3, 2015 Coffey report, the District received complaints that Mission Hill School staff used inappropriate and/or improper degrees of force on students. Attorney Coffey's 2015 report described the observations shared by one Mission Hill staff member who raised concerns that many staff members were not Crisis Prevention

⁸ The lawsuit was filed by John Doe 1 ("Doe 1") and Jane Doe 1 ("Doe 1"), on behalf of their minor child, B.G., John Doe 2 ("Doe 2") and Jane Doe 2 ("Doe 2"), on behalf of their minor child, A.R., and John Doe 3 ("Doe 3") and Jane Doe 3 ("Doe 3"), on behalf of their minor children, S.M. and W.M., and John Doe 4 ("Doe 4") and Jane Doe 4 ("Doe 4") on behalf of their minor child J.K., and John Doe 5 ("Doe 5") and Jane Doe 5 ("Doe 5") on behalf of their minor child J.M. The student referenced in the lawsuit was MH Student 1; however, MH Student 1 was not mentioned by name.

Intervention (“CPI”) trained, yet routinely restrained students with inappropriate physical force. This staff member reported that certain Mission Hill School staff members routinely used chair restraints instead of CPI required restraints.

Further, in the August 3, 2015 addendum, Attorney Coffey reported that another Mission Hill School staff member—a school counselor who had not previously been interviewed—reported numerous concerns, including that Mission Hill School staff had inadequate CPI training and failed to properly apply restraints on students, and that MH Admin 3 did not encourage CPI training and did not maintain the required restraint log book to document all student restraints. The reporter characterized the situation regarding improper implementation of restraints at the school as a “safety issue.”

On December 19, 2017, the Boston School Police responded to Mission Hill School to initiate an investigation into a complaint reported by MH Admin 3 as told to [REDACTED] by the parents of MH Student 3, [REDACTED] Conf. Inf. [REDACTED] Mission Hill student, who alleged that in an earlier interaction, MH Staff 5 allegedly hit MH Student 3 in the leg. MH Staff 5 denied the allegations.

On October 25, 2019, MH Parent 3, on behalf of [REDACTED] family (the “MH Parent 3 and 4”),⁹ reported that on May 11, 2018, MH Staff 7 used an unlawful restraint and committed an assault and battery against their [REDACTED] CI [REDACTED] MH Parent 3 and 4 later alleged that MH Staff 6 hit their son in the head with a cellphone sometime between April and June of 2018. Superintendent BPS Staff 2 conducted an investigation into these two allegations in November 2019; however, BPS Staff 2 did not substantiate either allegation.

E. Concerns Regarding Failure to Deliver IEP and other Specialized Services to Students as Required by Law.

As highlighted in Attorney Coffey’s June 3, 2015 report, Mission Hill School families and staff reported widespread failures to deliver IEP, ELL, ESL, and specialized services to students, as is required by law. Specifically, Attorney Coffey concluded that in SY 2014-2015, MH Admin 3 failed to comply with the ESL staffing requirements at the school, and that [REDACTED] exacerbated that failure by creating the perception that [REDACTED] was asking [REDACTED] staff to lie regarding ESL compliance reports. Moreover, a review of District records for SPED licensure revealed that for School Year 2014-2015 Mission Hill School staff, and specifically lead teachers, did not hold the requisite certifications, which resulted in many students not receiving specialized instruction by SPED certified teachers, as required in their IEPs. The failure to assign at least one SPED-certified lead teacher to every classroom ran afoul of both the spirit and legal requirements for an inclusion school.

In May 2015, the District commissioned a Special Education Audit of Mission Hill School. The audit, which included a review of Mission Hill School students’ IEPs and classroom

⁹ MH Parent 3 and 4 [REDACTED] Confidential Information [REDACTED] 2015- 2020. MH Student 5 attended Mission Hill K-8 [REDACTED] Conf. Inf. [REDACTED] MH Student 4, who attended Mission Hill [REDACTED] Conf. Inf. [REDACTED] MH Student 5 [REDACTED] Conf. Inf. [REDACTED] from Mission Hill [REDACTED] Conf. Inf. [REDACTED] in September 2019 and on December 23, 2019 [REDACTED] Confidential Information [REDACTED] MH Student 58 also attended Mission Hill School until December 2019 when [REDACTED] received a safety transfer to another BPS school.

assignments, concluded that at least five inclusion students were not receiving specialized instruction by a lead SPED certified teacher in reading and writing, mathematics, self-regulations, and executive functioning skills; that twenty-three resource room students were not receiving required specialized instruction by a SPED certified teacher in reading and writing, self-regulations, and executive functioning skills; and that four early childhood students were not receiving required specialized instruction in readiness skills.

On October 31, 2019, MH Parent 3 and 4 filed a PRS complaint alleging that the District failed to implement their CI 504 plan as written and had not provided their CI with any of the accommodations listed in the student's 504 plan. The Department investigated the allegations, and found that the District failed to implement all of the elements of the student's 504 plan. As corrective action, the District submitted to the Department proof of Section 504/Title II training for all school personnel at the Mission Hill School specifically focused on eligibility criteria and implementation of 504 accommodations, and other requirements related to providing a Free Appropriate Public Education to students with disabilities.

F. Concerns raised by MH Parent 3 and 4 Regarding Pervasive Bullying and Other Improprieties at Mission Hill School.

In 2019, MH Parent 3 and 4 alleged that the Mission Hill School had failed to respond to, investigate, or act on complaints of persistent bullying. On December 9, 2019, MH Parent 3 and 4 filed a PRS complaint with the Department of Elementary and Secondary Education ("DESE") alleging that their CI been the subject of ongoing and persistent bullying, and that the District failed to conduct bullying investigations, engage in bullying intervention and prevention measures, or develop safety plans for the student. DESE found that the District had failed to properly report bullying pursuant to state law and that a violation of M.G.L. c. 71, § 37O had occurred with regard to the specific concerns raised by MH Parent 3 and 4, as the District had not met the basic requirements for addressing the allegations of bullying, as was required by the District's Bullying Prevention and Intervention Plan. The report further documented that Succeed Boston had not received a single bullying report from the School. Although DESE found that no individual corrective action was necessary Confidential Information the District submitted to the Department a copy of the Memorandum to Mission Hill School reviewing compliance with the requirements of M.G.L. c. 71, § 37O and the District's Bullying and Intervention Plan as it relates to the investigation process, including timelines.

In light of MH Parent 3 and 4's complaints, Superintendent Cassellius requested that Attorney Coffey conduct a preliminary and confidential investigation into allegations that MH Admin 3 and staff at the Mission Hill School acted inappropriately by 1) failing to investigate and document incidents of bullying, by neglecting to provide a safety plan and by 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 student MH Student 5's Section 504 Disability Accommodation Plan; and 3) retaliation by MH Admin 3 against MH Parent 3 and 4 by making inaccurate and misleading entries in student MH Student 5's school records. Attorney Coffey was also asked to determine

whether MH Admin 3 behaviors constituted conduct **Confidential Information**

On June 10, 2021, Attorney Coffey issued a second Investigatory Report addressing the above concerns. Attorney Coffey concluded that MH Admin 3 and Mission Hill School staff failed to follow the bullying protocol requirements set forth in M.G.L. c. 71, § 37O and in Superintendent's Circular SSS-18, including identifying and/or investigating purported acts of bullying, noting a lack of evidence that MH Admin 3 had filed any incident reports with Succeed Boston. Specifically, Attorney Coffey concluded that MH Admin 3 failure to respond to reports of bullying with respect to MH Student 5 subjected [REDACTED] to pervasive and recurring (at least 52 different incidents), emotionally and physically injurious, bullying and fell short of [REDACTED] responsibilities **Conf. Inf.** Similarly, Attorney Coffey found MH Admin 3 and staff failed to implement properly Section 504 plan accommodations in violation of federal law. In particular, MH Admin 3 and/or Mission Hill School staff failed to implement **Conf. Inf.** accommodations listed in MH Student 5's Section 504 disability plan. Attorney Coffey further concluded that MH Admin 3 deliberate attempt to falsify MH Student 5's student records tantamount to retaliatory behavior. Finally, Attorney Coffey concluded that MH Admin 3 deliberate policy of denial enabled aggressive behaviors and bullying to continue unabated and was **Confidential Information**

Based on his findings, Attorney Coffey concluded that discipline up to and including termination was warranted. Attorney Coffey made several recommendations, including to revise the standard MHS Incident Report form to include a designation for behavior that "may be bullying."

G. Concerns raised by MH Parent 3 and 4 in August 28, 2021 Letter.

In a letter dated August 28, 2021, MH Parent 3 wrote a letter to Superintendent Cassellius and Deputy Superintendent for Academics Drew Echelson, raising a variety of concerns about [REDACTED] children's educational experience at the Mission Hill School. Specifically, MH Parent 3 alleged that multiple members of the Superintendent's Office knew of serious concerns at the Mission Hill School, including those regarding abuse, assaults, bullying, harm, damage to children, and inaction of the Mission Hill teachers and Principal to address these concerns, yet failed to address these concerns. MH Parent 3 specifically named BPS Staff 3, BPS Staff 4, BPS Staff 5, BPS Staff 2, BPS Staff 6, BPS Staff 7, and BPS Staff 8 as individuals with knowledge of the concerns at the Mission Hill School. According to MH Parent 3, these members of BPS were culpable in what happened at the Mission Hill School, and therefore had an incentive to hide the facts.

RECORDS AND EVIDENCE REVIEWED¹⁰

I. Witness Interviews

¹⁰ The Report cites pertinent examples that support the factual findings made herein, but, as noted throughout the Report, further context and examples are contained within the documentary materials reviewed and compiled in the investigation.

Fact-finding included in-depth interviews with 37 current and former Mission Hill School parents, 23 current or former Mission Hill School staff or administrators, and 3 BPS employees with specialized knowledge of the Mission Hill School. Investigators also requested to interview MH Admin 3 but [REDACTED] while communicative with investigators, declined to be interviewed without personal counsel present, which [REDACTED] did not secure before the close of Phase I of the investigation.¹¹

II. Email Communications

On February 10, 2022, Boston Public Schools provided Hinckley Allen with access to the District's "Google Vault" email database, which includes all recoverable email communications (outbox, inbox, drafts, deleted) for former and current BPS personnel assigned a BPS email account with the domain name @bostonpublicschools.org. In collecting emails from the BPS Google Vault, we observed that Mission Hill School staff utilized two different email accounts, under the domains: @missionhillschool.org and @bostonpublicschools.org.

Investigators learned that in or about 2021, all Mission Hill School staff began using the BPS email domain as the sole email account. During the second stage of the investigation, which took place in February and March 2022, investigators interviewed current and former Mission Hill School teachers and staff. Several current and former Mission Hill School staff told investigators that Mission Hill School staff were encouraged to use only their Mission Hill School emails, using @missionhillschool.org domain names, to communicate among staff, parents, and families rather than communicate through their BPS emails to avoid BPS oversight, as Mission Hill School staff have a general skepticism of BPS's motivations. Accordingly, investigators requested access to the archived Mission Hill School accounts for former and current Mission Hill School personnel.

On March 9, 2022, BPS provided Hinckley Allen with access to a separate Google Vault

¹¹ Consistent with all interview requests made during the investigation, investigators emailed MH Admin 3 at [REDACTED] last known email addresses requesting a confidential interview as part of this investigation on February 21, 2022. Due to uncertainty over [REDACTED] receipt of the message, investigators sent a LinkedIn message making the same request on February 22, 2022. On February 25, 2022, investigators followed up on the requests by telephone and called the last known cell phone number of MH Admin 3. Investigators had a cordial conversation with MH Admin 3 who said that [REDACTED] had a busy schedule, but would respond to investigators' email. On February 25, 2022, investigators re-sent the original email requesting an interview at MH Admin 3 request. MH Admin 3 responded on February 27, 2022 informing investigators that the notice "may be too short . . . to rearrange" [REDACTED] schedule for the week, but indicated that [REDACTED] would "see what [REDACTED] can do." Investigators thanked MH Admin 3 for responding and reiterated that they would do the Zoom meeting whenever convenient for [REDACTED]. On March 3, 2022, MH Admin 3 responded stating that the last time [REDACTED] met with an investigator by [REDACTED] was "appalled by their unprofessional conduct." MH Admin 3 stated that [REDACTED] did not want a "repeat of that experience" so [REDACTED] would have to have an attorney with [REDACTED] when [REDACTED] spoke with investigators. Investigators informed MH Admin 3 that they were wrapping up interviews, but still wanted to speak with [REDACTED] to include [REDACTED] perspectives and responses in the report. Investigators repeated their request that MH Admin 3 provide a few available time slots for the meeting. MH Admin 3 did not respond to the investigators' email. After learning of notable deletions to the Mission Hill School email server in early March, investigators emailed MH Admin 3 on March 13, asking follow-up questions about [REDACTED] knowledge and/or involvement in creating, using, and possibly deleting emails sent and received on the Mission Hill School email server. MH Admin 3 responded promptly by email that same day, provided responses to our questions, and apologized that [REDACTED] could not secure personal legal counsel in time to speak with investigators.

database containing archived emails using the @missionhillschool.org domain.

During Phase I of the investigation, investigators collected and conducted targeted reviews of more than 2 million emails from the Boston Public School and Mission Hill School email servers.¹²

III. Use of Mission Hill School Email Addresses

Upon accessing the Mission Hill School email's Google Vault on March 9, 2021, investigators observed that the Vault did not include Mission Hill School email accounts for former teachers/staff, including, but not limited to, MH Staff 3, MH Staff 8, MH Staff 9 and MH Staff 4, despite having independent documentation that such email accounts had previously existed and had been used in relevant correspondence. Furthermore, investigators found that email correspondence around key events and in key time periods was less robust than expected based on interview testimony and existing documentation that had already been provided during the investigation.

On March 11, 2022, Mark Racine, BPS's Chief Information Officer, provided investigators additional background into the creation and use of the Mission Hill School email account, @missionhillschool.org. Investigators learned that Mission Hill School had established this independent email domain over ten years ago. However, BPS personnel had received access to the Mission Hill School domain name for the first time, as part of facilitating this investigation, in March 2022. Consistent with what interviewees shared with investigators, BPS confirmed that the former Co-Teacher Leaders, MH Staff 1 and MH Staff 2, initiated a full migration of the Mission Hill School email domain into the BPS domain @bostonpublicschools.org in or about the spring of 2021, around the time that Attorney Coffey was conducting his second investigation into unreported accounts of bullying and allegations that MH Admin 3 **had engaged in conduct unbecoming** Conf. Inf. [REDACTED]. In or about August 2021, prior to MH Staff 1 and MH Staff 2 being placed on administrative leave, BPS began the migration process, which was completed after their removal.

After BPS examined the audit logs for the Mission Hill School email domain, investigators learned from Racine that the Co-Teacher Leaders had "deleted some accounts" and "[t]ransferred ownership" of documents from a few former employees, including MH Admin 3. BPS confirmed that some emails may have been lost in the process. Moreover, investigators learned that the Co-Teacher Leaders "transferred ownership of MH Admin 3's Google Drive contents into their own account," after which the Co-Teacher Leaders "transferred the [Google] Drive contents [and] deleted MH Admin 3's account instead of just suspending it," which meant that "all of [REDACTED] emails were deleted." BPS subsequently confirmed that the audit logs confirm that MH Staff 2 deleted certain Mission Hill School email accounts, including, most recently, MH Admin 3 account, which was deleted on June 22, 2021. Because Google Vault only keeps a copy of any email that copied or included another Mission Hill School email user, it is likely that any email MH Admin 3 sent or received outside the Mission Hill School domain was lost. After

¹² The term ".pst" refers to a Personal Storage Table, an open proprietary file format used to store copies of messages, calendar events, and other items within Microsoft software, including Windows Messaging and Microsoft Outlook.

BPS made efforts to understand the scope of any deleted emails, it was confirmed that in the typical course, deleting an email account will, in fact, delete that custodian's emails. However, neither BPS nor investigators could confirm emails were destroyed and/or lost.¹³

Investigators launched a separate inquiry into the use and/or deletion of Mission Hill School email accounts. On March 13, 2022, investigators emailed MH Admin 3, who had not complied with investigators' prior attempts to schedule an in-person or Zoom meeting with [REDACTED] as part of the Phase I investigation, and asked for information concerning the implementation, use, and subsequent merger of the Mission Hill School email account. Within one hour, MH Admin 3 responded by email.

MH Admin 3 informed investigators that [REDACTED] did not recall the exact year the Mission Hill School domain name was created but recalled that it occurred "at some point in the early 2000's" and predated BPS's use of a Gmail-based server. MH Admin 3 wrote that because there was no mechanism to share work or work collaboratively through the existing server options which were housed on a physical drive, that "[h]aving a gmail account allowed [Mission Hill School] to work together in a new way (very common now) and share everything with each other easily." MH Admin 3 did not recall any policies that diverged from the BPS email communication policies in effect at the time. MH Admin 3 said [REDACTED] had no involvement with "the deletion or suspension of accounts other than [REDACTED] own," which was suspended as a matter of protocol and not at [REDACTED] request. MH Admin 3 confirmed that [REDACTED] has not retained any copies of emails and has "no access" to the Mission Hill School email domain.

On March 15, 2022, investigators met via Zoom with the former Co-Teacher Leaders, MH Staff 1 and MH Staff 2, individually, to discuss their involvement in the migration and discontinuation of the Mission Hill School email domain. Each was accompanied by a BTU attorney. It was clear that the impetus for moving over to using only the BPS email domain originated with the Co-Teacher Leaders after they assumed leadership in late 2019. MH Staff 1 recalled that, around the time [REDACTED] became a Co-Teacher Leader, Mission Hill School had received corrective actions from DESE for its failure to timely produce student records, including emails. MH Staff 1 told investigators it was too laborious to continuously review both the Mission Hill School and BPS email domains for any student record request and [REDACTED] desired to simplify the records kept by Mission Hill. MH Staff 2 similarly recalled that maintaining separate Mission Hill School and BPS email accounts was inefficient and confusing.

When asked about the creation of the Mission Hill School email domain, MH Staff 1, who returned to Mission Hill School in 2012 [REDACTED] recalled that [REDACTED], MH Staff 10, who served in this role from approximately [REDACTED], created the Mission Hill School email domain because [REDACTED] was skeptical of BPS oversight into Mission Hill School affairs and communication. MH Staff 2 did not recall MH Staff 10's involvement, only that MH Staff 10 was the "tech person" at Mission Hill. MH Staff 2 and MH Staff 1 each said that the Mission Hill School email address was used as the default for staff and families, while MH Staff 2 and

¹³ In April 2022, Hinckley Allen, on behalf of BPS, engaged StoneTurn Group, LLP to investigate whether the deleted email accounts are recoverable. StoneTurn is currently working to recover the deleted email accounts to the greatest extent possible and/or any related information about their deletion.

MH Staff 1 said that the BPS email domain would be used to communicate with BPS and/or participate in Special Education communications from the District's Central office. Neither MH Staff 2 nor MH Staff 1 recalled MH Admin 3 or anyone else instructing them to use the Mission Hill School email in lieu of the BPS email or to use the School's email account to address sexual misconduct concerns involving MH Student 1, filing DCF reports, or any other sensitive topics.

Investigators learned that the following current and former Mission Hill School staff had full administrative credentials to the Mission Hill School email domain: MH Staff 10, MH Staff 28, MH Staff 11, and, as of 2019, MH Staff 2. MH Staff 2 said that, beginning in fall of 2019, ■ assumed responsibility for cutting off email access for staff leaving Mission Hill School but was not involved in managing accounts prior to that time, which ■ presumed was handled by MH Staff 28 and/or MH Staff 10. MH Staff 2 said that ■ did not regularly delete email accounts when ■ cut off access upon a teacher's departure from Mission Hill School. However, MH Staff 2 shared that, on some occasion, ■ "might have" deleted Mission Hill School email accounts for former staff that had not worked at Mission Hill School for several years. Available BPS audit logs showed that MH Staff 2 deleted Mission Hill School email accounts for the following people: MH Staff 12, MH Staff 13, MH Staff 14 (December 2020); MH Staff 15, MH Staff 16, MH Staff 17, MH Staff 18, and MH Admin 3 (June 22, 2021). The earliest record of Mission Hill School emails available in the current Google vault is from March 2012. MH Staff 2 could not recall which accounts ■ "maybe" deleted or when.

MH Staff 1 had previously informed investigators that, upon their appointment, the Co-Teacher Leaders had **learned of** three DESE complaints; one around Mission Hill School's alleged failure to implement a student's 504 plan, one around the provision of school records, and one around bullying. While MH Staff 1 did not specifically connect the receipt of DESE complaints to the Co-Teachers Leaders' unilateral decision to eliminate the Mission Hill School email, we find informative in addressing the cessation of this secretive account that Mission Hill School was advised of the DESE complaints and DESE's findings of noncompliance in late 2019 and in early 2020, after which BPS audit logs confirm that MH Staff 2 deleted at least nine of the accounts that were ultimately deleted by Mission Hill School administrators or could not be located during the recent probe. We also take into account that the Co-Teacher Leaders knew that Attorney Coffey was investigating Mission Hill School during this same time period, and we find that it is not a coincidence that Attorney Coffey issued his investigative report on June 10, 2021 and MH Admin 3's account was deleted on June 22, 2021 by longtime colleague, MH Staff 2.

MH Staff 1 and MH Staff 2 each told investigators that while they relied on BPS and Mark Racine to guide them through the email migration process, they did not recall directing BPS to delete or process MH Admin 3 email account or Google Drive. MH Staff 1 specifically denied deleting any Mission Hill School email accounts before or during the migration. Neither MH Staff 2 nor MH Staff 1 had any insight into why the email accounts for MH Staff 3 and MH Staff 8 could not be found or if they were deleted or by whom. Neither MH Staff 2 nor MH Staff 1 recalled consulting MH Admin 3 about the use of Mission Hill School emails, other than MH Admin 3 instruction to regularly check BPS emails for updates on Special Education services.

As described above, MH Staff 1's and MH Staff 2' recollections differ in several respects from the information provided by BPS's Technology office. Therefore, we are unable to determine why and when certain Mission Hill School emails, including the accounts of MH Staff 3 and MH Staff 8, were deleted. However, the audit logs confirm that MH Staff 2 deleted MH Admin 3 account on June 22, 2021. While we are unable to determine who is responsible for the deletion of MH Staff 3 and MH Staff 8's Mission Hill School email account, given their well-known criticism of MH Admin 3 and Mission Hill School leadership, we find the apparent selective deletion of their accounts troubling.

IV. Other Documents Reviewed

Investigators also requested and received a number of documents from BPS relating to Mission Hill School. These documents, included, but are not limited to, the following:

- Prior investigatory reports completed by Attorney Coffey relating to Mission Hill School;
- BPS Staff 1's Investigatory Report of Race-Based Bias-Based Conduct at Mission Hill School;
- Documents relating to Mission Hill School's establishment as a Pilot school, including agreements between BPS and Mission Hill, and charters and bylaws;
- Mission Hill School Governing Board-related documents;
- Mission Hill School Family Council-related documents;
- Mission Hill School Review Reports;
- Mission Hill School Nurse Reports;
- Mission Hill School Safety Plans;
- Mission Hill School Incident Reports;
- Mission Hill School newsletters;
- Mission Hill School Community and Faculty Handbooks;
- Mission Hill School records relating to student restraint;
- Mission Hill School MCAS test results from Spring 2012-2021;
- Disciplinary information for Mission Hill School students;
- Bullying Reports filed with Succeed Boston;
- IEP enrollment information for Mission Hill School, as well as various IEP and 504-related documents and information;
- Licensure information for SPED/ESL/ELL teachers at Mission Hill School;
- Boston School Police Incident Reports relating to Mission Hill School;
- BPS School Climate Survey results and data relating to Mission Hill School;
- Budgeting information relating to Mission Hill School;
- Personnel Files for various former and current Mission Hill School staff members;
- Current and Historical BPS policies, including Superintendent Circulars;
- Complaints and related correspondence submitted to BPS by MH Parent 3 and 4; and
- Other complaints and correspondence submitted to BPS relating to the investigation.

In total, BPS provided investigators with over 3,500 documents, spanning nearly 14,000 pages.

V. Records Produced by Interview Subjects

Investigators received additional materials from interview subjects who either provided the documents on their own accord or at the request of investigators. In total, investigators received an additional approximately 550 documents from interview subjects. These records consisted of various memoranda, email communications, complaints, notes and pictures relating to concerns about bullying, sexual abuse, general safety issues, retaliation, hostile environment, IEP and/or 504 violations and record request violations at mission hill.

VI. Public Records Requests

Investigators also submitted public records requests to the Massachusetts Department of Children & Families (“DCF”) and the Department of Elementary and Secondary Education (“DESE”) requesting all documents, complaints, forms, communications, correspondence, reports and/or records relating to Mission Hill. On February 15, 2022, investigators received a letter from DCF claiming that all requested materials were exempt from disclosure by law.

On February 24, 2022, DESE provided a report identifying nine individual complaints and ten total concerns filed against Mission Hill. On March 1, 2022, DESE provided investigators with the underlying Letters of Findings and Letters of Closure for the nine complaints against Mission Hill.

VII. Pertinent Federal and Massachusetts Legal Requirements

Massachusetts public schools must comply with various federal statutes and regulations, state statutes and regulations, and local policy. As relevant to this investigation, schools within the Boston Public Schools must comply with three sets of requirements:

1. Federal Law. Public schools in Massachusetts, including pilot schools, are subject to oversight of the United States Department of Education (“US DOE”) and the US DOE Office for Civil Rights. As relevant to this investigation, BPS schools must adhere to the strictures of the federal Individuals with Disabilities Education Act (“IDEA”), which provides that students with disabilities receive a free appropriate public education to meet their unique needs, as well as Title IX of the Education Amendments of 1972 and the Family Educational Rights and Privacy Act (“FERPA”). The Rehabilitation Act of 1973, Section 504 also applies to public schools, and it provides protections for students with disabilities. Additionally, M.G.L. ch. 71A, English Language Learners, and M.G.L. ch. 71B, Children with Special Needs, both apply to Massachusetts public schools. Title I of the Every Student Succeeds Act (“ESSA”) also applies, and it dictates certain components required for school improvement plans. Pilot schools receive Title I grants through the local school district.
2. State Law. Massachusetts public schools must also comply with various state laws, including the Massachusetts Education Reform Act of 1993 (“Education Reform Act”). Public schools are further subject to more detailed regulations implementing

these laws, as promulgated by the Massachusetts Department of Elementary and Secondary Education (“DESE”). DESE oversees all public school services in Massachusetts from Pre-K through High School. For example, DESE regulates Student Records (603 CMR 23.00), Special Education Regulations (603 CMR 28.00), Prevention of Physical Restraint and Requirements if Used (603 CMR 46.00), Education of English Learners Regulations (603 CMR 14.00), Access to Equal Educational Opportunity (603 CMR 26.00), Notification of Bullying and Retaliation (603 CMR 49.00), and Student Discipline Regulations (603 CMR 53.00).

3. District-wide Policies. Finally, the Boston Public Schools has adopted a variety of all-District policies that impose additional and more specific requirements defining the legal expectations and obligations of the statutory and regulatory language described above. As relevant to this investigation, these include:

- Sexual Misconduct Towards Students
- Incident Data Reporting and Release
- Physical Restraint Policy
- Employee Discipline Procedures SY22 Discipline of Students with Disabilities
- Section 504 Grievance Procedures
- Bullying Prevention and Intervention Plan
- Transgender and Gender-Nonconforming Employee Nondiscrimination on the basis of Gender Identity and Expression
- Nondiscrimination Policy
- Bias-Based Conduct toward Students, Families or Other Third Parties
- Weapons and Objects of No Reasonable Use
- Child Abuse and Neglect

In 1993, pursuant to the Education Reform Act, Massachusetts established Pilot schools. In Boston, pilot schools reflected “a unique partnership launched in 1994 among Mayor Thomas M. Menino, the Boston School Committee, superintendent, and the Boston Teachers Union.” The foundational principle of Pilot schools is that schools have the best chance to successfully educate the full diversity of students if they are granted maximum autonomy over their resources. While Pilot schools are public schools, they are not subject to the same legal requirements incumbent on other public schools in the state. In the City of Boston, Pilot schools are part of the BPS school district, but the schools have autonomy over budget, staffing, governance, professional development, curriculum, and the school calendar provided the curricula and programs still comply with all federal and state law and regulations and court orders. BPS requires 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 students and staff, and the expenditure of public funds in educationally sound ways.”

In 2014, Superintendent John McDonough adopted the *Boston Autonomous Schools Manual: Policies and Responsibilities for Pilot, Innovation & Horace Mann Charter Schools*.

The 2014 Autonomous Schools Manual functions as an operational guide for BPS autonomous schools and for BPS Central Office staff explaining the policies, practices, and responsibilities that govern the autonomous schools in BPS, including Pilot schools. The 2014 Manual was succeeded by a 2021 Draft Manual that contains substantially the same terms.¹⁴

The Manual describes the founding characteristics of a Pilot school within BPS, namely:

- Innovation
- Replicability
- Quality of Educational Programs
- Accountability Plan for Students and School Performance
- Capability of Governance
- Parent and Community Involvement
- Student and Staff Diversity
- Dedicated Staff
- Freedom from Regulation
- Fiscal Autonomy

Furthermore, the Manual references and incorporates the “Autonomous Schools Network Principles on Special Education,” which details eight specific foundational principles for delivering special education in a Pilot school setting. These include:

- We believe that all children have strengths and challenges and that autonomous schools work towards meeting each student’s individual academic, social, emotional, and physical needs.
- Some students’ challenges are defined as special education disabilities that therefore entitle them to services and additional supports which meet their specific needs.
- Autonomous schools honor and embrace the moral and legal obligation to provide all students with a continuum of services that range from typical to atypical.
- One goal of the Autonomous Schools Network is to provide services to students to the maximum feasible extent in inclusive settings with flexible groupings.
- Autonomous schools believe that the very nature of their smallness - which includes lower class size, teachers knowing their students well, multi-year student-teacher relationships (looping, multi-age classrooms), multiple adults in the classroom, individual learning plans, and multiple assessments - is an integral aspect in providing students with a continuum of services. These aspects of small schools represent conditions that are often provided solely to special education students. This preventive model of schooling minimizes the over-identification of students with special needs.

¹⁴ Boston Public Schools revised the 2014 Manual in 2021. Investigators could not find evidence that the 2021 Draft Version had been adopted but cite to it here as we understand that the District relies on the 2021 Draft Version, although not in an “official” capacity.

- Autonomous schools support all teachers in providing a continuum of services to students in inclusive classrooms. This includes common planning time, professional development, child study, student support teams, and teaming.
- Autonomous schools believe in a strong pre-referral system that identifies a student's challenges and articulates needs and appropriate strategies to be delivered in inclusive settings. In doing so, autonomous schools are committed to working collaboratively among faculty, administrators, families, and the student to determine a child's strengths and challenges, and any services the student may need.
- All students should have access to autonomous schools regardless of disabilities consistent with the access to all Boston Public Schools.

Pilot schools are exempt from School committee policies and District regulations unless they specifically opt in to follow such local procedures. The scope of a Pilot school's autonomy must be described in its individual Pilot agreement. Pilot schools may seek additional autonomies beyond the six general categories inherent to all Pilot schools (curriculum/assessment, staffing, school calendar, professional development, governance, and budget) but any new autonomies must be articulated in the final agreement. As is the case with Mission Hill School, Pilot schools may contract with the District to comply with District policies.

Mission Hill School has expressly agreed to follow Boston Public School policies that govern outside the six core areas of independence, in a variety of written commitments adopted since its foundation. For example, in 2001, Mission Hill School signed a Memorandum of Agreement agreeing to "comply strictly with all applicable federal, state and municipal laws, rules, regulations, and codes." Mission Hill School also agreed to "comply with the civil rights policies of the BPS" in this same agreement. In 2006, Mission Hill School signed another Memorandum of Agreement in which it represented that it would "comply with the civil rights policies of the BPS." Subsequently, in 2019, the Governing Board amended its bylaws, which now state explicitly that the Mission Hill School Governing Board will abide "by all pertinent federal, state and municipal regulations." In light of these written attestations, we find that Mission Hill School has "opted in" to comply with BPS policies, in addition to the other governing applicable federal and state laws with which Mission Hill School is required to comply.

RELEVANT BACKGROUND FOR FINDINGS

The uniqueness of the academic and cultural environment in which Mission Hill operates informed, in large part, the findings articulated in this Report. The following background information provides context for those findings and conclusions set forth below.

I. Mission Hill Founded as an Autonomous, Democratically-Run School

In 1997, MH Admin 1 founded the Mission Hill School. Originally located in the Roxbury neighborhood of Boston, Massachusetts, the Mission Hill School has historically served around 200 students in kindergarten through eighth grade and is home to a diverse student body

who benefit from small class sizes and project-based learning made accessible to all learning abilities.

Mission Hill School embraces a democratic governance model and progressive learning curriculum. The School prides itself on following a democratic decision-making model in which those closest to the students—the teachers—have the greatest input into the educational curriculum and experience. School-wide decisions require input from parents, students, and teachers.¹⁵ The Mission Hill School educational model purportedly centers on fostering the development of good citizenship across all grade and skill levels, and developing the skills and democratic habits essential for a strong and respectful community. As an urban school that draws from a diverse student population, Mission Hill School declares that it is firmly committed to teaching not just academics but diversity, equity and mutual respect.

As a Pilot school, Mission Hill School has largely operated autonomously from the District.¹⁶ As discussed above, the School has discretion over curriculum and assessment, and Mission Hill School teachers have historically created their own theme-based curricula taught through project-based learning units across all grade levels. Mission Hill School educators and parents have championed single-unit study across the School to create space for deeper learning of progressive ideals. While the project-based model reduces the time and space for teachers to provide instruction on traditional academic skills, the model appealed to many parents.

Mission Hill School's democratic philosophy is ostensibly reflected in its autonomous governing structure led by an elected Governing Board and Family Council. The Governing Board, which includes Mission Hill teachers, students, parents and representatives from the local community, is responsible for supervising the School principal/leaders, reviewing and approving the School's mission, and approving annual staffing and budget plans. While the Governing Board Bylaws require that the Board meet quarterly to decide such operational matters by a majority vote, the Board has historically failed to adhere to its Bylaws and exercise independent oversight over the school's operations.

The Family Council at Mission Hill School is a representative body of parents and/or guardians. All parents and/or guardians of students enrolled in Mission Hill School are members of the Family Council, which holds general meetings on a monthly basis and is responsible for facilitating family engagement in and communication with the School. The Family Council also holds annual elections to fill vacancies in seats of the family representatives on the Governing

¹⁵ As noted below, the imposition of Transformation status in SY 2019-2020 has placed limitations on the intra-school discretion of the School.

¹⁶ In 2019, prior to the start of the 2019-2020 school year, BPS identified Mission Hill School as a transformation school. Per BPS's description of that status in 2021 (as written by Marguerite Vichier-Guerre in a June 10, 2021 email), this entails:

After completing your 3rd year, if the school is meeting targets above the 10th percentile for all students (including high achievement for sub groups), the school would no longer be designated a transformation school. If we see significant stagnation or drops in achievement -there is a chance that if we maintain this back to normal environment throughout our 3rd year (no remote learning etc) that the State will have the option to formally designate the school as a Turnaround school which may have implications for staffing, autonomies, and more.

Board due to the expiration of terms, resignations, or other circumstances. Some Mission Hill parents have indicated that the School's move to its current location in Jamaica Plain has been accompanied by a noticeable increase in the participation and representation of white, affluent parents residing in Jamaica Plain on the Family Council and the underrepresentation of families with other backgrounds, leading to less School engagement with those underrepresented families.

From its inception, what has drawn parents and educators to Mission Hill School is the School's commitment to providing access to high quality education for historically marginalized students and those with special or high needs. Many parents sought out Mission Hill School in particular because it had educators of color in top leadership positions. Parents of students with disabilities and significant behavioral and emotional needs were frequently drawn to the Mission Hill School because of its inclusion model that would allow their child to receive specialized services while remaining in their grade-level classroom. As one parent explained: "Mission Hill is a particular school for particular people." Over time, Mission Hill School has become increasingly responsible for delivering a range of specialized and special education service and for servicing children with significant medical, learning, behavioral, emotional, and language needs.

II. Relocation of Mission Hill School in 2012

Several parents and teachers identified the School's move to Jamaica Plain in 2012 as a turning point for the School, mainly for the worse. The consensus among these parents and teachers was that the uprooting of the School fractured the social and operational fabric of the tight-knit School and made the implementation of its foundational tenets more difficult, if not impossible.

Among the various challenges that came with relocation was the move to the former Aggasiz School building on Child Street. The larger space required the School to shift to a multi-floor layout, with the Kindergarten rooms located on a separate floor, shared with the Margarita Muniz Academy, a dual-language high school. The new space made it more difficult for staff to supervise students that may be taking breaks from their classes in the hallways and for teachers to be involved in each other's classrooms. The new physical layout also caused staff to lose a connection to each other and to School-wide issues as they saw less of each other on a daily basis.

The physical relocation also accompanied an increase in the student population. The School took on approximately 40 additional students at its new location.¹⁷ Parents reported that the models that worked in the old building did not work in the new building, with its multiple floors and obstructed hallways, which made the notion of student autonomy and independence feel and look chaotic. Staff and parents alike lamented the relocation because it was perceived as leading to an increase in students with significant needs without a corresponding increase in

¹⁷ Student enrollment data taken from
<https://profiles.doe.mass.edu/profiles/student.aspx?orgcode=00350382&orgtypecode=6&fycode=2016>

resources to support the shift, and complicated the delivery of the School's founding model of individualism and democracy.

In short, the relocation was a "culture shock" to the Mission Hill School community. The move to Jamaica Plain not only expanded the volume of students, but parents and teachers reported that it shifted the racial and socioeconomic profile of the School. Parents and teachers perceived an influx of privileged, predominately white, families and students at the school. The School's traditional constituency felt that it had just lost its school. With the addition of new families and backgrounds, the systematic barriers to broader family engagement in the School grew stronger. One parent described the daily "playground crew"—where parents connected and shared information on a daily basis—as consisting of primarily white Jamaica Plain families, while the "bus crew" consists of more diverse families of color. While many members of the Mission Hill School community consciously tried to engage more diverse participation, particularly among families of color, the governance of the board became increasingly white and privileged. Even among the white and privileged constituency, interviewees complained of a growing presence of "noisy white privileged parents" who made high demands of the School to deliver individualized services and were perceived as not honoring the School's historic commitment to honoring and serving its larger community and the School as a whole.

III. Investigators' Observations Regarding MH Admin 3's Persona at Mission Hill

By [REDACTED] CI [REDACTED] departure, MH Admin 1 had laid the groundwork for Mission Hill School's widely-recognized democratic school model. MH Admin 1's educational model lay at the center of the School's philosophy. With broad support from the School community, MH Admin 3, a dedicated proponent of that philosophy who had served as a teacher at the Mission Hill School Conf. Inf. [REDACTED] succeeded MH Admin 1 and Conf. Inf. [REDACTED] MH Admin 2 as Conf. [REDACTED].

By all accounts, MH Admin 3 is a highly-intelligent, articulate and dedicated educator. [REDACTED] educational vision and firm commitment to social justice have inspired loyalty and emulation among many Mission Hill School staff members, including several of the current staff members, who began their tenures under [REDACTED] leadership and guidance at the Mission Hill School. It is evident that MH Admin 3 educational philosophy remained front and center even after [REDACTED] Confidential Information [REDACTED], and [REDACTED] continued to influence the direction of the School under the Co-Teacher Leaders, who at times turned to MH Admin 3 for [REDACTED] institutional knowledge, including knowledge of the school budget and its guiding principles. Representative of [REDACTED] influence is that MH Admin 3 subsequently rehired by the Co-Teacher Leaders on a part-time basis during the Conf. Inf. [REDACTED] school year.¹⁸

According to parents and staff members interviewed, MH Admin 3 prioritized the provision of educational and support services to students from disadvantaged backgrounds, and in particular, to young students of color. [REDACTED] sought specifically to protect Black boys with behavioral issues from "the school to prison pipeline" and to avoid stigmatizing special needs children of color by ensuring their inclusion in regular classes rather than in separate placements

¹⁸ MH Admin 3 was hired to return to the School on a part-time basis as part of a teacher-share with MH Staff 19 for the Conf. Inf. [REDACTED] school year.

where their needs could be more targeted. Several parents and teachers also reported that MH Admin 3 resisted the use of Individual Education Plans or IEPs because [REDACTED] believed, as did several other Mission Hill School teachers and parents, that IEPs negatively singled out minority students.

MH Admin 3 outwardly cultivated an educational philosophy centered on providing individualized services. Teachers were instructed “to meet” students wherever they are, rather than hold students up to grade-level standards that might not reflect their individual challenges and abilities. MH Admin 3 approach emphasized social justice and social-emotional growth over the teaching of core academic skills, such as reading, writing, math, and science, and decried the proliferation of standardized testing: “I ask that teachers create engaging and aesthetically beautiful classroom environments, include student voice daily, model habits of mind and work and expect students to learn them through experience and feedback. I asked teachers to reflect, to discuss their queries and share curriculum plans with their colleagues for feedback.”¹⁹

The investigation revealed that, under the presumption that Mission Hill School knew what was best for its students, MH Admin 3 routinely minimized safety concerns and disregarded District oversight in a purported effort to protect Mission Hill School’s disadvantaged student populations. For example, in 2012, MH Admin 3 unabashedly wrote:

My first year as CI [REDACTED] was also the first year Mission Hill was assigned students with a special-education designation of “substantially separate.” Separating children from their peers and having a classroom of students with significant special needs was not at all in line with our school beliefs about education. Two teachers and I met with the head of the special needs department about changing the composition of the substantially separate group so that all of our children were heterogeneously grouped in inclusive classrooms. We were told that it could not be done, that it was illegal. Well, we did it anyway. Doing so meant that I could not be honest about our classroom make-ups or the number of students in classrooms. That got very sticky when folks from the Special Education Department came to visit. I was relieved to hear that after a visiting Special Education Department staff member’s car was towed [REDACTED] would not be returning. I had no problem sleeping at night knowing that the students who were once identified as not belonging were now in the right place for learning and being part of the community. For that I kept Central Office at bay.”²⁰

While MH Admin 3 social-justice-centric aspirations on behalf of children with high needs were laudable and welcomed by many members of the School community, [REDACTED] manner of pursuing them, and [REDACTED] perceived unwillingness to take action to protect vulnerable students, left some parents and staff members feeling that [REDACTED] commitment to the School’s philosophical ideals had blinded [REDACTED] to genuine safety and educational concerns. Several parents reported that MH Admin 3 demonstrated indifference when faced with reports of sexual misconduct or bullying.

¹⁹ MH Admin 3, *A Small Urban Public School Keeps its Course*, EDUCATIONAL COURAGE (Aug. 2012), available at <https://www.beaconbroadside.com/educationalcourage/2012/08/small-urban-public-school.html>.

²⁰ *Id.*

Several Mission Hill School teachers said that MH Admin 3 created a culture among staff to handle things “in house” and bring complaints directly to [REDACTED] rather than follow District protocols. MH Admin 3 appointed [REDACTED] to the top of the reporting hierarchy and this investigation revealed that [REDACTED] commonly substituted [REDACTED] judgment for that of designated authorities, law enforcement, and the vetted policies adopted by the District.

MH Admin 3 continuing and strong influence at Mission Hill School was apparent during our many interviews of current Mission Hill School staff members, a number of who lamented their loss of autonomy and criticized the current administration’s perceived abandonment of democratic educational principles, and who expressed a deep distrust of the District and a disdain for its ongoing involvement in school affairs.²¹

IV. Challenges of Making a Cultural Assessment

As investigators, we are cognizant of the inherent challenges and limitations inherent in evaluating the culture or climate of a community to which we are outsiders, particularly over a full decade that saw dynamic shifts to the culture of the country and the City. The following cultural assessment relies heavily on the perceptions formed by members of the Mission Hill School community, which reflect personal biases and individual experiences. Investigators note that most Mission Hill School parents had strong views on whether the Mission Hill School model was successful, which directly reflected their own experiences at the School, and displayed great passion for their viewpoints. In addition to assessing the credibility of all interviewees, investigators were attuned to their personal motivations for participating in the investigation. Current parents at the Mission Hill School may have faced pressures to corroborate their fellow parents’ experiences, support their community, and not be outliers. Families that have participated in prior litigations and complaints, or might be anticipating future actions, brought biases in favor of their prior or future legal stances and often voiced sharp criticism of the School, and at times, the District. Current teachers, obligated under contract to cooperate, had a strong interest in maintaining their employment and, for many, blaming the District for the School’s tumultuous environment during the already-challenging post-COVID, 2021-2022 school year. Conversely, former teachers and parents typically had more comfort with the process and investigators observed a general tendency to be more open, and often more critical, about past experiences at the School. Finally, given the complexity of the issues impacting Mission Hill School’s culture and the difficulty of synthesizing a wide variety of experiences, investigators had to be cognizant of our own cultural biases and personal experiences.

STATEMENT OF CONCERNS AND FINDINGS

I. Findings Regarding the Culture and Climate at Mission Hill School

²¹ The current school administration for the 2021-2022 school year consists of MH Admin 4, who **Conf. Inf.** [REDACTED] and asked to serve under very difficult circumstances, and Assistant Superintendent Grace Wai, who provides oversight, guidance and support to MH Admin 4. MH Admin 4 has no prior affiliation with Mission Hill School or its past leadership and heads a School community that has been battered by COVID-19 disruptions and abrupt staffing changes, which have contributed to poor morale among teachers, disenchantment among parents, and a palpable resentment in both cohorts over the District’s recent takeover of curriculum and administration.

Understanding the on-the-ground culture of the Mission Hill School required investigators to peel back several layers of propaganda and party-lines to uncover the true norms and mores that defined the School and its provision of educational services. Throughout the investigation, it became clear there were two diametrically opposed depictions of Mission Hill School: 1) the public version: the School as a tight-knit democratic community that elevated students from diverse and disadvantaged backgrounds through a child-centered approach, with a focus on raising socially conscious and intelligent leaders, rather than through standardized, skill-focused curriculum; and 2) the purported insider's version: the School as an insular community that took advantage of its autonomous status as a Pilot school to avoid accountability and regular oversight, and which largely substituted its judgement on "what's best" for students – particularly students of color – for the informed views of parents, the District, and the law, often to the detriment of the very students that it claims to hold at the center of its educational mission.

As we explain below, neither depiction fully captures the diverse range of educational experiences revealed during this investigation, or does service to the racial, political, and legal complexities that impacted the School's operation. However, we find that the second vision of Mission Hill School, in which the School is described in almost cult-like terms, driven by fierce loyalty of parents and staff to an educational ideal, is far more accurate. Investigators observed a culture dominated by the heavy influence and tutelage of **Conf. Inf.** MH Admin 3, who led Mission Hill School in name and spirit through **Conf. Inf.**, during which time the School consistently failed to deliver a safe and rigorous educational climate for its students. Furthermore, we find that the School's commitment to lofty progressive ideals and elusive concepts of "democracy" took precedent over providing students with the supports they needed to succeed and receive a rigorous education.

A. The Mission Hill School Façade

The public persona of Mission Hill School is evident in the literature and public accolades showered on the School since MH Admin 1 first opened it in the late 1990s. The School gained national and international recognition for its progressive principles, attracting educators and families alike to learn the "Mission Hill Way," a motto that the School adopted to describe its unique educational method.

The Mission Hill School's statement of Purpose, displayed prominently in the annual Mission Hill School Community Handbook, describes the purpose of the School and its cultural goals of building a stronger community through creating more resilient students, through its dual-educational tenants of "Habits of Mind" and "Habits of Work":

Such habits of mind, and such competence are sustained by our enthusiasms, as well as our love for others and our respect for ourselves, and our willingness to persevere, deal with frustration and develop reliable habits of work. Our mission is to create a community in which our children and their families can best maintain and nurture such democratic habits. Toward these ends, our community must be prepared to spend time - even when it might seem wasteful - hearing each other out. We must deal with each other in ways that lead us to feel stronger and more loved,

not weaker and less loveable. We must expect the most from everyone, hold all to the highest standards, but also respect our different ways of exhibiting excellence. We must together build a reasonable set of standards for our graduates so that they can demonstrate to us their capacity to meet this mission.

The public image of Mission Hill School is captured in the film documentary “A Year at Mission Hill,” which closely documents the School’s efforts at implementing democratic ideals in an urban school. The film, which captures the filmmakers’ first-hand observation of Mission Hill School during the 2011-2012 school year, features interviews with various Mission Hill Staff who describe the qualities that distinguish Mission Hill School. For one educator, it is that “everyone has value,” which is “reflected in how people treat one another.” MH Admin 3 is front and center in the film, touting the success of the School’s creation of an educational structure designed to support individual student needs: “What we are setting out to do is not rare, but that the environment supports what we set out to do, that is what seems to be rare these days it seems.”

Several families shared with investigators their admiration and satisfaction with Mission Hill School for their children, echoing some of the same themes displayed in the School’s public persona. For many families, Mission Hill School’s policy of “meeting children where they are” represented a refreshing change from other District schools and offered an educational experience that is typically available only in a private school setting. When asked what defined the school, MH Staff 20 replied, “that every child belongs to every adult and every adult belongs to every child.” In fact, Mission Hill School attracted BPS parents for a variety of reasons, from its inclusion model, to its independent curriculum, to its perceived commitment to exposing students to deeper learning. Many parents told investigators that they listed Mission Hill School as their first or only choice in the BPS school choice lottery and a few expressed feeling as though they had “won” the lottery when their child received a spot at Mission Hill School.

Parents shared several reasons why Mission Hill School stood atop the BPS ladder. One reason was that the school seemed receptive to students with disabilities and heightened emotional and/or behavioral needs, many of whom had struggled in other BPS schools. For example, MH Parent 5’s daughter, MH Student 6, attended a school prior to Mission Hill School [Confidential Information]. [Confidential Information] MH Parent 6, whose [CI] MH Student 54, [Confidential Information], detailed how MH Student 54’s teachers adapted to [] individual needs – “what they did worked” – while also identifying asymmetrical learning that ultimately led to [Confidential Information] that MH Parent 6 fully credits the School with facilitating. [] described that it “wouldn’t have happened if [] hadn’t won [the] lottery.” MH Parent 7, a longtime parent in the BPS system and [Confidential Information] MH Student 52 to Mission Hill School because prior BPS schools did not have the capacity to [Confidential Information].

For parents whose children did not have specialized education needs, the attraction to Mission Hill School was sometimes philosophical. Several parents of general education students told investigators that they valued Mission Hill School’s model for its focus on community

building, diversity, and its expressed commitment to operating a democratically-run school. The School's emphasis on democracy has long incorporated an education in anti-racism and social justice. Several white parents applauded the School's genuine discussions around difficult topics of racial equality. MH Parent 8 sought out the School, in part, for its ability to address difficult racial dynamics between Black and white children. MH Parent 22 said that [REDACTED] white children benefited from early discussions about social justice and racism. MH Parent 40, a [REDACTED] [REDACTED], praised the School for teaching children about social justice, recalling how at age [REDACTED] child engaged in conversations about historical and present-day social justice struggles through discussing the murder of George Floyd. And as many parents explained, the School's commitment to diversity was not just academic, as the School featured people of color in leadership positions and racial diversity in both the teaching staff and student population. MH Parent 45, [REDACTED], sought out the School because it was focused on diverse leadership and had several Black lead teachers. MH Parent 9 said that [REDACTED] sought out racial diversity of Black leadership and core Black teachers for [REDACTED] [REDACTED].

Whatever the goal, once enrolled, a variety of parents shared that Mission Hill School further distinguished itself from other BPS schools because it prioritized a social-emotional, rather than strictly academic, education. Despite believing that students should pick a different school if they want to excel at math, MH Parent 32 found the ability to deliver a purportedly social-emotional education appealing. MH Parent 10 recounted how [REDACTED] [REDACTED] Conf. Inf. [REDACTED] another BPS school, before entering the Mission Hill School, had an "overwhelmingly positive" experience at Mission Hill because [REDACTED] learned empathy. MH Parent 11 said the social-emotional education had social benefits that balanced out the time away from traditional academic experiences, a sentiment that was shared by MH Parent 25 and 26 family who applauded Mission Hill School for its ability to deliver social emotional support for their [REDACTED] [REDACTED] MH Student 7 [REDACTED] [REDACTED] MH Parent 16 remarked that one of the School's strengths was teaching students of all ability levels that "we all have things we need to work on." Overall, as MH Parent 10 recalled, Mission Hill School offered BPS families an "amazing secret sauce" and a thing that was "insanely valuable" to [REDACTED] [REDACTED].

B. Failures of the "Mission Hill Way"

At first glance, the positive reviews of parents matched the accolades from the educational community that labeled Mission Hill School a school that delivered sustained "greatness" and a School that fundamentally raised the bar on what it means to deliver a public education.²² However, for many parents and teachers once drawn to the School's philosophical ideals, the "Mission Hill Way" was not what had been advertised. For many, the very term "Mission Hill Way" was more short-hand for the School's institutional resistance to change—a "take it or leave it mentality"—than it was a reference to pillars of hard work and individual accomplishment, pillars which MH Parent 18 described as "all smoke and mirrors."

²² See "A Year at Mission Hill," Chapter 1.

The motto itself was reported to be little more than lip service used to justify inaction and resistance to new ideas. MH Staff 21 explained that the “Mission Hill Way” more aptly described what teachers said, rather than what they did. To MH Staff 21, the way of Mission Hill was to “do what we’ve always done; if it’s something from outside, we’re not as open to it.” The “Mission Hill Way” carried over from leader to leader, deeply entrenched in the fabric of the School’s culture. As MH Staff 22 put it, it is hard to transition once you’ve been trained “that way” and teaching the Mission Hill Way for years, though MH Staff 22 opined, “sometimes [the way] doesn’t work.” MH Parent 25 and 26 viewed the Co-Teacher Leaders, MH Staff 2 and MH Staff 1, who assumed leadership at Mission Hill School after serving as educators for the better part of two decades, as “not people to question and propose a new direction. They were people to champion the Mission Hill Way.”

The unquestioned commitment to the School’s democratic roots persists today. After **CI** **██████████** at the helm of the Mission Hill School, appointed at the start of the **Conf. Inf.** school year, **Conf. Inf.** **██████████** MH Admin 4 remarked that **██████████** is “still trying to figure out what staff means when they say a democratic school.” Grace Wai described the current Mission Hill School as heavily indebted to the original philosophy which has left remnants of a culture that is “childish” in which teachers “choose to be helpless when they want” and “pull [the] democratic card.” Wai criticized the current staff for failing to be accountable for their decisions.

C. Growing Culture of Exceptionalism Ignored External Benchmarks and Fostered a “Cult-Like” Atmosphere

Criticisms aside, many Mission Hill School staff members continued to maintain that their model of education was exceptional. For years, Mission Hill School touted its unique structure by publicly holding itself out as a model of student-led excellence built upon unconventional educational practices. However, School leaders held out this same notion of the School as an “exceptional” place, with a unique brand for success, to suppress dissenting voices who challenged the way things always had been done. MH Admin 3 frequently told parents who voiced concerns that Mission Hill School was the “only” school that could service their child’s unique needs. Several parents recalled that, contrary to Mission Hill School’s declared spirit of inclusion and its mission of “meeting the child where they are,” Mission Hill School, and particularly MH Admin 3, were not willing to adjust their expectations or educational approach when a student was struggling. MH Parent 11, MH Parent 18 and MH Parent 25 and 26 recalled that, after voicing complaints, MH Admin 3 rejected their ideas and told them, in substance, that if they did not like it at Mission Hill School, they could leave. According to MH Parent 12 and 13, who reported to the School and to investigators that their gender-nonconforming child was repeatedly bullied and belittled at Mission Hill School, MH Admin 3 told the family that the Mission Hill School was the “only school” that would keep their child safe, and that they were welcome to leave but would be worse off somewhere else.

Indeed, the perception among several former members of the Mission Hill School community is that the School suffered from a “savior” complex that exalted supporting children with trauma and high needs over maintaining a safe and orderly educational environment for all. MH Parent 4 described the dynamic with MH Admin 3 as “guilt and heroism and saviorism deeply at play, especially from MH Admin 3, and gas lighting and lip service to support ... Walk

away thinking something is being done but nothing is... an aura of support but not doing anything from the process standpoint.” MH Staff 23 described MH Admin 3 efforts to protect violent children, such as MH Student 2, who assaulted MH Staff 4, as follows: “[MH Staff 4] had marks to show and it was witnessed—just lots of talk around these kids having issues or problems at home... We need to support them here... To love everyone—a savior complex. We just need to love them enough to help them—so being assaulted is just part of the path to being healed.”

For many new teachers, the heroism rhetoric and fierce protection of the School’s democratic ideals fell to the “old guard” of teachers and professionals who had taught at the School for several years, some under founder MH Admin 1, and many of whom taught at the School before its relocation to Jamaica Plain in 2012. MH Staff 24, who joined the School in 2015, said that [REDACTED] felt like an outsider excluded from the “core of people who had been at the school since the beginning, [who] understood the mission and facilitating what was on at the school,” such as staff retreats that only members who had been at the old school could attend. Nine-year Mission Hill School veteran MH Staff 23 and longtime BPS parent MH Parent 14 each described an “old guard,” which included MH Staff 2, MH Staff 1, MH Staff 7, MH Staff 6, MH Staff 25, MH Staff 26 and MH Staff 31, who had been there “forever,” and for whom the School had different work expectations. MH Staff 21 identified many of the same teachers as MH Admin 3 “loyal people.” MH Parent 15, a parent, observed a “loyal faction” to MH Admin 3, a group of “insiders,” which included some of the same ones listed above with the addition of MH Staff 19, MH Staff 27 and MH Staff 28, MH Staff 7’s CI [REDACTED]. MH Parent 16 added MH Staff 29 to the list. Many of these individuals, like MH Staff 2, MH Staff 6, and MH Staff 1, also sat on the “MHS Advisory Committee,” a group of “tenured” or permanent teachers whose responsibility was to advise MH Admin 3 on issues on the budget, staffing and other aspects of “school life,” such as discussing students that all teachers should know about. MH Staff 1 conceded to investigators that the creation of the Advisory Committee cut against the School’s democratic ideals and [REDACTED] advocated for its disbandment.

The “old guard,” and those that made up the Advisory Committee, made it their mission to protect the School and its educational philosophy by resisting any new ideas not in line with the way things had been done in the past. First, this “core” group enjoyed complete educational autonomy without being held accountable to any school or District standards. The group actively resisted any structured curriculum to the point of rejecting a core reading program in favor of adopting a complete and often structure-less autonomy in their individual classrooms. MH Staff 23 reported that the “core” group was not held accountable by leadership to perform their basic job description, sometimes even to show up to work, whereas newer staff were held responsible and held to different standards, such as writing their own curriculum without any guidance from the top. The lack of accountability for core staffers manifested in different ways, including emboldening certain teachers to disregard staffing measures that Mission Hill tied to implement for safety reasons, such as to manage unpredictable, and sometimes violent, student behaviors outside of their classes. For example, on May 2, 2017, MH Staff 7 attempted to confront MH Staff 6 in an email for not honoring an “agreement” the Advisory Committee had reached regarding staffing in MH Staff 6’s classroom, namely that MH Staff 6 would no longer exit the School on Monday afternoons, leaving MH Staff 30, Conf. Inf. [REDACTED], alone with MH Staff 6’s classroom. MH Staff 6 pushed back, and MH Staff 20 responded that there was an

“explicit agreement re supporting MH Staff 30 in the classroom,” that was called into question when a student “[MH Student 8] was shouting unsavory things in the hallway while MH Staff 30 was handling [REDACTED] duties. There were multiple adults around doing our best and it was still difficult.” After more back-and-forth about MH Staff 6’s classroom attendance, MH Staff 31 suggested that the Advisory Committee take the conversation offline, stating “[w]e should not talk about this over email.”

Second, the old guard typically received the most challenging students, often the ones whose behavior was the subject of parental complaints or external reports. As discussed in more detail below, MH Admin 3 transferred MH Student 1 to MH Staff 2’s classroom [Conf. Inf. [REDACTED]], notwithstanding that this meant putting [REDACTED] MH Student 1 in a [Conf. Inf. [REDACTED]]. MH Student 1’s subsequent lead teachers included MH Staff 29 and the new, but “true believ[ing],” MH Staff 27. MH Staff 29 also taught MH Student 2, another student involved in sexualized behaviors toward another student, and managed [Conf. Inf. [REDACTED]] and [Alleged Sexual Assault [REDACTED]] by MH Student 2. MH Staff 32, [Confidential Information [REDACTED]], was directed to leave [REDACTED] assigned grade levels in order to supervise MH Student 1 when [REDACTED] matriculated from MH Staff 29’s class to MH Staff 27’s class. Finally, the School transferred MH Student 9, MH Parent 9’s [REDACTED] from MH Staff 33’s classroom to MH Staff 6’s classroom after MH Parent 9 complained that MH Staff 33 did not hold the requisite special education license to service MH Student 9’s [REDACTED]. Consistent with these reports, MH Staff 8 and MH Staff 3 both described how MH Admin 3 struck a close relationship with certain families of color—such as MH Student 2’s and MH Student 1’s—seemingly to shield those families from teachers who did not align with [REDACTED] goals and approaches (like MH Staff 3), particularly where both students had been involved in reports of sexual misconduct that warranted elevating the incidents beyond the School. MH Staff 8, an outspoken veteran, reflected that [REDACTED] probably “ruffle[d] too many feathers” by bringing up concerns and advocating for District coordination.

What emerged from the creation of a distinct inner circle was a School culture in which the few, core teachers joined MH Admin 3 in defining the cultural norms and operational model to the exclusion of other parent and teacher voices. Many parents perceived this most undemocratic dynamic as a cult of secrecy that shamed those who spoke out against the world-renowned school. These pressures were reinforced by how MH Admin 3 and [REDACTED] staff responded to parents’ attempts to inquire about or seek help outside of Mission Hill School for problematic issues. Numerous parents said that the School held itself out as infallible, and that they believed at the time that anyone that spoke out against the School would be perceived to be the problem and/or pushed out of the community. MH Parent 17 reported that [REDACTED] was treated cautiously and coolly by School staff after speaking out about incidents of sexual assault against [REDACTED] [REDACTED] CI [REDACTED]. MH Parent 43 reported that, when [REDACTED] was trying to gather parents to discuss IEP-related concerns, other parents would only talk to [REDACTED] at a café off campus. MH Parent 18 reported that [REDACTED] felt pressured to accept the School’s decision to keep [REDACTED] CI [REDACTED] in the same class as the alleged perpetrator of sexual assaults against [REDACTED] CI [REDACTED] and that, after speaking up at a 2017 Governing Board meeting against MH Admin 3 reinstatement as [REDACTED] CI [REDACTED] was treated as a “pariah” at the School. MH Parent 5 said that MH Admin 3 and the other teachers showed “fatigue” in addressing [REDACTED] CI [REDACTED] MH Student 6’s significant safety issues arising from a

pattern of sexual assault and that [REDACTED] felt like a *persona non grata* for advocating for [REDACTED] CI [REDACTED]. Finally, MH Parent 3 reported that MH Admin 3 was demonstrably angry after MH Parent 3 contacted District about MH Admin 3 purported misuse of the Student Information System (SIS) and directly warned MH Parent 3 that “when you get the Superintendent’s office involved that is what happens.” Parents reported that teachers, such as MH Staff 9, treaded cautiously while at School so as not to reveal the confidences of the staff while supporting parents and students, while MH Staff 23 said [REDACTED] often shared information off the record or on private phone calls to ensure parents received the information they needed. MH Staff 9 denied any such pressure from staff while MH Staff 23 readily recalled advising parents in a way that enabled them to advocate for themselves before the District.

The perceived, and real, pressure among the small community to not speak out against Mission Hill School led several parents to describe the School as resembling a cult, particularly under MH Admin 3 leadership. MH Parent 18 referred to Mission Hill School as “The Fight Club – Mission Hill against the world,” a notion that was echoed by MH Parent 12 and 13, who felt MH Admin 3 had allied [REDACTED] with other Mission Hill School staff to protect [REDACTED] vision. MH Parent 9 recounted that “it’s hard to figure out what Mission Hill School did... A feeling of self-importance was all smoke and mirrors. It’s like a cult – people think it is the best thing ever, but cannot explain what it is.” MH Parent 4, whose child MH Student 5 was regularly assaulted and taunted, described Mission Hill School as “complicated... like a cult... a dysfunctional community... with cultish elements...” [REDACTED] described leaving the Mission Hill School as “like leaving the Catholic Church” and involving “excommunication and shunning.” [REDACTED] further described an “us versus them” mentality, where the Mission Hill School family was framed as “the only family.” MH Staff 3 reported that MH Admin 3 made it “really clear that [] [MH Staff 3] had to leave that [MH Staff 3] was not going to be part of some underground mission to change the school to make it more in line with [MH Staff 3] vision.” When asked if [REDACTED] perceived the School and MH Admin 3 as “part of the cult,” [REDACTED] remarked, “some have called it that.”

The notion of a Mission Hill School cult factored prominently into this investigation. We observed that most parents only felt comfortable sharing their insights with investigators during this investigation because they had either left Mission Hill School, had partaken in legal action addressing their specific concerns, or had physically relocated from the Jamaica Plain area.

D. Failure to Keep All Children “At the Center”

The outward perception of Mission Hill School, positive or negative, comprises just one part of our cultural analysis. Evidence of the School’s climate is also informed by the School’s academic experience and how, and to what extent, it provided a supportive educational environment. While the culture has shifted slightly under the leadership of three successive regimes since 2012 – MH Admin 3, Co-Teacher Leaders MH Staff 2 and MH Staff 1, and now the current leadership of Conf. Inf. [REDACTED] MH Admin 4 and Grace Wai – the ethos of the School as a child-centered school of progressive ideals remains intact. For MH Staff 6, a common thread of the School’s culture is its commitment to keeping children “at the center” of all school decisions. But the experiences shared by parents and teachers during the investigation reflected a different set of themes, commonalities among different sets of equally disgruntled and

disappointed families who felt their children went underserved and/or unprotected, a vision which stands in stark contrast to the Mission Hill School's slogan of putting the child first.

MH Admin 3 stated commitment to the principles of inclusion, democracy, and restorative justice—which manifested in a vocal commitment to disrupt the school to prison pipeline—effectively blinded Mission Hill School to the fact that [REDACTED] application of the School's principles did not always serve the entire student population in an equitable fashion. One example was provided by MH Parent 12 and 13, as described in more detail herein. While MH Parent 12 and 13 fully embraced Mission Hill School's stated commitment to supporting young boys of color, and particularly the "Black Lives Matter" movement, MH Parent 12 and 13 said that they felt MH Admin 3 was laser-focused on supporting these populations to the detriment of other marginalized populations, such as transgender and gender-nonconforming students. Specifically, MH Parent 12 and 13 said that after making complaints that their gender-nonconforming child had been bullied by children of color at Mission Hill School. MH Admin 3 told them that their child was in "a position of power" as a "white male with social capital" and would need guidance to navigate the dichotomy between feeling gender oppression but having white privilege. MH Parent 3 and 4 similarly told investigators that MH Admin 3 rejected the idea that their white child could be bullied by another student because the white child was in a position of power within the social hierarchy. MH Admin 4 recounted similar reasoning recently expressed by current Mission Hill School teacher, MH Staff 34, who attributed a student's meltdown to white privilege.

The incidents surrounding MH Student 1's conduct in 2014-2016 (see below) exemplify the tension between the Mission Hill School's public commitment to serving young students of color and its underlying obligation as a public school to protect the well-being of all its students. MH Parent 18 and other parents whose children were sexually and physically assaulted by MH Student 1, experienced deep frustration at MH Admin 3's desire to support and protect a young [REDACTED] Conf. Inf. [REDACTED] seemingly at the expense of several children who continued to be victimized. Several teachers, including members of the "loyal" cohort, however, viewed parental complaints against MH Student 1 as an intentional effort to stigmatize a [REDACTED] by [REDACTED] and/or privileged families. MH Staff 20, [REDACTED] Confidential Information [REDACTED], described the sexualized events as "kindergarten [] exploration," likening the interactions to "show me yours, I'll show you mine" rhetoric that is not uncommon among young children. MH Staff 20 stated that criminal assault allegations or implications "had more to do around race and class to [REDACTED] than the actual event." [REDACTED] recalled that the teachers were "working on the behaviors" and consulted closely with MH Student 1's family. [REDACTED] further described that there was "this knowledge amongst us that [] naming this [REDACTED] as a predator, at this particular moment, would mark [REDACTED] for an entire life. And that that was not necessarily the way to do," though [REDACTED] could not recall who raised the discussion or if MH Admin 3 agreed.

MH Staff 20's perspective in many ways captures the essence of the philosophical and cultural clash that manifested around the events involving MH Student 1 and persist to today. MH Staff 20 said MH Student 1's removal from the School resulted from "external pressure" from parents, such as MH Parent 25 and 26's, whose children "could have gone to any other school," and "afforded any other school," but pressured the removal of "a young person who probably could have used Mission Hill, in many, many ways," but did not get access. Similarly,

MH Staff 27 felt families were reporting incidents in a way that “felt really personal and intentional to stigmatize and criminalize [MH Student 1],” and discerned what ■ believed to be a “culture among some families of actively working to exile [MH Student 1].” MH Staff 22 told investigators that, during the times that MH Student 1 had incidents involving sexual touching of other students, several parents complained to ■ that they had raised concerns to MH Admin 3, and MH Admin 3 had told them “to pull their own kids out” and “that MH Student 1 had a right to be [at Mission Hill School].” MH Staff 1 recalled that MH Admin 3 told the MHS Advisory Committee, on which ■ sat, that a group or parents were “organizing against [MH Student 1],” which MH Staff 1 said “just felt hard [b]ecause ■ a little kid.” MH Staff 1 further noted that the alleged movement to remove MH Student 1 “[d]idn’t sit right [with ■ [because] there’s a power dynamic, race, and class,” and felt that MH Student 1 had a right to be at the School if ■ family wanted ■ to stay. But for complaining parents, the over thirty separate incidents of sexual behavior required firm action, regardless of one’s race or socioeconomic status.

Clashes over the extent to which the School should—and would—protect students fitting within its target population manifested in all areas of the educational spectrum, not just safety. As described in more detail below, for students with special education needs, the School had a propensity to prioritize its core instructional focus of serving marginalized populations over providing students the tailored supports they may need to excel academically or be emotionally supported in their current classrooms. MH Parent 43 reported that MH Admin 3 was so blinded by ■ mission to assist young boys of color that ■ created an environment in which MH Parent 43’s Confidential Information, as MH Admin 3 was morally opposed to the optics of pulling out a Black student for a portion of the day to receive special services. Moreover, according to MH Parent 15, this is precisely the point MH Staff 27 articulated in trying to downgrade an inclusion seat assigned to MH Parent 15’s CI, MH Student 10, claiming that a student with greater and more “moderate” needs would benefit more from the seat than Co ■. In many ways, the School’s deeply-held belief that each child is special and learns at their own pace, is diametrically opposed to delivering special needs services that distinguish the child, and at times pull them out, of the general academic setting. This led to failures to diagnose serious learning challenges, such as dyslexia, and to disregard illiteracy in older students.

Similarly, as discussed throughout this Report, the School’s commitment to restorative justice sometimes meant healing the few while disregarding legitimate safety concerns of the majority, in direct contravention of District policies. The School’s insistence on restorative justice circles jeopardized confidentiality, and according to bullying specialist BPS Staff 10, were simply inappropriate because bullying victims are very unlikely to affirm harming behaviors when put in the same “circle” as the aggressor. When parents of MH Student 6, ■ Confidential Information reported several incidents of sexual assault by two different male students, challenged MH Admin 3 as to why their CI had to face ■ aggressors every day, MH Admin 3 replied it was the “Mission Hill mission,” that students, like their CI aggressors, are allowed to learn from their *mistakes*.” MH Admin 3 vigorously defended MH Student 11, another student Confidential Information, arguing to parent MH Parent 19 that MH Student 11 could not have intended to sexually assault ■ CI MH Student 22, Alleged Sexual Assault MH Student 11 Alleged Sexual Assault, because “research shows” that children Conf. Inf. “cannot have sexual intent.” According to MH Parent 25 and 26, MH Admin 3 was “way over ■ head” when it came to

dealing with serious safety concerns, such as these. MH Parent 25 and 26's and MH Parent 5 each told investigators that, after reporting their concerns to MH Admin 3, MH Admin 3 alluded to hoping their child and the child who allegedly touched or assaulted their child could be friends, which the parents said gave off the impression that MH Admin 3 perceived the sexual assault as a "misunderstanding" between two children.

E. Factual Findings

We find that during the tenure of MH Admin 3, the culture of the Mission Hill School, a School publicly regarded for instilling democratic qualities through the "Mission Hill Way," featured an institutional identity of exceptionalism that hid behind lofty goals of social justice and social-emotional growth for students while failing to deliver basic academic and safety services to its students. We find that the School took advantage of its autonomies to create a high degree of insularity, from the top down, among staff and parents, which featured a disregard for District and state oversight and requirements. MH Admin 3 created a culture that rewarded loyalty and even blind devotion to the School and its mission, penalized dissent, lacked accountability and self-reflection, and resisted change. Furthermore, we find that the Mission Hill School leadership, and MH Admin 3 in particular, operating with a view that the School was singularly situated to serve its diverse student population, was resistant to internal and external criticism dissent, to change, and to District input or intervention.

Furthermore, we find that the harsh realities of adhering to the "Mission Hill Way," in a new building and with a new student and family constituency, ostracized families that questioned the School's methodology and educational mission, or lack thereof. On the ground, those that remained, stepped into a "loosey, goosey" culture that turned the concept of community on its head and, as discussed throughout this report, required that each student – and each parent – look out for their own interests to ensure they receive the support they need. Based on our specific findings that Mission Hill School continuously – and in some cases egregiously – failed to adequately respond to and address explicit parental, teacher, and student complaints of sexual assaults, bullying, and a physically unsafe environment, resulted not only in the complained-of behaviors continuing largely unabated, but conditioned students to protect themselves and fostered a tit-for-tat mentality that was antithetical to the School's stated mission of community. We find illustrative MH Parent 5's view of the school model in which students, particularly older students, knew "how to exploit" the system and "get away" with acting badly because the consequences were not that "dire." That sentiment is then reinforced over time and embedded into the cultural fabric of the community. Even today, MH Admin 4 told investigators, Mission Hill School, in part due to its small size, is prone to more bullying tendencies and is not welcoming to new students, particularly at the middle school level, because students have formed habits that have gone unpunished and unchallenged by staff for several years.

F. The Lingering Impact of the "Mission Hill Way" and MH Admin 3

Given the School's resort to remote learning in March 2020, and the piecemeal fashion in which all students across the United States were forced to learn for much of the year-plus that followed, it is difficult to assess what, if any, changes Co-Teacher Leaders MH Staff 2 and MH Staff 1 made to the inflexible "us v. them" culture and Mission Hill School knows best attitude

that ostracized many parents in prior years. As former teachers and longtime educators of the School, several parents supported their elevation, as they were described by MH Parent 20 as being nothing but welcoming, personable and hands-on. ■■■ felt they were invested in ■■■ CI and ■■■ CI story. MH Parent 21 described an open-door policy, in which ■■■ reported that ■■■ felt ■■■ family could always go to the Co-Teacher Leaders before their removal for questions and resources. MH Parent 22 found MH Staff 2 and MH Staff 1 more communicative than MH Admin 3.

Current teachers and parents expressed their feeling that MH Staff 2 and MH Staff 1 recognized the need for institutional change, brought a new leadership energy, but had not had enough time to realize that change. One area in which the Co-Teacher Leaders sought to effectuate change was in addressing bullying. Two staff members, MH Staff 5 and MH Staff 6, noted that MH Staff 2 and MH Staff 1 changed the expectations for bullying reporting to better align it with BPS training, and emphasized follow-ups and time-frames for calling and notifying parents. MH Staff 21 reported positive discussions with the Co-Teacher Leaders and saw things “going in the right direction.” MH Parent 23 shared this sentiment and stated that the two former educators were “fantastic at starting to work through some of those [institutional] problems” but pointed out the difficulty of judging the progress of what was effectively a six-month period. MH Staff 1 described a list of priorities ■■■ and MH Staff 2 set upon assuming their positions to address administrative deficiencies that preceded their tenure, such as reliable record-keeping of student report cards, tracking staff absences, assimilating to the BPS email server, and revising the Mission Hill School Incident Report as an electronically-submitted form.

The biggest complaint about the Co-Teacher Leaders’ leadership is their decision to bring MH Admin 3 back to the School as a part-time teacher. Even among supportive parents, the decision to bring back MH Admin 3 made them question the Co-Teacher Leaders’ judgment. MH Staff 1 and MH Staff 2 defended their decision to investigators. MH Staff 1 and MH Staff 2 both denied being told by MH Admin 3 or anyone else that MH Admin 3 had been accused of ignoring bullying complaints and otherwise engaging in problematic behaviors. To the contrary, they both recounted that MH Admin 3 had told the MHS Advisory Committee at least a year before ■■■ resignation that ■■■ planned to step down from Mission Hill School and asked if any of the subgroup had an interest in serving as ■■■ successor. MH Staff 1 pointed out that they submitted all the required hiring paperwork through BPS’s Human Resources process and had no reason to suspect their decision to hire MH Admin 3 would lead to backlash.

The perception of some parents, however, was that bringing MH Admin 3 back to the School demonstrated that the School culture would not change under MH Staff 2 and MH Staff 1 because they were too close to MH Admin 3 and loyal to the original mission of the School. MH Parent 25 and 26’s captured this sentiment in their use of the words “loyalists” and “champions of the Mission Hill Way,” to describe MH Staff 2 and MH Staff 1. MH Parent 14, who co-chaired the Hiring Committee for the Governing Board, said ■■■ discerned an unwillingness of the community to fairly consider outside candidates to replace MH Admin 3 because the School wanted to protect its culture by promoting insiders.

By any measure, the Co-Teacher Leaders were inexperienced when it came to administration, challenging the notion that they could influence the culture as strongly or as

quickly as MH Admin 3 and MH Admin 1 before [REDACTED] MH Staff 1 and 2 attended the “new leader” institute prior to the start of the school year and received additional instruction on how to fulfill the School’s responsibilities as a transformation school. But in the words of MH Staff 1, who had served Mission Hill School since its inception, [REDACTED] Confidential [REDACTED], [REDACTED] thought [REDACTED] felt prepared to take on the administrative role “until [REDACTED] didn’t.” MH Staff 1 recalled reaching out immediately to the District for support when parental complaints first surfaced before the School year began. [REDACTED] felt the District, with Superintendents in transitions themselves during that time period, did not provide the support that [REDACTED] and MH Staff 2 requested, particularly around disciplinary issues involving MH Student 5.

MH Admin 3 presence continued to be felt at the leadership level of the School. While MH Staff 1 said the Co-Teacher Leaders did not turn to MH Admin 3, MH Staff 2 readily acknowledged that they did. MH Staff 2 said that if the Co-Teacher Leaders had questions, particularly around the budget, they called MH Admin 3. MH Admin 3 continued to have access to [REDACTED] Mission Hill School email account, which became evident when MH Admin 3 account was recorded as producing emails provided to MH Parent 3 and 4 in response to MH Parent 3’s record request in 2019, satisfied well after the effective date of MH Admin 3 resignation.

Following MH Staff 1’s and MH Staff 2’ removal in August 2021, the School has been led by a combination of District-appointed leaders. While parents have publicly criticized BPS and the current administration for their lack of transparency, poor communication, a lack of community, and more commonly, a lack of delivery of IEP services, we find that the School continues to reflect the same broken system that existed before the abrupt staffing changes. However, we find persuasive the views of experienced educators Wai and MH Admin 4, and in particular the view that Mission Hill School staff members have resisted all attempts to hold them accountable and have resorted, instead, to hiding behind democratic buzzwords, informative and a manifestation of the deep roots set by MH Admin 3 and the founding core. While we find that the current leadership has not developed a cohesive culture inclusive of staff, or parents, this is not a deficiency for which MH Admin 4 or Wai are responsible. Indeed, the current tensions represent a continued culture clash between the Mission Hill Way, the old way of doing things and the lip service to autonomy, and a shift toward District regulation and change at the instructional level. We note that the claims of potential “retaliation” conveyed to investigators include two educators who received poor evaluations from Wai.

What is the future of the Mission Hill School and the “Mission Hill Way”? According to Wai, the cultural ethos of exceptionalism lives on in the current environment, though the aspirations remain elusive as ever. Throughout this investigation, we have found that the loyalties of staff members—some of which are terrific educators and facilitators—to MH Admin 1’s founding vision run deep and are not easily severed. The unwillingness, even in the face of proven failures of the model, to adjust and reflect on the School’s past deficiencies and missteps is a flaw in the model that has proven deleterious over time. In combination with the consistently poor academic performance and failure to deliver sufficient special education services to the high percentage of needy students in the School, investigators found little culture worth saving.

II. Findings Concerning Allegations of Sexual Abuse of Students at Mission Hill

Among the most serious concerns raised during the period of review was that Mission Hill School leadership failed to address—and in some instances ignored—persistent reports of sexual misconduct and/or harassment and sexually inappropriate behavior by students toward other students and staff. Specifically, concerns were raised that the School, under MH Admin 3 leadership, failed to properly document and report incidents involving unsafe sexual behaviors and potential sexual misconduct, in violation of BPS policies and its strict legal obligation to document and elevate such incidents to the District, law enforcement, and a host of other external agencies and partners. It is alleged that, by failing to adequately address and respond to numerous serious incidents, Mission Hill School acted indifferently to the well-being of students and staff, putting each in vulnerable and unsafe positions. It is further alleged that, as part of this purported institutional indifference and willful ignorance, Mission Hill School leadership actively discouraged staff from fulfilling their legal obligations to report concerns to the District and DCF, and that staff who filed reports in contravention of this policy were the subject of retaliation and/or intimidation and a hostile work environment.

At the start of this investigation, the above concerns had been raised primarily in the context of a pattern of unsafe sexual conduct in 2014-2016 by a **CI** student named MH Student 1, which has been the subject of prior investigations as well as litigation. However, during the course of the investigation, investigators found the existence of unsafe sexual conduct to be far more widespread and not confined to a single student. Indeed, investigators became aware of several instances in which teachers or parents reported that certain students had engaged in multiple sexualized behaviors and potential misconduct. In addition, during the investigation, Mission Hill School parents shared new concerns that Mission Hill School tolerated sexualized behaviors and fostered an educational climate tolerant of such conduct among students. However, before detailing the facts and findings as to the specific instances of sexual misconduct at the School, a brief review of the applicable legal and policy framework is necessary.

Legal and Policy Overview

A. District and Legal Guidance on Addressing Sexual Assault in BPS Schools

1. Terminology Used to Reference Incidents of Sexual Conduct

Sexual misconduct is a serious concern and, in some instances, may constitute a criminal act under Massachusetts law. Throughout the time period under review, BPS has consistently maintained a zero-tolerance policy for acts of sexual misconduct committed against a BPS student. Mission Hill School's Staff Handbook emphasizes BPS's zero-tolerance policy for sexual misconduct, stating in relevant part:

If for any reason you suspect that a child has been abused or neglected in any way, you are **REQUIRED BY LAW** to file a 51A (Child Abuse and Neglect Form) with the Department of Social Services. The failure to do so is quite steep. (emphasis in original).

For purposes of this Report, sexual misconduct broadly refers to “sexually inappropriate comments and/or behaviors of any kind.”²³ Sexual misconduct is a catch-all term that includes acts of sexual violence and/or assault,²⁴ as well as unwelcome conduct of a sexual nature that interferes with a student’s ability to participate in or receive the benefit of the student’s academic and educational experience. Given the breadth of this term, this Report uses “sexual misconduct” to broadly describe a wide range of behaviors that include sexual acts, sexually-inappropriate touching, genital contact, and/or incidents involving actual or suggested sexual gestures, statements, and behaviors. In doing so, unless otherwise noted, use of this term is not intended to be read as a finding as to whether a specific behavior meets the pertinent definition of sexual misconduct (or assault) or whether it constitutes a criminal act under applicable Massachusetts law.²⁵

Superintendent Circular LGL-13

As of September 1, 2013²⁶, BPS adhered to the Superintendent’s Circular #LGL-13, *Sexual Assault Policy* (“Circular LGL-13” or “LGL-13”).²⁷ Circular LGL-13, through SY 2015-2016, provided that sexual assault “occurring in any school or work-related setting is unlawful and **will not be tolerated by the Boston Public Schools** whether the assault has been committed by staff, **students** or third parties” (emphasis added). The Policy stated that BPS will respond “promptly” to complaints of sexual assault.²⁸

²³ This definition is adopted from EQT-3 – Sexual Misconduct Toward Students, SY 2021-2022, first adopted January 1, 2017 and as amended through September 9, 2021. The Report references prior policies and Massachusetts statutes herein, as applicable to the events at issue in this Report.

²⁴ Superintendent Circular LGL-13 uses the term “sexual assault” to refer to sexually inappropriate touching and/or contact between students.

²⁵ Previously, BPS adopted a Sexual Assault Policy that addressed a narrower category of behaviors defined as sexual assault. Because BPS policy used this explicit terminology until approximately 2017, when the District replaced this term with the more expansive label of sexual misconduct, this Report refers at times to sexual assault as that term is defined under Superintendent Circular LGL-13. We acknowledge that “sexual assault” is an evocative and legal term, and a word that can imply that the person who engaged in the behavior acted with intent or an awareness of the unwanted or offensive nature of the touching. In using the term sexual assault in the Report, we do not make any legal or factual determinations about a student’s intent, awareness, or mental faculties associated with the described conduct. Indeed, investigators are acutely aware that children, particularly children under the age of fourteen, may be legally, emotionally, physically, and/or psychologically incapable of appreciating the unwanted or inappropriate nature of certain acts. However, because Massachusetts law and BPS policy broadly proscribe all touching of genitalia—by any person, including a young child—of a child under fourteen years of age as sexual assault, where appropriate, this Report will discuss certain student behaviors as potential or purported sexual assault.

²⁶ BPS first issued Superintendent Circular LGL-13 on September 1, 2014, and subsequently updated the Circular on December 10, 2014. Circular LGL-13 was effective in substantially the same form through January 1, 2017, when BPS implemented EQT-3.

²⁷ The earliest date of a reported incident of sexual misconduct and/or assault at Mission Hill School identified during the investigation was an incident in fall of 2013. Accordingly, we rely on LGL-13, as effective on September 1, 2013, and subsequent amendments to LGL-13, as in effect during the relevant time periods. From 2013 through 2016, the District adhered to LGL-13, which specifically addressed sexual assault toward students and employees. In SY 2016-2017, the District replaced LGL-13 with EQT-3. Effective January 1, 2017 to the present, the District followed EQT-3, which addressed and prohibited “sexual misconduct” toward students.

²⁸ Superintendent Circular LGL-13 did not use the term “sexual assault.” In 2016, as noted *supra*, the District replaced LGL-13 with Superintendent EQT-3 entitled “Sexual Misconduct Toward Students.” As described in this Report, we use the term “sexual misconduct” to describe unsafe and/or inappropriate sexual conduct, including such

Consistent with Massachusetts law,²⁹ Circular LGL-13 provided that “[a] person under the age of 14 is legally unable to consent to this type of sexual activity.” For children under fourteen years of age, LGL-13 rendered “any touching of the genitalia” a sexual assault. Sexual assault, as defined, specifically included “student-to-student” conduct.

Circular LGL-13 delivered a strict protocol for addressing allegations of sexual assault within a BPS school led by the building administrator [i.e. the principal or headmaster], who must respond immediately to any disclosure of sexual assault to staff or administrators. Circular LGL-13 required that **any person** who received a report of sexual assault “**immediately** notify the building administrator [or, if the report is against the building administrator, the academic superintendents or assistant academic superintendents must be notified instead]” (second emphasis in original). The building administrator, in turn, must **immediately** take the following actions:

- Notify the parent(s) or legal guardian(s) of the victim – *unless the parent/legal guardian is the alleged perpetrator and/or such notification will create a substantial risk to the student’s health, safety, or welfare*;
- Notify the parent(s) or legal guardian(s) of the alleged perpetrator if the alleged perpetrator is a minor. For reasons of confidentiality, **do not** inform the alleged perpetrator’s family of the alleged victim’s identity or gender.
- Notify the Office of School Safety Services/Boston School Police [] who will notify the Boston Police Department School Police Unit. Administrators should call BPS Police even if they are unsure whether the alleged incident constitutes sexual assault;
- Call the Department of Children and Families (formerly Department of Social Services) to file a 51A report, if appropriate. School employees are ***mandated reporters*** and are required to report to DCF when they have reasonable cause to believe a child under the age of 18 is suffering physical or emotional injury resulting from abuse which causes harm or a substantial risk of harm to the child’s health or welfare.

In addition to notifying parents, safety/police, and/or DCF, a staff member who received a report of sexual assault must carefully document the incident using the “Confidential Log and Follow Up Sheet” provided by BPS.³⁰ The Confidential Log should incorporate the specific words, phrases, and descriptions reported by the victim and/or discloser, but contain only “basic minimal facts of the alleged incident,” such as:

conduct that would fall under LGL-13’s definition of “sexual assault,” as well as the broader definition of “sexual misconduct” adopted by the District.

²⁹ Moreover, under Massachusetts General Laws ch. 265, §13B, a child under fourteen years old is incapable of consenting to touching of the breasts, buttocks or genitals or any touching “fundamentally offensive to contemporary moral values.” See Massachusetts General Laws ch. 265, §§13B, 13H.

³⁰ A sample copy of the “Confidential Log Sheet” is appended to each issued version of Superintendent Circular LGL-13 and ETQ-3, and we specifically incorporate herein the specific requirements set forth on the applicable form, for each of the incidents in question.

- When the incident occurred;
- Where the incident occurred;
- Who assaulted the student, if known;
- The nature of the incident; and
- Whether there are known witnesses and/or other victims.

To minimize the emotional stress of victims of sexual assault and preserve the integrity and reliability of the subsequent investigations by DCF and law enforcement, LGL-13 and ETQ-3 both advise that school official **should not conduct additional interviews or ask probing questions**. For example, school officials should not ask a victim of sexual assault to submit a written report detailing the incident or “to discuss the incident with the alleged perpetrator present *at any time or under any circumstances*. (emphasis in original)³¹”

After the Confidential Log is completed, the administrator must **immediately** contact the following individuals/offices to report the incident:

- Office of Safety Services/Boston School Police: The Policy required the administrator to provide copies of the Confidential Log and Follow-up Sheet, contact information for each student party involved, the completed DCF 51A report (if applicable), information on school administrative actions, and any other written notes, statements or reports;
- Network Superintendent and Operational Leader: The Policy required the administrator to forward a copy of the “Confidential Log and Follow Up Sheet.” If the student receives special education services, contact the appropriate Special education and Support Services staff member to inform them of the incident;
- Superintendent’s Office: The Policy encouraged the administrator to work with the Superintendent’s office to develop communications to the school community and/or public.

Special Considerations for Reporting Sexual Assault under Superintendent Circular LGL-13

Superintendent Circular LGL-13 provided a list of Questions & Answers defining the scope of a school’s reporting obligation. Specifically, Question 3 addressed the school’s obligation to report sexual assault incidents occurring during non-school hours and/or off school grounds. The Answer stated that “[t]he building administrator **is required to follow the sexual assault policy** even if the sexual assault incident being reported by a student involves an incident **that occurred during non-school hours and off school grounds**.” (emphasis added). It further clarified that the building administrator has the same obligation to file a 51A report, if appropriate under the circumstances: “if the incident that is reported leads a mandated reporter at

³¹ This language appears verbatim in ETQ-3, but it not stylistically emphasized as it is in LGL-13.

the school **to suspect child abuse and neglect by a person responsible for the child's health or welfare, then the mandated reporter also has an obligations to file a 51A report based upon the reported sexual assault incident.**" The same reporting protocol was required where someone other than the victim makes a report of sexual assault.

Superintendent Circular EQT-3³²

Effective January 1, 2017, BPS issued Superintendent Circular EQT-3 entitled *Sexual Misconduct Toward Students* ("Circular EQT-3").³³ Circular EQT-03 specifically proscribes all "sexual misconduct,"³⁴ which includes sexual assault and sexual violence as well as other unwanted behaviors of a sexual nature, against a BPS student. Like the preceding LGL-13 policy, ETQ-3 requires BPS to promptly investigate all reports of sexual misconduct with the "utmost seriousness." ETQ-3 applies to any circumstance or event over which the District exercised substantial control, even if outside a school education program, activity, or event occurring on school property.

Importantly, Circular ETQ-3 requires BPS staff and administrators to adhere to substantially the same reporting protocol as that imposed under Circular LGL-13 with the added requirement that all instances also be reported to the Office of Equity. For instance, Circular ETQ-3 provides that a BPS employee who learns of "any possible sexual misconduct toward or involving students" must report the incident **to the school leader, supervisor, and/or the Office of Equity** as soon as practicable, generally within the same school day. A staff member who is unsure whether an incident involves sexual misconduct should immediately contact the school principal/head of school, supervisor, or Office of Equity. Circular ETQ-3 mandates that the school inform the Office of Equity upon becoming aware of an incident of possible sexual misconduct.

The protocol implemented under Circular ETQ-3 largely mirrors the steps in Circular LGL-13:

³² We also reviewed the Office of Equity's *Protocols for Sexual Misconduct Investigations Conducted by School Leaders and Central Office Managers*, effective September 6, 2018. The Office of Equity's *Protocols* is an internal document which details eleven separate action steps for addressing a report of sexual misconduct. The steps outlined in the *Protocols* are substantially the same as the requirements set forth in Superintendent Circular EQT-3, first effective January 1, 2017 as updated through the current version, effective September 9, 2021, applicable to conduct occurring during the 2021-2022 School Year.

³³ Since January 1, 2017, the District has issued revised EQT-3 policies, for schools years 2017-2018, 2018-2019, 2019-2020, and 2021-2022. Each version adopts the definition of "sexual misconduct" set forth in the original policy. Moreover, while some of the agency names are changed to reflect administrative updates, the reporting protocol in subsequent versions is substantially the same as that outlined in the original version of EQT-3.

³⁴ As noted above, ETQ-3 broadened the scope of the policy to address—and proscribe—all forms of sexual misconduct rather than sexual assault. Sexual misconduct, defined as sexually inappropriate comments and/or behaviors of any kind," extends to forced, coerced (including that involving a person incapable of giving consent, such as a minor), or unwanted sexual activity, or that taken against another person who is incapable of giving consent, and unwelcome conduct of a sexual nature. The term encompasses sexual assault as defined under Circular LGL-13 (i.e. unwelcome sexual touching and non-consensual sexual contact, including that which occurs during school or non-school hours, on or off school grounds).

- Notify the parent(s) or legal guardian(s) of the perpetrator and victim, if the individuals are minors;
- Notify Safety Services if the allegation involves incidents of physical contact or threats;
- Contact DCF to file a 51A Report if the allegation warrants;
- Complete a confidential log with details of the initial disclosure of the incident, which should be limited to the essential facts of the incident, as reported by the victim and/or discloser, documented as thoroughly as possible by BPS staff. Confidential Log should be submitted to the Office of Equity;
- Notify the school's Elementary or Secondary School Superintendent and/or Operational Leader, if instructed by the Office of Equity to do so; and
- Investigate and document the allegations consistent with the Office of Equity Protocols to determine if a violation of the Code of Conduct or any Circular has occurred and submit the Equity investigation summary reporting the investigatory findings and any remedial action taken **within ten (10) days of the incident.**

Obligations to File 51A Reports with DCF

School staff and administrators are mandated reporters under Massachusetts law and BPS policy and have an unequivocal duty to report any suspected sexual abuse immediately to the Department of Children and Family Services. *See* M. G. L. c. 119, § 21 (mandated reporters include “a public or private school teacher, educational administrator, guidance or family counselor, child care worker, person paid to care for or work with a child in any public or private facility.”)³⁵ Consistent with Massachusetts General Laws chapter 119, section 51A, BPS professional staff must report “[a]ny incident in which **there is reasonable cause to believe that a child’s physical or mental health or welfare is harmed or is threatened with substantial risk of harm** through abuse or neglect.”³⁶ Abuse includes “the non-accidental commission of any act by a caretaker upon a child under age 18 which causes, or creates a substantial risk of physical injury, or constitutes a sexual offense under the laws of the Commonwealth or any sexual contact between a caretaker and a child under the care of that individual.” *See* 110 Code Mass. Regs. § 2.00; M.G. L. c. 119, § 51A. Neither abuse nor neglect are dependent upon location and can occur at school or when the child is at home or elsewhere. *See id.* While the policy directs BPS administrators to seek legal guidance from the BPS Office of Legal Advisors for guidance if unsure whether a 51A report is required in a specific circumstances, all school

³⁵ The District’s current policy, Superintendent Circular SUP-2020, entitled “Child Abuse and Neglect,” was preceded by Superintendent Circular SSS-17, which, as relevant to this Report, was in effect as of September 1, 2013. The substantive reporting requirements and definitions mirror Massachusetts law and are substantially the same across both policies.

³⁶ Massachusetts General Law chapter 119, section 51A requires all mandated reporters with “reasonable cause to believe that a child is suffering physical or emotional injury resulting from (i) abuse inflicted upon him which causes harm or substantial risk of harm to the child’s health or welfare, including sexual abuse; (ii) neglect, including malnutrition; (iii) physical dependence upon an addictive drug at birth” to contact DCF orally and file a written “51A” report within **48 hours**. School staff need only report to the person designated in charge at the school.

professionals should notify DCF directly when the professional has an “awareness or heightened level of concern”³⁷ or a reasonable cause to believe abuse or neglect occurred. If the professional notifies the Building Administrator in charge, the Building Administrator **must** make a report to DCF following the procedures.³⁸

BPS policy requires:

- That mandated reporters must **immediately** report concerns to the Building Administrator **and** confer with the school nurse. Special Education and Support Services Staff should also be notified of suspected abuse or neglect.³⁹
- For cases involving sexual assault, only obtain the basic minimal facts of the alleged incident, in accordance with [BPS Policy]. Importantly, **a student who reports being a victim of a sexual assault should never be asked to submit a written report detailing the incident nor be asked to discuss the incident with the alleged perpetrator present at any time and under any circumstances.**
- Building Administrator or designee must compile all relevant information from school professionals with knowledge of the incident and student to be used in reporting the case to the appropriate DCF office and make such records available to DCF.
- Building Administrator or designee must report to DCF even if he/she believes that the teacher, nurse, or other mandated reporter **is mistaken in suspecting abuse or neglect**. The Building Administrator **may not substitute his/her judgment for that of any mandated reporter within the school**. The failure to file a report as mandated by law will subject the Building Administrator (or other mandated reporter who fails to meet his/ her statutory obligations) to discipline in accordance with BPS Employee Discipline Procedures.
- Make a verbal 51A report before sending child home for the day. Forward a written report within **48 hours** of the incident. **A confidential copy** of the written report should be retained by the principal.

³⁷ This language appears in SSS-17, effective in the 2013-2014 school year, but does not appear in SUP-20, as subsequently adopted.

³⁸ SSS-17 previously directed school professionals to report suspected abuse directly to DCF or to the person “in charge of the school [building administrator] or that person’s designated agent [or designee],” who in turn **must** then report the suspected abuse or neglect to DCF under the applicable procedures. SUP-20 added that “[o]ut of an abundance of caution, [] **all school professional staff** in the Boston Public Schools are required to report to DCF any instance of neglect or abuse that they observe **or which is brought to their attention**.” BPS professionals who fail to report suspected child abuse in accordance with SUP-20 and BPS policy may be subject to discipline.

³⁹ This language was added by SUP-20, Superintendent Circular SSS-17, effective September 2013, as amended, previously provided that “[a] teacher or other adult within the school building with an awareness or heightened level of concern about a child will likely provide the first step in identifying possible cases of child abuse or neglect, including abuse or neglect in the public school system.” The Report incorporates and references this language, as appropriate, throughout this section.

- Notification of the families, including that of the child who is suspected of being abused or neglected, is recommended but is not required by law and requires consideration of whether notification will create a substantial risk to the student's health, safety, or welfare. The Building Administrator will decide how, when, and by whom the family/child will be notified in consultation with others, as necessary.⁴⁰
- All school documentation must be kept **confidentially** during the reporting, investigation, and follow-up processes. Reports of suspected abuse or neglect will not be a part of a child's educational record but should be kept separately, and for no more than five years.

BPS Policy Prohibiting Retaliation against Individuals for Reporting Sexual Assault

Finally, consistent with Massachusetts General Laws chapter 119, section 51A, BPS strictly prohibits retaliation against any BPS student or employee who files a report of sexual misconduct or abuse and neglect.⁴¹ Superintendent Circular LGL-13 and its progeny proscribe retaliation against an individual who complained about a sexual assault or cooperated in an investigation of a sexual assault complaint. ETQ-3 similarly makes retaliation against an individual who reports sexual misconduct or individuals cooperating with a related investigation unlawful. Furthermore, SSS-17 and SUP-20 contain parallel provisions strictly prohibiting retaliation against a BPS student or employee for filing a complaint of abuse or neglect under 51A.

B. Incidents Involving Sexualized Conduct by Mission Hill School Students

1. Overview of Mission Hill School Records

Documentation collected and reviewed by investigators confirmed that Mission Hill School received a multitude of reports describing incidents of potential sexual misconduct and/or unsafe sexual behaviors involving each year from SY 2013-2014 to the present.⁴² Incidents of sexualized behaviors among students predated the enrollment of MH Student 1 ("MH Student 1"), whose conduct became the subject of the 2017 lawsuit against BPS.

⁴⁰ In the event a BPS employee or administrator files a 51A report with DCF involving sexual misconduct between students under the age of twelve, the reporter should inform the parents and/or legal guardians involved of the report. The Office of Equity's *Protocols* require that the reporter explain why the school was required to report the incident to DCF or other authorities to, for example, "share information about possible inappropriate conduct that occurs between students, ensure all students' safety, and secure any needed supports for all children/families affected." Moreover, the school should "share details about what happened, regardless whether their child is the alleged target of sexual misconduct of the alleged initiator."

⁴¹ Massachusetts General Laws chapter 119, section 51A makes it unlawful for an employer to penalize an employee for reporting concerns to DCF under chapter 51A.

⁴² As previously noted, Mission Hill School relocated to its current location at 20 Child Street in Jamaica Plain in fall 2012. Allegations that Mission Hill School failed to report and/or address sexual misconduct between students at Mission Hill principally related to incidents occurring at Mission Hill School during the SY 2014-2015 and after. Investigators did not review Mission Hill School incident reports, to the extent they existed, prior to September 2013.

Between September 2013 and February 2021, investigators located written evidence of over 100 discrete events involving alleged sexually inappropriate behaviors by Mission Hill School students, of varying severity. Of the approximately 102 documented incidents, only 45 were recorded on Mission Hill School Incident Report forms,⁴³ or maintained as a formal incident. The remainder of the incidents identified were documented in contemporaneous emails, generated either by complaining parents or Mission Hill School teachers, or both, or captured in an ad-hoc fashion by Mission Hill School staff and leaders in stand-alone documents that occasionally, but not always, bore the description “incident report.” The majority of incidents involving sexualized conduct by MH Student 1 in fall 2014 and fall 2016 were reflected in separate logs maintained by ■■■ classroom teachers, MH Staff 3 (2014) and MH Staff 27 (2016), respectively. Specifically, teacher-maintained incident logs accounted for more than 30 separate incidents during this time period. Investigators also identified at least 16 Boston School Police (“BSP”) incident reports that involved unsafe sexual conduct and/or alleged sexual misconduct. The documentation provided to investigators was inconsistent with the oral accounts of interviewees and contemporaneous email exchanges with Mission Hill School staff and administrators, which contained reports and disclosures of many more incidents involving Mission Hill School students. By way of example, Mission Hill School records contained only a handful of “incident reports” documenting MH Student 1’s sexualized conduct, and only one BSP incident report, while internal Google docs, emails, personal notes and summaries document repeated concerns that, by MH Staff 23’s best estimate, reported alleged sexual misconduct with at least 11 different students.

2. Scope and Reliability of Mission Hill School Record-Keeping

A significant obstacle investigators faced in evaluating the adequacy of the School’s response to reports of unsafe sexualized conduct was the lack of consistent and reliable documentation maintained by the School during the pertinent time period. During the investigation, investigators reviewed a variety of sources, such as Mission Hill School Incident Reports, Boston School Police incident reports, ad hoc notes maintained by Mission Hill School staff, documents provided by Mission Hill School parents, electronically-maintained Mission Hill School Incident Reports and related information, and contemporaneous emails from the BPS and Mission Hill School email servers between parents and staff/leaderships as well as emails among School staff, discussing individual incidents and concerns.⁴⁴ Investigators also

⁴³ Prior to fall 2019, Mission Hill School maintained hard-copy incident report forms. During the investigation, the investigators learned that the School, and specifically, MH Admin 3, maintained a three-ring binder containing all incident report forms for a particular school year in the central office. As part of the investigation, the District provided Hinckley Allen copies of all available incident report binders. No binder designated for SY 2015-2016 was located. Based on the consistency with which unsafe sexual behavior was reported prior to, and after, this school year, we find that it is likely that additional incidents (other than those separately recorded in contemporaneous emails and notes) of unsafe sexual conduct occurred at Mission Hill School during this time frame.

⁴⁴ Investigators also reviewed and considered as part of their analysis the factual findings made by BPS Staff 1, in ■■■ Investigatory Report of Race-Based Bias-Based Conduct at Mission Hill K-8 School dated June 30, 2017. While investigators reviewed BPS Staff 1’s factual findings and chronology of events, as relevant to this Report’s findings on allegations that the School failed to properly record, report, and investigate allegations of alleged sexual conduct and/or unsafe sexual behaviors, investigators reached their own independent findings and conclusions.

interviewed 23 current and former Mission Hill School staff and teachers and 37 current and former Mission Hill School parents, each of whom provided a detailed recollection of past events.

However, neither the School nor BPS could provide a complete record of all incidents involving sexual behavior at Mission Hill School. In part, the challenge was administrative, as Mission Hill School converted to using electronic documents in 2019 and migrated its server around this same time to a fully BPS-supported system. Furthermore, investigators examined events spanning three separate leadership periods. Yet, the conspicuous lack of records and pattern of exchanging strictly informal accounts supports an inference that the School and MH Admin 3 demonstrated an institutional and cultural resistance to formally reporting such incidents, despite clear legal and District mandates to do so.

Therefore, despite a diligent search through the available documents, the findings made herein cannot be substituted for, nor are they intended to be, a definitive tally or even commentary on what may be the total number of incidents, reports or complete steps taken because, as outlined above, investigators have found that critical documents and emails have been deleted/destroyed prior to this investigation, and specifically, that MH Staff 2 had deleted several School email accounts, including MH Admin 3, and was not forthcoming about having done so with investigators. Even a facial review of the individual records suggests that the existing Mission Hill School incident reporting files, which omitted an entire school years' worth of hard-copy reports and collected reports piecemeal, were incomplete and unreliable. Numerous reports were completed directly by students, who either omitted full sections and/or details or struggled to use proper spelling. Other reports lacked an incident date altogether.

3. Specific Incidents Involving Mission Hill School Students

i. Incidents Involving MH Student 1

2014-2015 School Year

a. Events Leading up to November 2014 51A Filings

On September 8, 2014, MH Student 1 [REDACTED] Confidential Information in MH Staff 3's classroom. [REDACTED] Confidential MH Student 1 [REDACTED] Confidential Information [REDACTED]

The first incident involving MH Student 1 and unsafe sexual behavior occurred just two weeks into the school year and was indicative of how Mission Hill School handled subsequent events involving MH Student 1. On September 22, 2014, Mission Hill School [REDACTED] MH Student 12 Sexual Assault Alleg. [REDACTED] MH Student 12's SA [REDACTED] MH Parent 24 SA [REDACTED] MH Student 12 SA [REDACTED] MH Parent 24 SA [REDACTED] MH Student 1 Sexual Assault Alleg. [REDACTED] MH Staff 3 said that it was her practice to alert the Mission Hill School Action Team to all such behavioral incidents involving [REDACTED] students when they occurred but MH Staff 3 could not recall if [REDACTED] brought this

specific incident to the Action Team's attention because it was "really, really early" in the year. MH Staff 3 told investigators it is possible [REDACTED] did not raise the issue, although looking back, MH Staff 3 opined that the September 22, 2014 email "might have been the first red flag." MH Staff 3 included an excerpt of MH Parent 24's September 22, 2014 email in a private incident log that [REDACTED] maintained during the SY 2014-2015, which was made available to investigators as part of this investigation.⁴⁵ Investigators could not, however, locate any evidence that MH Staff 3 completed a separate or formal Mission Hill School Incident Report based on MH Parent 24's email disclosure or told anyone else at the time.

According to MH Staff 3 incident log, MH Student 1's behavior escalated over the next weeks and months in MH Staff 3 classroom. In early October, MH Staff 3 documented finding MH Student 1 "several times" in the single-student bathroom with another student. Over the following month, MH Staff 3 documented five additional incidents in which MH Student 1

Sexual Assault Alleg.

[REDACTED] On November 7, CI student MH Student 13 reported that MH Student 1 asked [REDACTED] to Sexual Assault Alleg. MH Student 1 Sexual Assault Alleg. [REDACTED] MH Staff 3 recorded all of the incidents in summary fashion in [REDACTED] personal incident log. MH Staff 3 incident log does not include any information about who, if anyone, MH Staff 3 told about the incident nor does it document any follow-up steps by Mission Hill School.

On November 12, 2014, MHS parent MH Parent 17 contacted MH Staff 3 in an email with the subject matter "Serious Stuff." MH Parent 17 wrote that SA [REDACTED] MH Student 14 ("MH Student 14"), Sexual Assault Alleg. MH Student 1 Sexual Assault Alleg. [REDACTED] MH Student 1 Sexual Assault Alleg. MH Staff 3 [REDACTED] MH Parent 17 [REDACTED] MH Student 14 Sexual Assault Alleg. [REDACTED] MH Student 1 MH Parent 17 Sexual Assault Alleg. [REDACTED] MH Student 14 Sexual Assault Alleg. Alleg. [REDACTED]

MH Staff 3 responded to the family and alerted MH Admin 3 promptly. MH Staff 3 told investigators that [REDACTED] vividly recalls receiving the above-described email from MH Parent 17, which [REDACTED] recounted as a report that MH Student 1 had Sexual Assault Alleg. MH Student 14 SA [REDACTED] MH Staff 3 said that [REDACTED] immediately called [MH Parent 17] "like that minute" and informed them of [REDACTED] plan to alert school leadership. The following morning, November 13, 2014, MH Staff 3 forwarded MH Parent 17's email to MH Admin 3 along with the September 22, 2014 email from MH Parent 24 expressing concerns about MH Student 1 and MH Student 12. MH Staff 3 told investigators [REDACTED] subsequently met with MH Admin 3, who appeared "calm" and "unflappable" upon learning of the incident. [REDACTED] also consulted CI [REDACTED], MH Staff 8, and MH Staff 23 in the coming days. MH Staff 3 said that [REDACTED] also brought up the MH Student 14-MH Student 1 incident to MH Staff 22, but MH Staff 3 could not recall precisely when.

⁴⁵ As discussed herein, the incident logs created and maintained by MH Staff 3 and MH Staff 27 are not formal Mission Hill School Incident Reports, as they are not recorded on the specifically-designated form, regularly do not contain full details about each incident, and were not—to the best of our knowledge—filed with the School and presented to leadership in the regular course for further consideration and/or follow-up.

Available email correspondence shows that Mission Hill School's initial response to the MH Student 14 and MH Student 12 incidents focused on MH Student 1's behavior and ensuring [REDACTED] personal safety. In fact, MH Admin 3 recommended a safety plan for MH Student 1. MH Staff 3 recalled that around this time, [REDACTED] raised concerns about MH Student 1's behavior in [REDACTED] classroom with the Mission Hill School Action Team for K-1,⁴⁶ and had specifically discussed implementing a safety plan for MH Student 1 in the classroom. Mission Hill School implemented an "Action Plan" for MH Student 1 dated November 13, 2014, in which MH Student 1 agreed to use "safe hands, safe feet, and stay with the class."⁴⁷ The original plan also provided for bells to be placed on bathroom doors. On November 18, 2014, following a meeting with MH Student 1's mother regarding MH Student 14 incident, an "Action team addendum" was added to MH Student 1's Action Plan providing that "[t]wo adults (preferably BPS) must be present with MH Student 1 at all times." MH Staff 3 said that made a "really big deal out of everybody going into bathrooms by themselves" and assigned student interns to monitor the bathrooms.

Even with the revised Safety Plan in place, MH Student 1 continued to engage in sexually inappropriate and unsafe conduct with classmates. In the ten-day period (two complete school weeks) after the School adopted the Plan, records show that MH Student 1 [REDACTED] Sexual Assault [REDACTED] on November 18, a [REDACTED] CI student, MH Student 15, reported that MH Student 1 [REDACTED] SA [REDACTED]; on November 21, MH Student 1 [REDACTED] SA [REDACTED] Sexual Assault Alleg. [REDACTED] MH Student 14's [REDACTED] SA [REDACTED]. Again, the only records located of the incidents are the descriptions recorded by MH Staff 3 in [REDACTED] incident log.

On November 21, 2014, nine days after MH Parent 17's initial report, MH Staff 3 forwarded MH Parent 17's November 12, 2014 email to MH Staff 8. We found no evidence that MH Admin 3 had reported the incident to DCF or the Boston School Police after receiving MH Parent 17's report from MH Staff 3 nine days earlier. MH Staff 8 recalled that [REDACTED] spoke to MH Staff 3 not only after the MH Student 14-MH Student 1 surfaced, and that MH Staff 3 sought [REDACTED] out for advice as MH Staff 8 said that MH Staff 3 did not agree with MH Admin 3's response to the situation, or lack thereof. MH Staff 8's recollection that MH Staff 3 sought [REDACTED] counsel is consistent with MH Staff 23's memory that MH Staff 23 and MH Staff 8 each independently told MH Staff 3 that Mission Hill School had an obligation to file a 51A report concerning MH Student 1 during this time period.

MH Staff 8 acted immediately. Upon belated receipt of MH Parent 17's November 12, 2014 email, MH Staff 8 emailed MH Admin 3, MH Staff 23 and MH Staff 3 recommending the School file a 51A report. MH Staff 8, in consultation with MH Staff 35, [REDACTED] Confidential [REDACTED], wrote that "we should file a 51A – we did not witness what was reported in this email but are filing 'in concern for the child.' Please advise and let me know how I can help." MH Staff 23's

⁴⁶ MH Staff 3 recalled that the K-1 Action Team included MH Staff 1, MH Staff 29, MH Staff 25, and the Occupational Therapist and Physical Therapist, both of whom have since left MHS.

⁴⁷ Specifically, MH Student 1's compliance with the Action Plan was measured using a "token board system," in which MH Student 1 received a star for each activity performed using safe hands, feet, or stays in the class. If MH Student 1 broke any of these three conditions, the Plan required [REDACTED] to take a "break" either by [REDACTED] or with a teacher's help.

response echoed that of MH Staff 8. MH Staff 23 wrote that based on [REDACTED] review of an “old superintendent circular” and the information disclosed to Mission Hill School in MH Parent 17’s email, “it does appear we need to file in concern due to the nature of the act.” MH Staff 23 further explained that “[s]ince so much time has already passed, I think we need to do this asap.” [REDACTED] then directs the next question to MH Admin 3: “MH Admin 3 – do you want to contact the families and I file? Or do you want to do both?” MH Staff 23 told investigators that [REDACTED] deliberately captured this discussion in an email to ensure [REDACTED] made a record of the event and gave MH Admin 3 no option *not* to file a 51A report in this circumstance.

This email discussion culminated with MH Staff 23, on behalf of the School, filing the first of two delayed 51A report with DCF and it is not clear the topic was ever discussed outside this email chain. On November 23, 2014, the following day, MH Admin 3 responded to MH Staff 23 and the other recipients directing [REDACTED] to “file please.” When MH Staff 23 replied that [REDACTED] been told that [REDACTED] needed to “fil[e] against the school for waiting so long to file.” MH Admin 3 responded directly to MH Staff 23 with two words: “Got it.” While investigators could not obtain a copy of the 51A report, MH Staff 23 confirmed that [REDACTED] filed a written 51A report shortly after [REDACTED] contacted DCF by phone on November 23, 2014.

According to MH Staff 8, [REDACTED] and MH Staff 3, with input from MH Staff 35, further discussed whether MH Staff 3, as the classroom teacher, had an independent obligation to file a 51A report based on ongoing behaviors displayed by MH Student 1 at School. MH Staff 3 said [REDACTED] informed MH Admin 3, in person, of [REDACTED] view that MH Staff 3 and/or the School had an obligation to file a second 51A report. According to MH Staff 3, MH Admin 3 said that MH Admin 3 did not “want to” file a 51A [REDACTED] but that [REDACTED] “couldn’t stop” MH Staff 3 from filing a report.

On November 24, 2014, MH Staff 3 contacted DCF and then filed a written 51A report reporting “possible abuse against child” by an unknown perpetrator. The 51A report states that MH Student 1 [REDACTED] Sexual Assault Alleg. [REDACTED]” On November 25, 2014, MH Admin 3 notified MH Student 1’s family of the report made to DCF, although no details of what was shared are preserved.⁴⁸

[REDACTED] Confidential Information [REDACTED]. On January 12, 2015, DCF reported that while “MH Student 1 [REDACTED] Confidential Information [REDACTED] MH Student 1’s [REDACTED] Confidential Information [REDACTED] an explanation that several—but not all⁴⁹—Mission Hill School staff vocalized to investigators. We make no findings on the sufficiency of DCF’s investigation or the accuracy of its conclusion.

⁴⁸ MH Admin 3 November 25, 2014 email relayed that MH Admin 3 had “called MH Parent 1 [MH Student 1’s mother] but mostly talked to MH Parent 2 [MH Student 1’s grandmother] in the end.” MH Admin 3 wrote that [REDACTED] and MH Parent 2 “spoke for a while” and, “in short, [MH Parent 2] knows about the filing and has asked that DCF contact [REDACTED] instead of MH Parent 1 and that they (DCF) communicate face to face so [REDACTED] can be present instead of talking to MH Parent 1 by phone.”

⁴⁹ When asked by investigators MH Staff 3, MH Staff 23 and MH Staff 8 each told investigators that, in their experience, MH Student 1’s conduct was not age-appropriate.

b. Transfer to MH Staff 2's First Grade Classroom

In or about January 2015, MH Student 1 moved to MH Staff 2's [Confidential] MH Staff 3 said that [redacted] was told at the end of 2014 that MH Student 1 would spend a "couple weeks" in MH Staff 2's classroom. MH Staff 3 told investigators that MH Staff 2 commented that it was MH Staff 2's "fear" that MH Staff 3 would "undo [redacted] work, which MH Staff 3 inferred may have something to do with MH Staff 3 being a white teacher. MH Staff 2 did not recall why the School assigned MH Student 1 to [redacted] class but [redacted] told investigators that [redacted] "was more veteran" than MH Staff 3 and "was good with relationships with students, families, [and] classroom discipline." MH Staff 2 said that [redacted] would be able "to keep a better eye" on MH Student 1 and "work through" [redacted] incidents. MH Staff 2 similarly did not recall who proposed transferring MH Student 1 to [redacted] class mid-year, but assumed it was MH Admin 3. Nor could MH Staff 2 recall any conversations with MH Staff 3 prior to MH Student 1's transfer. When asked whether [redacted] understood MH Student 1's reassignment to be influenced by race, specifically, that MH Staff 3 was a white teacher and may have had difficulty communicating with MH Student 1 and/or [redacted] family, [Confidential], MH Staff 2, [Confidential], responded "[n]ot that I know of."

MH Staff 3 had little involvement in MH Student 1's education for the remainder of the school year.⁵⁰ MH Staff 3 said that MH Student 1's [CI] was not speaking to MH Staff 3, but frequently spoke with MH Staff 29 and MH Admin 3, who were invited to [Confidential] MH Parent 1's [Confidential]. MH Staff 3 told investigators [redacted] felt that [redacted] did not belong in the Mission Hill School staff.

The one and only substantial involvement MH Staff 3 said [redacted] had with MH Student 1 after MH Student 1 was reassigned following [redacted] filing a 51A report, was a meeting with MH Admin 3, MH Parent 1, MH Parent 2, MH Staff 2, and MH Parent 1's [Confidential] in spring 2015. At the meeting, which MH Admin 3 arranged, MH Student 1's family had a copy of the unredacted 51A report that conspicuously recorded MH Staff 3 name as the mandated reporter on the form. MH Staff 3 recalled that, during the meeting, MH Parent 1 accused MH Staff 3 of [Confidential Information]. MH Staff 3, [Confidential Information], said the comment was "triggering" and recounted how [redacted] profusely apologized for [redacted] CI and tried to explain that [redacted] filed the 51A to protect MH Student 1 and not because [redacted] had believed that MH Parent 1 would hurt [redacted]. MH Staff 3 said MH Admin 3, who sat mainly silent, and MH Staff 2 faced MH Parent 1 and showed MH Staff 3 no support in the meeting. MH Staff 3 told investigators that [redacted] felt that MH Admin 3 and MH Staff 2 "were trying to shame [MH Staff 3] for filing the 51A report." MH Staff 2 did not recall attending a meeting with MH Parent 1 and MH Staff 3. Nor did [redacted] recall attending a meeting about or discussing the unredacted DCF report present. Investigators did not locate a written record of this meeting, which was only recalled by MH Staff 3.

⁵⁰ As discussed below, Mission Hill School frequently reassigned students to non-grade level classrooms (inconsistent with their joint grade level designation at the Mission Hill School, i.e., first/second grade, third/fourth grade, and fifth/sixth grade) due to staff absences, behavioral needs, or in the case of MH Student 1, serious student safety concerns. The relocation of MH Student 1, [CI], to a [Confidential] classroom for more than half of the school year without appropriate, grade-level instruction deprived MH Student 1 of [redacted] right to a Free Appropriate Public Education ("FAPE") under Section 504.

The documentation of sexual incidents at Mission Hill School becomes scarcer for the remainder of the 2014-2015 school year, for all students, not just MH Student 1. Tellingly, the School did not maintain a single formal or informal Incident Report reporting sexual incidents in the fall of 2014, beyond MH Staff 3 log and email correspondence relating to MH Student 1's sexual behaviors/incidents. Investigators found documentation of three separate incidents, one of which is written in MH Staff 3 personal log, the other two of which are captured in stand-alone "incident reports" without a clear origin, none of which utilized the Incident Reporting form. Specifically, on February 5, 2015, MH Staff 3 recorded in [REDACTED] log that MH Student 1 [REDACTED] Sexual Assault Alleg. [REDACTED]. On June 12, 2015, MH Admin 3 received a report from a Mission Hill School teacher that MH Student 1 had [REDACTED] Sexual Assault Alleg. [REDACTED], as reported by one of the student's parents. First, MH Student 1 [REDACTED] Sexual Assault Alleg. [REDACTED] MH Student 1 [REDACTED] Sexual Assault Alleg. [REDACTED] MH Student 1 [REDACTED] Sexual Assault Alleg. [REDACTED] MH Admin 3 appears to have documented the incident in a single-page, stand-alone incident report.

Three days later, MH Admin 3 completed a second stand-alone incident report relaying a complaint made via email from MH Parent 25, mother of MH Student 16, reporting another sexual incident. MH Parent 25 reported that MH Student 1 had [REDACTED] Sexual Assault Alleg. [REDACTED] MH Student 16, once on June 9, when MH Student 1 [REDACTED] SA [REDACTED] MH Student 16's [REDACTED] SA [REDACTED] MH Student 16 [REDACTED] SA [REDACTED] MH Parent 25 further reported that MH Student 1 had previously threatened MH Student 16 [REDACTED] Sexual Assault Alleg. [REDACTED] [MH Student 16] [REDACTED] Sexual Assault Alleg. [REDACTED] [MH Student 16]." MH Parent 25 reported a third incident with MH Student 1 where [REDACTED] SA [REDACTED] MH Student 16's [REDACTED] Sexual Assault Alleg. [REDACTED]. On June 22, 2015, MH Admin 3 reported the incident to the Boston School Police and an Incident Report was generated, but the only contemporaneous record of the incidents is the email describing MH Student 16's account sent by MH Parent 25; no independent investigation was done. The BSP Incident Reports states that the incident was reported to DCF and Counseling and Intervention Services; it is not reflected in any formal or informal incident reports or logs, nor was a confidential incident report located.

2015-2016 School Year

The following year, MH Student 1 entered MH Staff 29's class. As described above, MH Staff 29 had already formed a close personal relationship with MH Student 1 and [REDACTED] family during the prior school year, despite not having any formal involvement in MH Student 1's education. MH Staff 29 had, however, been a member of the Mission Hill School Action Team at which MH Staff 3 had first raised concerns about MH Student 1's behavior in the fall of 2014 and been involved in discussions about incidents, including the June 9 incident involving MH Student 16.⁵¹ MH Staff 3 had observed that MH Staff 29 had a lot of contact with MH Student

⁵¹ Per MH Parent 25's June 16, 2015 email to MH Admin 3, MH Staff 25, MH Staff 2, and MH Staff 20, MH Staff 25 was asked to bring MH Staff 29 "up to speed" after the School's meeting with MH Parent 25 and 26, and MH

1's family, particularly after MH Staff 3 filed a 51A concerning MH Student 1 and reported that [REDACTED] was cut off. Thus, there is ample evidence that MH Staff 29 knew of serious behavioral concerns including, in all likelihood, Mission Hill School staff and teachers raised, including DCF filings made, prior to MH Student 1 joining [REDACTED] class in the fall of 2015.

Nevertheless, in speaking with investigators, MH Staff 29 recalled only *a single* incident in which MH Student 1 acted sexually inappropriate or unsafely toward another student throughout [REDACTED] entire time at Mission Hill School. The incident MH Staff 29 recalled was an incident in which MH Student 1 allegedly [REDACTED] SA [REDACTED] MH Student 17's [REDACTED] SA [REDACTED] MH Student 1's Sexual Assault Alleg. [REDACTED] MH Student 17 and 18 [REDACTED], MH Student 18 and MH Student 17, Sexual Assault Alleg. [REDACTED]. On or about April 12, 2016, MH Parent 16, MH Student 17's and MH Student 18's [REDACTED] CI [REDACTED], informed MH Staff 29 about the incident, first in person and then via email to MH Staff 29 and MH Admin 3. On April 12, 2016, MH Parent 16 addressed an email to MH Admin 3, copying MH Staff 29, that said that "MH Staff 29 said that this email will not come as a surprise to you," in which [REDACTED] described three separate incidents between MH Student 1 and [REDACTED] CI [REDACTED], MH Student 17 (one incident – [REDACTED] Sexual Assault Alleg. [REDACTED]) and MH Student 18 (two incidents – [REDACTED] Sexual Assault Alleg. [REDACTED]) that had recently taken place. Despite being made aware of a series of inappropriate incidents in the fall of 2014, and further incidents in the spring/summer of 2015 of escalating severity, MH Staff 29 told investigators said that [REDACTED] was "surprised" – as, allegedly, was MH Admin 3 when MH Staff 29 informed [REDACTED] – to learn about the incident(s) with MH Parent 16. MH Staff 29's claim of surprise is further inconsistent with an email MH Admin 3 sent to MH Staff 29 on April 12, 2016, the same day MH Parent 16 reported sexual misconduct with [REDACTED] CI [REDACTED], in which MH Admin 3 relayed advice from the BPS Operational Leader "about MH Student 1's *latest* incident." (emphasis added). MH Admin 3 wrote that the Operational Leader "said we have to file a 51A even though it did not happen at school because we know about it and we are mandated reporters. I will call MH Parent 1 [MH Parent 1] and file the report tomorrow. Ugh." In response to MH Parent 16's request for more information about applicable policies and procedures, MH Admin 3 wrote that "[t]here are guidelines provided by Boston Public Schools that I must [] follow in a situation like this."

According to MH Staff 29, MH Admin 3 had told [REDACTED] that [REDACTED] would speak to a District-level supervisor to get advice on what, if any, action Mission Hill School must take with response to MH Parent 16's complaint. MH Staff 29 did not recall if the School filed a 51A to DCF based on MH Student 17 and 18 incidents; [REDACTED] told investigators that [REDACTED] had "passed it off" to MH Admin 3 and said "you do what you need to do." The above correspondence, shown to [REDACTED] during [REDACTED] interview, only partially refreshed [REDACTED] memory. MH Staff 29 maintained that [REDACTED] only knew of the one incident involving MH Student 17 and MH Student 1 during the playdate.

That same day, MH Parent 18 emailed MH Admin 3, copying MH Staff 29, reporting that MH Student 1 had [REDACTED] Sexual Assault Alleg. [REDACTED] MH Student 19's [REDACTED] SA [REDACTED] MH Staff 29's

Parent 25 also planned to "check in with [MH Staff 29] [] at drop-off in case [REDACTED] wants to discuss or has any questions." Moreover, MH Parent 25 shared [REDACTED] initial June 9, 2015 email reporting the incident with MH Staff 29 and MH Staff 32 on June 18, 2015 and in that email also confirmed that [REDACTED] spoke with MH Staff 29 about the incident earlier that day.

Sexual Assault Alleg. MH Student 19's SA MH Student 1
Sexual Assault Alleg. MH
Student 19 Sexual Assault Alleg. MH Parent 18 said that had serious concerns about MH Student 19's safety but "drank the Kool-aid" and believed that the combination of MH Staff 29 and MH Staff 27, with MH Staff 32's help, could keep the students safe. MH Staff 29 did not recall a specific incident but recalled MH Parent 18 raising concerns about daughter's safety, and desire for MH Student 19 to not be around MH Student 1, because, as MH Staff 29 put it "there were [a] few parents who shared information with each other." MH Staff 29 could not recall the extent to which they spoke and said it was practice to "pass things to MH Admin 3 as much as possible."

The School's response to the incident—regardless of what MH Admin 3 did or did not report—focused on safety and preventative measures. MH Staff 29 recalled that the School designed a response which included a "safety talk" and assigning MH Staff 32 to help oversee MH Student 1 to keep "eyes on as much as possible." While MH Staff 29 told investigators that could not recall another incident involving MH Student 1 and MH Student 17 and 18 after MH Parent 16's initial report, one of the few recorded incidents collected by Mission Hill School suggests at least one other incident occurred. In fact, MH Staff 29 completed an undated Mission Hill School Incident Report which recorded that MH Student 1 SA MH Student 18 Sexual Assault Alleg. MH Student 19. Whether or not this incident occurred before or after the playdate incident with MH Student 17 is immaterial, as the evidence supports that MH Student 1 had other incidents with MH Student 17's family that school year.

MH Staff 29 story that was caught off-guard by MH Parent 16 disclosure in April 2016 is further undermined by a contemporaneous email reporting of a prior incident involving MH Student 1 from fall 2015 in which student MH Student 20's mother reported an incident involving MH Student 1 and MH Student 20. In or about late November/early December 2015, MH Student 1 allegedly SA MH Student 20's SA. Both boys were students of MH Staff 29. Yet, there is no record of MH Staff 29 or any other staff member completing an incident report or separately documenting the incident.

The only record of the incident is an email from MH Parent 27 to MH Staff 36 on December 8, 2015 expressing concerns about the safety of MH Student 20. MH Parent 27 writes that it has Sexual Assault Alleg. MH Student 1 Sexual Assault Alleg. MH Parent 27 writes that MH Admin 3 "called [office about the incident," but MH Admin 3 allegedly minimized the incident by describing it as "a Karate move, when in fact it was a sexual one." MH Parent 27 shares that Confidential Information." Although the initial correspondence is sent to MH Staff 36, MH Staff 36 forwarded the email to MH Admin 3 and MH Staff 29. MH Parent 27 also emailed MH Staff 29 directly stating that CI Confidential Information I was recently made aware that last year SA, I am concerned." That same morning, MH Parent 27 wrote a similar email to MH Staff 37, recounting Sexual Assault Alleg.

writes that with “the interns leaving after the holiday break, I’m afraid the situation could get worse with just 2 teachers.” MH Staff 37 also forwarded the message to MH Staff 29, MH Admin 3, and MH Staff 36 requesting advice on how to proceed, as [REDACTED] is Confidential [REDACTED].” Despite commending MH Staff 29 as a “super hero teacher,” MH Parent 27 withdrew MH Student 20 from Mission Hill School.

Given [REDACTED] long history of involvement in addressing sexual conduct by MH Student 1, MH Staff 29’s statement that [REDACTED] had only been aware of one single sexual incident—the incident with MH Student 17 or MH Student 18 [REDACTED] CI as reported by MH Parent 16 in early April 2016 is simply not credible. The email evidence suggests that MH Staff 29 knew of, and often spoke directly to parents of students victimized by MH Student 1 reporting their concerns in 2015 and 2016. MH Staff 27, MH Student 1’s [REDACTED] CI teacher, told investigators that [REDACTED] relied on MH Staff 29 as [REDACTED] primary contact for getting up to speed and learning the necessary background on MH Student 1’s string of sexual incidents that had taken place prior to entering into MH Staff 27’s class in the 2016-2017 school year. And it was based on [REDACTED] discussions with MH Staff 29 that MH Staff 27 said [REDACTED] had understood prior to having MH Student 1 as [REDACTED] student, that MH Student 1 had directly touched and/or assaulted 4-5 students by spring 2016.

School Year 2016-2017

In the spring of 2016, MH Student 1 was assigned to MH Staff 27, who was joining the Mission Hill staff as a [REDACTED] Confidential Information [REDACTED].⁵² MH Staff 32, [REDACTED] CI Confidential in MH Staff 29’s classroom, transitioned to MH Staff 27’s classroom to continue monitoring MH Student 1.

Like MH Staff 3, MH Staff 27 maintained a separate Google document recording events involving MH Student 1 for the summer and fall 2016; no formal incident reports completed on the Mission Hill School Incident Report form or Boston Safety Police reports were located for this time period. MH Staff 27’s log resided within Mission Hill School’s server, apparently available to all staff with access, and contained contemporaneous notes of MH Staff 27’s communication with MH Student 1’s family and of MH Student 1’s daily behaviors, from June 23, 2016 through October 7, 2016. MH Staff 22 distinctly recalled that all Mission Hill School staff members had access to the document, as [REDACTED] read it periodically and saved a hard copy. MH Staff 23 did not know the purpose of the document. MH Staff 23 said, while [REDACTED] “pretended [REDACTED] didn’t know [the document] existed,” it was obvious to [REDACTED] that MH Staff 27 “did not understand” that the incidents [REDACTED] recorded should be in formal incident reports, not a Google document, to ensure that the student had adequate paperwork to advocate for a new placement.

Entering the school year, MH Parent 1, MH Student 1’s mother, declined a meeting with MH Staff 27 because [REDACTED] wanted MH Student 1 to have “a fair chance” after the prior year’s difficult circumstances. However, MH Student 1’s behavior the first two months of the school year was explosive. Beginning with the first day of school, MH Staff 27 recorded seven separate incidents of unsafe sexual conduct on top of almost daily incidents in which MH Student 1 destroyed property, bolted from [REDACTED] classroom, assaulted a staff member or a student, or engaged in unsafe or destructive behaviors that put himself and others at risk. The recorded sexual

⁵² [REDACTED] Confidential Information [REDACTED]

incidents ranged from touching genitalia and private areas, pulling down the pants of others, and MH Student 1 pulling down [REDACTED] own pants. While MH Staff 27, at times, also recorded [REDACTED] narrative of the events in a self-directed email using [REDACTED] Mission Hill School email account, the default appeared to be to enter the description in the Google doc.

The Google doc included MH Staff 27's own reaction and view of the day's incidents. MH Staff 27 often reacted on paper to concerns raised. Most notably, after MH Parent 28 reported an incident on October 6, 2016, in which MH Student 1 [REDACTED] Sexual Assault Alleg. [REDACTED] MH Student 21's [REDACTED] Sexual Assault Alleg. [REDACTED] MH Staff 27 criticized MH Parent 28. Just two weeks earlier, on September 22, MH Parent 28 had approached MH Staff 27 with concerns that MH Student 1 and MH Student 21 sat in close proximity on the rug despite MH Parent 28's expressed concerns that MH Student 1 [REDACTED] Sexual Assault Alleg. [REDACTED] MH Student 21. MH Staff 27 confronted MH Student 21 who confirmed that MH Student 1 [REDACTED] Sexual Assault Alleg. [REDACTED] but MH Staff 27, who did not witness the event, presumed it happened the prior year. Having not personally witnessed any inappropriate interactions between MH Student 1 and MH Student 21, or heard of such accounts from MH Staff 32, MH Staff 27 dismissed (despite writing [REDACTED] "doesn't want to dismiss what the family is saying") MH Parent 28's concerns and wrote to MH Admin 3 on September 22, 2016 that "there is a good deal of hysteria going on" because [REDACTED] has not witnessed MH Student 1 "rampaging through the room harassing girls constantly." In [REDACTED] interview, MH Staff 27 "fully recognize[d] that [MH Student 1's sexual] behaviors happened in [REDACTED] Confidential [REDACTED] and some in [REDACTED] CI [REDACTED]," and [REDACTED] resisted what [REDACTED] perceived to be "personal and intentional" attacks by parents to stigmatize MH Student 1 and "exile" [REDACTED]

On the same day that MH Student 1 touched MH Student 21, MH Staff 22 informed MH Staff 27 that MH Student 1 had told [REDACTED] and/or MH Staff 32 a story of having witnessed [REDACTED] Sexual Assault Alleg. [REDACTED]. MH Staff 22 directed MH Staff 27 to file a 51A for abuse/neglect based on the incident because MH Student 1 was acting out with sexual behaviors and "needed help." MH Staff 27 consulted MH Admin 3 and MH Staff 2. [REDACTED] notes reflect that "MH Staff 2 [REDACTED] completed disagreed with MH Staff 22's assessment and said [MH Staff 27] should let MH Staff 22 know that [REDACTED] do[es] not intend to file but [MH Staff 22] can if [REDACTED] wants to." MH Staff 22, a mandated reporter, filed a 51A report. MH Staff 27 did not personally file any 51A reports but recalled that MH Admin 3 filed at least two, and potentially three, separate 51A reports pertaining to events with MH Student 1 in MH Staff 27's classroom in the fall of 2016.

c. Discussions with Boston Public Schools

Contemporaneous emails show that MH Admin 3 intended to, or at least told MH Staff 27 [REDACTED] intended to, contact BPS's "Central office supports" as early as late September to discuss alleged incidents between MH Student 1 and MH Student 21. MH Staff 27 reported that MH Admin 3 filed a 51A in response to that incident. On September 30, 2016, MH Admin 3 emailed Operational Leader BPS Staff 6, BPS Staff 1, and BPS Staff 8 to update BPS on Mission Hill School parent complaints about MH Student 1. While investigators did not have access to MH Admin 3 Mission Hill School email .pst file in full, this email chain is consistent with MH Admin 3 earlier statement that [REDACTED] had planned to reach out about incidents involving MH Student 1 and various families at an earlier point.

In response to the October 6 incident with MH Student 21, MH Admin 3 reached out again to BPS personnel, including BPS Staff 4, BPS Staff 6, BPS Staff 1, and BPS Staff 8, for assistance with next steps in an email titled “update on issues with my student that touches.” Among other things, MH Admin 3 recounted a meeting with MH Parent 28 family, who according to MH Admin 3 “want MH Student 1 moved out of the classroom.” MH Admin 3 noted that MH Student 1’s behavior continues to escalate, as [REDACTED] Sexual Assault Alleg. [REDACTED]. MH Admin 3 wrote that [REDACTED] “feel[s] some bigger battle coming on from [Mission Hill School] families,” as the plans put in place have not been successful. Central office personnel responded but did not offer a firm solution.

ii. Incidents Involving MH Student 11

During the investigation, investigators learned that another Mission Hill School student, MH Student 11,⁵³ had been involved in a series of incidents involving unsafe sexual behavior toward other students. MH Student 11 entered the [REDACTED] CI [REDACTED] at Mission Hill School in the fall of 2016. [REDACTED] Confidential Information [REDACTED].

There are a total of ten separate incident reports, nine Mission Hill School Incident Reports and one Boston School Police incident report, documenting sexualized behaviors by MH Student 11 from June 2017 through January 2019. Of note, there is no record of any incidents documented between December 14, 2017 and December 12, 2018. Of the 10 documented incidents, four of the incidents involved sexual behaviors toward Mission Hill School staff. From August through October 2018, the School also kept a Behavior Tracker spreadsheet that recorded 81 separate incidents involving aggressive or unsafe behaviors, a small number of which were sexual in nature.

For the 2017-2018 school year, MH Student 11 was in MH Staff 1’s Kindergarten classroom. MH Staff 1 recalled that MH Student 11 [REDACTED] Sexual Assault Alleg. [REDACTED], [REDACTED] Confidential Information [REDACTED]. MH Staff 1 said that these behaviors were “not atypical” for a three year-old. While MH Staff 1 was a “go-to” person for MH Student 11 in [REDACTED] subsequent Safety Plan, [REDACTED] did not view MH Student 11 as a safety threat to others. [REDACTED] told investigators [REDACTED] mainly recalled the bolting and the “bathroom stuff.”

For the 2018-2019 school year, MH Student 11 was in MH Staff 38’s classroom. MH Staff 38 was in [REDACTED] CI [REDACTED] at Mission Hill School, and [REDACTED] Confidential Information [REDACTED]. MH Staff 38 told investigators that, beginning in fall 2018, MH Student 11 began physically harming other students and staff. [REDACTED] recalled that [REDACTED] “[REDACTED] Sexual Assault Alleg. [REDACTED]. [REDACTED] recalled that [REDACTED] threw things at staff, including hitting [REDACTED] with a broom.

⁵³ MH Staff 1, who shared that [REDACTED] remains in touch with [REDACTED] Confidential Information [REDACTED] MH Student 11 [REDACTED] CI [REDACTED] Confidential Information [REDACTED] “MH Student 11.” Investigators did not independently confirm or interview MH Student 11/ MH Student 11. Thus, while we note that MH Student 11 [REDACTED] Confidential [REDACTED] “MH Student 11,” we nevertheless use “MH Student 11” to describe the incidents that occurred at Mission Hill School when [REDACTED] Confidential Information [REDACTED] MH Student 11.

MH Staff 38 noted that the physical harm to others began the first day of school and continued through the last day of school without interruption. While MH Staff 38 could not detail the sequence in which the incidents occurred (and no incident reports exist to confirm as much), [REDACTED] best recalled that MH Student 11's [REDACTED] **Alleged Sexual Assault** began toward the end of 2018 and escalated in January 2019. [REDACTED] recalled at least five different parents raising complaints with [REDACTED] during this time period. Specifically, two students, MH Student 22 and MH Student 23, who were subjects of MH Student 11's sexual behavior, transferred out of the class before the end of the school year.

MH Staff 38's recollection is consistent with two reports of inappropriate sexual behavior toward MH Student 22. First, on January 3, 2019, MH Student 22's mother, MH Parent 19, emailed MH Staff 38 and MH Staff 39 reporting that "MH Student 11 [REDACTED] **SA Alleg.** [REDACTED] **SA Alleg.** [MH Student 22's] [REDACTED] **Alleged Sexual Assault** [REDACTED]." MH Parent 19 states that MH Student 22 said [REDACTED] "told a teacher." Email correspondence reflects that MH Staff 38 and MH Parent 19 spoke on the phone but it is not clear who, if anyone, else was involved.

The concerns about MH Student 11's behavior toward MH Student 22 elevated the following week. According to a January 9, 2019 email from MH Staff 38 to MH Admin 3, MH Student 11 was "d[y]sregulated" and hit MH Student 22's arm while [REDACTED] walked to the bathroom. MH Staff 38 informs MH Admin 3 that [REDACTED] will file incident reports but wanted to "put this on [MH Admin 3] radar" because [REDACTED] had "a feeling that [MH Admin 3] might get a phone call from MH Student 22's mother." On January 9, 2019, MH Parent 19 emailed MH Admin 3 and MH Staff 38 to share significant safety concerns for MH Student 22. MH Parent 19 writes that MH Student 22 "continues to tell us about [REDACTED] uncomfortable interactions that are occurring towards [REDACTED] and the student in the class MH Student 11." MH Parent 19 reported three separate incidents involving MH Student 22 and MH Student 11, two of which – [REDACTED] **SA Alleg.** [REDACTED] and [REDACTED] **Alleged Sexual Assault** [REDACTED] **SA Alleg.** [REDACTED]. MH Parent 19 writes that [REDACTED] has asked to keep the students "completely away from each other" and asks "to know what measures are being taken to minimize the interactions between them as this is obviously not going well." MH Admin 3 proposed an in-person meeting with MH Parent 19 and MH Staff 38. Within a week of this correspondence, a third sexual incident occurred involving MH Student 11 [REDACTED] **SA** [REDACTED] MH Student 22 [REDACTED] **Alleged Sexual Assault** [REDACTED] **SA Alleg.** [REDACTED] prompting MH Parent 19's second meeting with MH Admin 3 and MH Staff 38.

As the email summary of the meeting reflects, MH Parent 19 specifically reported to MH Admin 3 that the incidents with MH Student 11 and MH Student 22 was sexual assault, under LGL-13.⁵⁴ MH Admin 3, however, had "explained that the research shows that there must be intention around the touching being sexual in nature." MH Parent 19 responds to the statement reiterating [REDACTED] view of the incident as nothing less than sexual assault on [REDACTED] **Conf. Inf**

None of us can truly determine the child's intention [REDACTED] **Alleged Sexual Assault**

[REDACTED] This was the focus of the meeting we had on

⁵⁴ In January 2019, ETQ-3 had replaced the prior Superintendent LGL-13; however, ETQ-3 encompasses all forms of sexual assault and violence.

January 11, 2019 at 8:45 a.m. At this meeting, I also reminded both of you that this
Alleged Sexual Assault

as stated in an email to Katie on 9/26/18. Unless there is another policy in place that defines sexual assault differently, **I want this to be a formal request that I want to file a sexual assault incident report. Please let me know how I can do this.**

MH Parent 19 proposes some additional safety measures for the draft Safety Plan proposed earlier that day (MH Admin 3 January 15, 2019 email at 2:58 pm)⁵⁵ but notes that “in the event that this happens again, I will request that class change. If that is not possible, then I will request a safety transfer or unenroll [REDACTED] from the school.” MH Parent 19 makes [REDACTED] concerns known: “The socio-emotional impact of these events is often life long-lasting and traumatic. I don't want this for my child or any child for that matter.”

While not belittling or dismissing MH Student 2, MH Admin 3 largely ignored MH Student 2's concerns. MH Admin 3 shared a tired refrain that “MH Student 22's safety is important to all of us.” MH Admin 3 further pushed back on MH Parent 19's intent to report the incident as sexual assault, writing that “[p]sychologists say that children of this age (5) can not have sexual intent due to their immaturity and lack of development. I will connect you with someone from the Equity Office for the filing. They can also do a better job of explaining this issue with young children better than I can as they are more expert in the legal elements.”

MH Staff 38 recorded in an email a third incident with MH Student 22 which involved MH Student 11 outrunning MH Staff 39's supervision and “grabb[ing]” MH Student 22 by the shoulders and shaking [REDACTED]. According to MH Staff 38, MH Staff 39 told [REDACTED] “it is impossible to keep the children separate” and told MH Student 22 that it was [MH Staff 39's] “fault” MH Student 11 grabbed [REDACTED] again. While the incident did not appear sexual, it violated the safety plan and prompted MH Parent 19 to email BPS Staff 9, BPS Staff 6, BPS Staff 4 and the Office of Equity to report five incidents of sexual assault under LGL-13. On or about January 18, 2019, MH Student 22 was moved to MH Staff 25's classroom.

MH Staff 38 stated it was [REDACTED] practice to document any incidents involving touching students' bottoms or private parts, or other sexual touching, using the Mission Hill School Incident Report form. MH Staff 38 did not recall any specific follow-up or investigation but recalled that [REDACTED] “often” talked to MH Admin 3 to address a situation. [REDACTED] said [REDACTED] generally spoke to MH Admin 3 if a parent raised such a complaint to [REDACTED]. According to MH Staff 38, MH Admin 3 response was to move the student touched to another classroom and suggest a Safety

⁵⁵ The entirety of the draft Safety Plan is embedded in this email correspondence, and provides:

Goal: Create a barrier of space and supervision so MH Student 22 cannot be affected by the behaviors of the other child.

- An adult will be stationed at the bathroom door for supervised one person at a time bathroom use.
- The two students will be positioned so the space between them will be a barrier for contact. For example they will be seated across the seated circle from one another and at opposite ends of the line when traveling.
- A unit about boundaries and respect from the Health and Wellness department will be taught to all students.
- All adults that work with MH Student 22 will be made aware of this plan, the need for separation and closer supervision

Plan, which was not implemented until March and primarily included “body blocking” as well as close monitoring of bathrooms. Later that year, MH Staff 38 said that Mission Hill School had an ABA therapist speak to MH Student 11 and initiated a Functional Behavioral Analysis.

MH Staff 38 said that the families of the students harmed and the nurse were informed of incidents, including sexual incidents, with MH Student 11. [REDACTED] told investigators that [REDACTED] Conf. Inf [REDACTED], MH Staff 39, was involved in the Safety Plan but ultimately left after the 2018-2019 school year after an incident in which, according to MH Student 11, MH Staff 39 poured water on MH Student 11 when responding to an elopement. MH Staff 38, in conjunction with MH Staff 1 and MH Admin 3, filed a 51A report to carefully document the incident with MH Staff 39 and MH Student 11. While MH Staff 38 vaguely recalled discussing with MH Admin 3 whether to file a 51A report surrounding other incidents in which MH Student 11 [REDACTED] SA [REDACTED] Alleged Sexual Assault [REDACTED], [REDACTED] did not recall the outcome and cannot recall filing any other 51A reports except the one against MH Staff 39. MH Staff 21 recalled that MH Student 11 displayed signs of “a lot of trauma,” including disrobing. MH Staff 21 said that a paraprofessional in MH Staff 38’s class, who investigators have identified as MH Staff 39, informed [REDACTED] that MH Staff 38 and MH Admin 3 “were against [REDACTED] and that the teacher did not want MH Staff 21 working with MH Student 11 “coddling [REDACTED]

iii. Incidents Involving MH Student 2

A third student, MH Student 2, was involved in repeated incidents of reported sexual misconduct toward other students. MH Staff 22 and MH Staff 23 both recalled that MH Student 2 was one of a small number of students who engaged in repeated incidents of unsafe sexual behavior or inappropriate touching.⁵⁶ Specifically, MH Staff 23 recalled that MH Student 2 demonstrated sexualized behavior on more than one occasion, including exhibiting such behaviors toward MH Student 24, a [REDACTED] CI [REDACTED] student. MH Staff 8 had a similar recollection but said that since MH Student 2 [REDACTED] Conf. Inf [REDACTED] [REDACTED] would have had less involvement in addressing the incidents. However, [REDACTED] told investigators that “it was kind of hands off for me to be involved with MH Student 2,” since MH Admin 3 was “very involved” with the family. MH Staff 22 recalled that, in 2016, MH Student 2 “assaulted” a student, which prompted the School to file a 51A.

While the name was top of mind to several staffers, the School’s records contain the description of only a single, untitled incident report of sexual conduct on file. The single incident was reported by MH Staff 40 on May 1, 2016. MH Staff 40 wrote that MH Student 2 [REDACTED] SA [REDACTED] MH Student 25 [REDACTED] Alleged Sexual Assault [REDACTED] MH Staff 40 [REDACTED] SA Alleg. [REDACTED] [REDACTED] Alleged Sexual Assault [REDACTED]. However, through a targeted email search, investigators identified a serious incident involving MH Student 2 and MH Student 24, on January 14, 2014, consistent with MH Staff 23’s recollection. The sole written record of the

⁵⁶ MH Staff 23 recalled three students who had repeated incidents of unsafe sexual behavior or inappropriate touching: MH Student 2, MH Student 1, and MH Student 11. MH Staff 22 recalled MH Student 1 and MH Student 2 as two students who had repeated issues involving sexual behavior.

incident is a January 27, 2014 email from MH Staff 29⁵⁷ to MH Staff 23 and MH Admin 3 with a subject matter: “Sensitive information...please read” with a single attachment entitled “MH Student 2 – MH Student 24 conversation.” MH Staff 29 wrote that [REDACTED] had attached the “documentation [REDACTED] said that [REDACTED] would get [MH Admin 3 and MH Staff 23] concerning our bathroom incident.” MH Staff 29 wrote that [REDACTED] document is not to be shared with the families.

The attachment provided by MH Staff 29 contained five pages of MH Staff 29’s notes on the “Bathroom Incident on Tuesday 1-14-14.” The remainder of the document contains information on a separate incident of purported sexually inappropriate touching involving MH Student 24 and another female student, MH Student 26 (apparently first documented on November 15, 2013) and two “bathroom accident” notes.

As described by MH Staff 29, the incident occurred when MH Student 2 and MH Student 24 left MH Staff 29’s classroom to wash paint cups in the bathroom. MH Staff 32, opened the bathroom door, and while [REDACTED] did not witness any contact, reported that the students looked “shocked.” The following day, MH Staff 29 spoke to MH Student 24’s father and MH Student 2’s mother to inquire further. While the initial concern was about the children watching an inappropriate MH Student 28 Bieber video or talking about sex, the situation quickly escalated as more details were reported to MH Staff 29. Parents for the students provided conflicting accounts through a combination of text messages and in-person meetings.

The original report came from MH Student 2’s mother, who reported that MH Student 2 and MH Student 24 discussed sex and explicit sexual acts:

1-14-14

(1/2) Hey MH Staff 29 I was going to call you to tell you MH Student 2 told me that the little girl told [REDACTED] MH Student 28 Bieber [REDACTED] SA Alleg. [REDACTED] and [REDACTED] then said to [REDACTED] SA Alleg. [REDACTED] with MH Student 28 Bieber...smh.. but i talk to [REDACTED] about that.

However, the following day, MH Student 24’s father texted MH Staff 29 requesting an in-person discussion because the events from January 14 went “way beyond what you said about MH Student 28 [REDACTED] beiber.” MH Staff 29’s recorded notes of [REDACTED] meeting with MH Student 24’s parents provide the following detail:

⁵⁷ MH Staff 29 sent the email from a gmail account that investigators did not have access to, MH Staff 29 missionhill.k8@gmail.com. Investigators did not make a finding as to whether this was a personal or school-related account.

Meeting:	
MH Stu 2	Alleged Sexual Assault
MH Stu 2	
MH Stu 2	
	Alleged Sexual Assault
	Alleged Sexual Assault
	Alleged Sexual Assault

In response, MH Staff 29 texted MH Student 2's mom and asked that ■■■ "ask MH Student 2 to tell you everything that happened in the bathroom with MH Student 24" so ■■■ had his "full side of the story." MH Student 2's version, as told to ■■■ mother, was that MH Student 24 told MH Student 2 ■■■ Alleged Sexual Assault then MH Student 24 ■■■ SA Alleg. ■■■ MH Student 2. MH Student 2's mother added in follow-up that MH Student 2 said SA Alleg. ■■■ [MH Student 24's] SA ■■■ MH Staff 29 responded that ■■■ "took [MH Student 2's mom's] word for it. The entirety of MH Staff 29's response is recorded in ■■■ "Action Steps." MH Student 24 and MH Student 2 remained in MH Staff 29's class. MH Staff 29's notes on MH Student 2's progress call MH Student 2 a "good community member" and notes that the "situation with the bathroom has improved. While the two children work together in class, we are adamant about making sure only 1 person is in the bathroom at a time." MH Student 24's summary is silent on the bathroom incident.

Action Steps Update:

-I will talk to MH Stu 2 mom and give ■■■ this information-DONE
-Talk to the custodians and see if they can take the swivel out of the door.../ barn doors -DONE and custodians will try to do so. Until then magnetic stops have been purchased and we are waiting for the the okay for installation.
-Talk with MH Staff 23 about the situation and see what supports can be put in place - DONE...both students are seeing their councillors
-Willing to sit with MH Stu 2 family- Not sure how productive this will be being that the stories seem to be pointing the finger at the student
-Extra eyes on the two of them-DONE
-Slide show on privacy- keeping hands to your own bodies etc.
-Social stories about this-DONE- inquired about this and awaiting response
-No negativity and questioning MH Stu 24 because they don't want to scare ■■■ DONE
-Will speak with MH Ad 3 about the situation -DONE
-Working on not putting the blame on people-DONE

MH Staff 29 also included a summary excerpt from an email ■■■ wrote to MH Admin 3 on November 15, 2013 concerning a previous incident involving MH Student 24:

Excerpt of e-mail to MH Adm 3 11-15-13
A few weeks back I got a call from MH Stu. 26 mom MH Staff 1 saying that MH Stu. 26 told [redacted] tha [redacted] had [redacted] SA Alleg. [redacted] I followed up with MH Stu. 24 mom, MH Stu. 26 mom, the two children and MH Staff 1 concerning several incidents that happened last year. Each time I asked MH Stu. 24 and MH Stu. 26 what happened, the story changed. It was either from MH Stu. 24 "MH Stu. 26 told me to do it." "I was mad at [redacted] so I did it". From MH Stu. 26 it was [redacted] SA Alleg. [redacted] and after talking to mom it was [redacted] SA Alleg. [redacted] or silence. MH Staff 32 has been informed of the incident and we have been extra vigilant with supervising areas when the [redacted] are together.

In the summary attached to MH Staff 29's January 27, 2014 email, MH Staff 29 provided MH Admin 3 and MH Staff 23 a text message string⁵⁸ with MH Student 2's mother, MH Parent 46, and MH Student 24's parents, MH Parent 47 and MH Parent 48 in which MH Parent 48 relays that MH Student 2's Conf. Inf said [redacted] would file a 51A report. There is no indication or discussion between MH Staff 29 and MH Admin 3 about the School filing or contacting DCF on its own. Investigators could not confirm whether a 51A report was filed by any parties.

iv. Incidents Involving MH Student 27 and MH Student 28

During the investigation, investigators learned about a series of alleged, unconsented-to sexual encounters between MH Student 6, and two different Mission Hill School students, MH Student 27 and MH Student 28, reported to the School in January 2019. The encounters, as reported to investigators and to the School, occurred on multiple occasions during and after school. MH Student 6's father and former Mission Hill School parent MH Parent 5, alarmingly described that [redacted] Alleged Sexual Assault [redacted] [MH Student 6] [redacted] Alleged Sexual Assault [redacted] Many of the in-school encounters occurred in a back stairwell at Mission Hill School and near the adjacent common space, which MH Parent 5 attributed to MH Student 27's and MH Student 28's awareness of what corners were not visible in the building.

⁵⁸ The pertinent text message to MH Staff 29 states:

1-24-14

Hey MH Staff 29 I just went on ahead and contacted MH Student 2 Conf. Inf and told [redacted] what went on and I asked [redacted] did [redacted] have to file a 51a [redacted] said if [redacted] did it would be filed against the teacher for neglect and asked me did I want to file against the teacher I told [redacted] of course not and I ask why [redacted] said cause the kids were under the teachers care at the time and why we're both kids unsupervised in the bathroom together [redacted] said they would talk to me and the other parent but probably nothing would come out of it because it is a school but [redacted] said [redacted] will back me 100%. [redacted] also ask did we try to rectify the situation before we took those steps [redacted] also ask did the school file on both parents I told [redacted] idk yet I called MH Staff 23 I'm waiting for [redacted] to call me back sorry but my guards are now up.

MH Student 6 [Confidential Information] MH Parent 5 [Conf. Inf] MH Parent 29. MH Student 6's [CI] MH Student 15 also attended Mission Hill School during the time period in which the alleged assaults occurred. MH Student 6 [Confidential Information] [redacted] MH Parent 5 described MH Student 6 as [Confidential Information] At the time of the sexual encounters, MH Parent 5 said MH Student 6 was [Conf. Inf] a weakness that [redacted] feels the two [CI] students "exploited."

Based on contemporaneous email records, including several between MH Parent 5 and 29 and Mission Hill School staff, including directly to MH Admin 3, and formal/informal School reports that describe the events in greater detail, the incidents involving MH Student 6 and MH Student 27, and MH Student 6 and MH Student 28, were reported to the School as follows:

In 2016, as reported on a stand-alone "Incident Report" dated September 20, 2016, MH Staff 7 recorded an incident involving MH Student 6 and MH Student 29 at Farm School. MH Student 4 told MH Staff 7 that [redacted] "saw MH Student 29 [Alleged Sexual Assault] show MH Student 6 [SA Alleg.]" According to the report, the farmer leading the walk witnessed the incident and informed MH Staff 6. MH Staff 7 spoke with MH Student 29 and MH Student 6 who eventually "admitted" what happened. MH Staff 7 wrote that the School intended to contact their families to inform them of the incident. In a September 21, 2016 email, MH Staff 33 writes to MH Staff 7 and MH Staff 6 that [redacted] "updated MH Admin 3 about 3 incidents" including "MH Student 29 and MH Student 6." MH Staff 33 writes that MH Admin 3 will talk with the families after reading MH Staff 7's report. Investigators did not locate any evidence that the School informed MH Parent 5 and 29 about the incident at Farm School. To the contrary, MH Parent 29 emailed MH Staff 6 on September 20, 2017, the day after the incident, informing MH Staff 6 and the School nurse that MH Student 6 had returned from Farm School with [Confidential Information] [redacted] MH Parent 29 [Confidential Information] [redacted]

The first record of MH Student 6 or MH Parent 5 and 29 reporting sexual incidents involving MH Student 6 and MH Student 27 and/or MH Student 28 was a January 9, 2019 email from MH Parent 29 to MH Staff 23 and MH Student 6's teacher, MH Staff 41. MH Parent 29 reports that outside of school hours, on the Murphy Playground next to the School, "MH Student 6 told us that MH Student 28 [redacted] Alleged Sexual Assault [redacted]." MH Parent 29 further writes that because the incident did not happen during school/on school grounds "We are really only writing to inform you so you can keep your eyes and early open for any further development." MH Parent 29 noted in [redacted] email that [redacted] did not have concerns about sexual curiosity at MH Student 6's age but "[t]he issue that bothers us ... is that [MH Student 6] says MH Student 28 [redacted] Alleged Sexual Assault [redacted] – that is the sort of power dynamic and behavior that we are calling your attention to." (emphasis in original). MH Staff 41 forwarded the email to MH Admin 3 on January 11, 2019, after speaking with MH Parent 29 on January 10, and writes that [redacted] is "wondering what next steps need to be

⁵⁹ MH Parent 5 explained that MH Student 6's [redacted] Confidential Information [redacted] to MH Student 6's [redacted] Conf. Inf [redacted]. MH Parent 5 and [redacted] CI [redacted] MH Parent 29 [redacted] Conf. Inf [redacted] MH Student 6 but MH Student 6's [redacted] Confidential Information [redacted]

taken in regards to this incident.” MH Admin 3 responded “I’m going to reach out to my operational leader on this one.” MH Admin 3 followed up shortly thereafter, after “hear[ing] back from our OL” that [REDACTED] had to report the incident as sexual assault.

The “Confidential Log Sheet for Reporting Incident of Sexual Misconduct,” completed by Mission Hill School on January 16, 2019, confirms the incident was elevated to a variety of external sources, though it inconsistently records that MH Parent 29 disclosed the sexual incidents on **January 11, 2019** to MH Student 6’s teacher, MH Staff 41, two days after the initial email was received. MH Admin 3 informed both MH Parent 5 and 29 that same day and one set of the [REDACTED] CI parents that same day. Consistent with [REDACTED] email to MH Staff 41, MH Admin 3 filed a 51A on January 11, 2019⁶⁰ and reported the event(s) to the Office of Safety Services on January 14, 2019. Furthermore, MH Admin 3 reported the allegation to Operational Superintendent BPS Staff 4.

On January 15, 2019, MH Parent 5 and 29 (MH Parent 29 and MH Parent 5) met in-person with MH Admin 3 and MH Staff 41 and disclosed a longer summary of a series of incidents describing “the incidents of sexual assault and misconduct that [MH Parent 5 and 29] believe have been perpetrated against MH Student 6.” According to MH Parent 29’s email dated January 16, 2019 sent to MH Admin 3, MH Parent 5 and 29 supplied copies of MH Parent 29’s handwritten notes dated January 14, 2019, describing the events in greater detail, as conveyed by MH Student 6 to MH Parent 29. The reported events took place during MH Student 6’s second (SY 2013-2014), fourth (SY 2015-2016), fifth (SY 2016-2017), sixth (SY 2017-2018), and seventh (SY 2018-2019) grade years. Those events, presented verbatim from MH Parent 29’s summary for the sake of completeness, were:⁶¹

MH Student 28

1) MH Student 28 [REDACTED] SA [REDACTED] MH Student 6 [REDACTED] Alleged Sexual Assault

Date and location not discussed.

2) MH Student 28 [REDACTED] Alleged Sexual Assault [REDACTED] This incident took place on a MHS overnight field trip to Farm School in 6th grade.

The following incidents happened in 7th grade, last November 2018:

3) MH Student 28 [REDACTED] SA [REDACTED] MH Student 6’s [REDACTED] Alleged Sexual Assault

MH Student 6 [REDACTED] Alleg. [REDACTED] Alleged Sexual Assault

⁶⁰ The Confidential Log records a 51A filing on January 11, 2019. Investigators could not independently corroborate the filing.

⁶¹ Investigators also reviewed copies of MH Parent 29’s handwritten notes entitled “Conversation with MH Student 6 at home – Sunday night Jan. 14, 2019 about 7:30pm,” which were included among various incident reports and notes maintained by Mission Hill School and provided on a confidential basis to investigators as part of this privileged and confidential investigation. The summary provided by MH Parent 29 in the January 16, 2019 email correspondence with MH Admin 3 (cited above) is consistent with the hand-written notes, as edited. Thus, unless otherwise referenced, we rely on the January 16, 2019 summary of the sexual encounters as the full scope of events disclosed to MH Parent 5 and 29 on January 14 and shared with MH Admin 3 and Mission Hill School on January 15.

Alleged Sexual Assault This incident happened on the bleachers of the Murphy Playground field directly behind MHS at about 5pm on a Friday.

4) MH Student 28 **Alleged Sexual Assault**
MH Student 28 **Alleged Sexual Assault** MH Student 6
MH Student 28 **Alleged Sexual Assault**
MH Student 28 SA Alleg. This incident happened on school grounds - on the stairwell and in the alcove of the bottom floor exit directly outside MHS at about 4pm, day of week unknown.

5) MH Student 28 **Alleged Sexual Assault**
MH Student 28 **Alleged Sexual Assault**
MH Student 6 **Alleged Sexual Assault**
This incident happened on the staircase to the Murphy Playground field nearest to MHS, sometime after school, time and day of week unknown.

MH Student 6 **Alleged Sexual Assault** MH Student 28 **Alleged Sexual Assault**
Alleged Sexual Assault MH Student 6 **Alleged Sexual Assault**

MH Student 27

The incidents with MH Student 27 all happened in 6th grade.

1) MH Student 27 SA MH Student 6's **Alleged Sexual Assault**
Al MH Student 27 SA MH Student 6's SA Alleg.
These incidents would happen after lunch on a school day in the "downtown area" stairwell or between the theatre and music rooms in the "downtown area" of MHS. MH Student 6 SA MH Student 27 SA Alleg.
Alleged Sexual Assault
MH Student 27 **Alleged Sexual Assault**

2) MH Student 27 SA MH Student 6's **Alleged Sexual Assault**
Alleg.
MH Student 6 **Alleged Sexual Assault**

3) MH Student 27 SA Alleg. MH Student 6 Alleged Sexual Assault

These incidents happened on multiple occasions. MH Student 6 Alleged Sexual Assault

MH Student 6 SA Alleg.

MH Student 6 contends that [REDACTED] told an adult at school about MH Student 27 at the time that the incidents were happening. MH Student 6 said "It [sexual contact with MH Student 27] was not ok with me cause also in after school I talked about this with MH Staff 64."

MH Student 6 contends that [REDACTED] told MH Staff 64 what was going on with MH Student 27 and they devised a plan together to catch MH Student 27. MH Student 6 said "[REDACTED] got caught by MH Staff 64 because I said, 'Oh, MH Staff 64, MH Student 27's doing some inappropriate things to me.' And so we made up a plan. I said usually he'd go through the downtown area stairway and [REDACTED] [MH Staff 64] said 'OK, let's do it.' And so [REDACTED] didn't know that MH Staff 64 was coming behind me and so I walked in and MH Staff 64 says 'aha!' and [REDACTED] Alleged Sexual Assault MH Student Alleged Sexual Assault

MH Student 6 said "[REDACTED] [MH Student 27] stopped doing the thing [sexual contact] after we had a talk with MH Staff 65 and MH Staff 5 and the other grownups upstairs where the fuse room is. And MH Admin 3 and a couple of other grownups. I forget." MH Student 6 also says [REDACTED] and MH Student 27 met with MH Staff 64, MH Staff 2, MH Staff 48, MH Admin 3, MH Staff 65, and MH Staff 5 in MH Staff 5's room to discuss the incident where MH Student 27 was caught by MH Staff 64.

The incidents with MH Student 27 happened during the school day or in the after school program, on school grounds. MH Student 6 contends that [REDACTED] told at least one adult at school at the time. MH Parent 5 and I were not informed by the school with regard to any of the incidents involving MH Student 27 and MH Student 6 in 6th grade.

MH Student 6 says nothing has happened with MH Student 27 in 7th grade.⁶²

An electronic "Confidential Log Sheet for Reporting Incident of Sexual Misconduct" was completed by MH Admin 3 on January 16, 2019 at 3:13 pm containing the above-referenced

⁶² MH Parent 29's January 16, 2019 summary includes two additional "incidents," involving MH Student 6 and "MH Student 39" and "MH Student 29", respectfully, involving sexualized conduct and/or contact. MH Student 6 reported that MH Student 39, too, had [REDACTED] Alleged Sexual Assault in fifth grade, in incidents that occurred during the school day. MH Student 6 reported that MH Student 29 and MH Student 6 SA Alleg. Alleged Sexual Assault and were "caught by MH Staff 28" in fourth grade. MH Parent 29's January 2019 corroborate that [REDACTED] did not have knowledge of the September 20, 2016 incident at Farm School in which MH Student 29 pulled down [REDACTED] pants in front of MH Student 6, as recorded by MH Staff 7 in an incident report filed with the School.

information about external disclosures and follow-up actions, though the description reflects only the initial report made by MH Parent 29 on January 9. MH Parent 29 asked that, “[d]ue to the sensitive nature of the incidents,” no one from Mission Hill School “further interview MH Student 6 on this matter,” citing in a subsequent email Superintendent Circular EQT-3’s guidance entitled Receiving a Disclosure of Sexual Misconduct. Rather, according to MH Parent 29, “[t]he email we sent yesterday and the copies you have of my handwritten notes **should serve as the basis for further mandated reporting to DCF, to BPS Police, and the BPS Equity Office.**” (emphasis added). MH Admin 3 responded that it is “actually BPS policy” to assign one BPS interviewer.

While the School followed its typical course of imposing a so-called “safety plan,” we could not locate any further evidence of Mission Hill School investigating or reporting the incidents, although MH Parent 5 and 29 reported it to both DCF and Children’s Advocacy Center.⁶³ The one-page safety plan dated January 15, 2019 listed Mission Hill School staff members who had been assigned to accompany MH Student 6 at different transitions throughout the day. MH Parent 5 said that the safety plan created “felt like a very small band aid to a very large problem.” In addition to the safety plan, MH Parent 5 and 29 informed MH Admin 3 that they had filed a 51A with DCF concerning the events with MH Student 27, and specifically, that “an adult [was] notified by MH Student 6 at the time, and no report [was] made to the school or us,” as well as shared an account of all the sexual incidents with Children’s Advocacy Center of Suffolk County. MH Parent 5 said that ■ recalled (though ■ could not be sure) that MH Admin 3 “discouraged” MH Parent 5 and 29 from filing any charges against MH Student 27 and MH Student 28 or the School. According to MH Parent 5, MH Admin 3 told them that DCF would handle the incident and “figure out where the charges lie.” MH Parent 5 recalled hearing from DCF that MH Parent 5 and 29 should not or could not file charges against the ■ CI because all the involved students were ■ CI

The discourse between the School and MH Parent 5 and 29 was latent with friction about which students should receive protection. MH Parent 5 claims that ■ “flat out asked MH Admin 3 [MH Admin 3], why are these ■ CI still here?” MH Admin 3 responded that they “have to be given a chance, they have to be treated equally.” According to MH Parent 5, MH Admin 3 cited to the “Mission Hill mission,” and its focus on restorative justice, in informing ■ that the ■ CI were “allowed to learn from their *mistakes*.” MH Parent 5 got the distinct impression that MH Admin 3 went out of ■ way to not stigmatize the two students. MH Parent 5 and 29 eventually removed MH Student 6 and ■ younger brother, MH Student 15, from Mission Hill School to prevent MH Student 6 from “experiencing new trauma everyday”—including being cat-called by one of the ■ CI across the lobby daily. MH Parent 5 expressed anger and frustration that Mission Hill School justified its actions by pointing to the restorative

⁶³ As part of standard interview protocol, investigators requested from MH Parent 5 all relevant emails and/or contemporaneous documentation ■ possessed related to ■ discussion of sexual incidents involving MH Student 6 and MH Student 27/MH Student 28. MH Parent 5 told investigators that ■ and MH Parent 29 had compiled a large volume of information that ■ was willing to share but expressed concerns about potential confidentiality of sensitive medical records. Hinckley Allen, as counsel to the District, informed MH Parent 5 that the firm could not advise ■ on ■ and/or MH Student 6’s legal rights and protections. Investigators did not receive any documentation from MH Parent 5 during the course of the investigation. All documents referenced above were collected through BPS and/or Mission Hill School.

justice model. ■ also said that ■ felt that ■ became a *persona non grata* that MH Admin 3 and ■ staff did not want to hear from after a certain number of meetings and that the School was “sick of hearing from us.”

v. *Incidents Involving MH Staff 42 and MH Student 29*

While investigators largely focused their findings on Mission Hill School’s response to unsafe sexual conduct by students, the investigative mandate tasked investigators with determining—broadly—whether Mission Hill School kept students safe from sexualized behaviors from *anyone*. Therefore, we briefly discuss below a troubling incident involving alleged sexual assault by former Mission Hill School staff member MH Staff 42 against MH Student 29 and Mission Hill School’s knowledge and response to the troubling concerns as they came to light.

On November 10, 2014, MH Staff 42 was arraigned in Boston Municipal Court on charges of indecent assault and battery of a child under fourteen years of age. Boston Police arrested MH Staff 42 at the Boston University Medical Center on November 9, 2014, after learning of an incident between MH Staff 42 and an ■ Conf. Inf ■ [MH Student 29] that took place earlier that day at the Medical Center. The District immediately placed MH Staff 42 on administrative leave. On January 6, 2016, MH Staff 42 pleaded guilty to two counts of indecent assault and battery on a child under fourteen and was sentenced to serve two-and-one-half years in the House of Correction followed by five years’ probation.

Mission Hill School parents, understandably, had grave concerns upon learning of MH Staff 42’ arrest. MH Parent 30 said ■ learned about the arrest from the local news and not the school. Other parents recalled receiving an email or phone call from the School alerting them to MH Staff 42’ arrest and suspension. Parents recalled that MH Admin 3 held a meeting at the School but could not share many details. MH Parent 8 said that MH Admin 3 also led a “community meeting” for the third and fourth grades and that parents who attended had “lots of anger and questions” for MH Admin 3. MH Parent 8 said that parents were generally frustrated because they lacked any information about the incident and actively tried to gain a better understanding of even the basic details, such as whether the incident occurred at school or elsewhere. MH Parent 8 told investigators that, as a parent, ■ was “scared” for ■ child’s safety.

We find informative a summary of the incident set forth in the January 9, 2015 Memorandum drafted by Individual 2. ■ stated that on December 23, 2014, [■ CI ■ Conf. Inf ■] MH Staff 35 spoke with investigators tasked with reviewing the sufficiency of the response. MH Staff 35 described “quite vividly” to the investigator two events involving MH Staff 42 and MH Student 29. MH Staff 35 stated that, beginning in SY 2013-2014, ■ was assigned one day per week to the Mission Hill School. ■ met very few employees that fall. In mid-winter 2014, as ■ recounted, MH Staff 35 observed a child ■ identified as MH Student 29 sitting on the lap of an adult in a darkened classroom. MH Staff 35 reported that ■ did not know either the adult or the child but opened the door to ask what was going on and was ordered to “get out!” by MH Staff 42. MH Staff 35 told investigators that ■ informed MH Staff 8, the special educational supervisor and two other providers, who, in turn, told ■ to report the

incident to MH Student 29's classroom teacher and MH Admin 3. MH Staff 35 first spoke with MH Student 29's teacher, MH Staff 6, who directed MH Staff 35 to MH Admin 3. MH Staff 35 stated that [REDACTED] reported the incident to MH Admin 3 who "thanked [REDACTED] for the information."

After learning of MH Staff 42's November 10, 2014 arrest for alleged indecent assault on a Mission Hill School student, MH Staff 35 said [REDACTED] immediately informed [REDACTED] supervisor, Amanda Amador, that [REDACTED] had previously witnessed the same child (MH Student 29) "sitting in the lap of MH Staff 42 in a darkened classroom at the [REDACTED] School," and had disclosed [REDACTED] observations to MH Admin 3, among others, at that time. Amador instructed MH Staff 35 to immediately file a 51A report with DCF. Amador contacted BPS's Legal Office.

According to Individual 2's report, MH Admin 3 did not have any recollection of a Mission Hill School staff member reporting possible inappropriate and/or unprofessional behavior to [REDACTED]. According to the report, MH Admin 3 said, "That if a staff member was really upset about something that happened, especially towards a student, [REDACTED] would have gotten the details by calling a meeting in [REDACTED] office and not forgotten the conversation." The report stated that MH Admin 3 recalled that after MH Staff 42's arrest in November 2014, [REDACTED] was reminded that [REDACTED] had witnessed a "shouting match between [MH Staff 35] and MH Staff 42 during the prior school year about something the psychologist witnessed at the time."

While the investigator found MH Admin 3 and MH Staff 35 to be credible, [REDACTED] noted that MH Staff 35 "was concerned enough to report the incident to five adults who worked at the school including the principal," yet no investigation took place at the time.

The BPS investigator concluded:

Based on [MH Admin 3's] own statements at the Investigatory Meeting, subsequent statements from [MH Staff 35], a thorough review of two BPS Superintendent's Circulars titled Sexual Assault Policy #LGL-13 and Child Abuse and Neglect #SSS-17, I find that [MH Admin 3] did engage in misconduct by failing to properly report or take any action about the incident reported to [REDACTED] during the winter of 2014 by [MH Staff 35] regarding the conduct of then graduate student-intern [MH Staff 42]. ([MH Admin 3] actually later hired [MH Staff 42] as a teacher for the 2014-15 school year despite the earlier allegation raised by [MH Staff 35]).

[REDACTED] further concluded:

This failure to take any action by [MH Admin 3] and [REDACTED] inability to remember any staff reporting a potentially serious incident to [REDACTED] represent conduct [REDACTED] Conf. Inf [REDACTED] and suggests a lack of complete understanding of [REDACTED] responsibility to investigate any allegation made by a staff member concerning adult behaviors involving children in order to provide a safe learning environment for them.

At least two Mission Hill School staff members shared recollections consistent with MH Staff 35's report. MH Staff 22 told investigators that [REDACTED] had learned from other Mission Hill

School staff that MH Staff 42 had “assaulted” a student at Mission Hill School prior to the November 10, 2014 arrest. [REDACTED] said that one or more staff member observed MH Staff 42 in a dark room with a student, but could not recall the names of the staff members. MH Staff 23 said that MH Staff 42 had “got[ten] close to [MH Student 29].” MH Staff 23 recalled “instances” in which MH Staff 42 was observed in the “fish bowl room, lights off, and [MH Student 29] on [REDACTED] lap.” MH Staff 23 said [REDACTED] was very concerned with MH Student 29’s safety and raised [REDACTED] concerns in Action Team meetings to MH Staff 2, MH Student 29’s teacher at the time. When subsequently asked who elevated this issue to MH Admin 3, MH Staff 23 did not recall precisely which staff member had informed MH Admin 3 that MH Staff 42 had been observed with MH Student 29 in the fishbowl room but speculated that it may have been MH Staff 43, the former School secretary who shared an office space with MH Admin 3. MH Staff 8 said that the criminal charges against MH Staff 42 “[c]aught [REDACTED] by surprise” although [REDACTED] distinctly recalled filing a 51A “around MH Staff 42 and MH Student 29” with MH Staff 35. By contrast, former Co-Teacher Leader MH Staff 1, who said that MH Admin 3 had been disciplined because the District said MH Admin 3 “should have known” about MH Staff 42’s potential for indecent contact with students, told investigators that [REDACTED] was entirely unaware of any allegations involving MH Staff 42 inappropriately touching Mission Hill School students at the School.

C. Other Evidence of Persistent Sexualized Behavior

As reflected in the formal and informally-recorded incident reports, numerous other students at Mission Hill School engaged in unsafe sexual conduct or sexualized behaviors involving their classmates and teachers at the School. Investigators reviewed records of more than 100 different incidents. While it would be impractical to summarize all the behaviors and involved parties in this investigative Report, investigators identified some common trends that are probative of the broader culture of students and their behaviors.

First, the reports illustrated that many of the alleged aggressors were repeat offenders. Several incidents, particularly those reported in the 2013-2014 school year, involved MH Student 29. Of note, MH Staff 42 was MH Student 29’s teacher during that school year and was the adult listed as reporting at least one of the incidents, on December 3, 2013, in which it is alleged that MH Student 29 [REDACTED] **Alleged Sexual Assault**

SA [REDACTED] In another incident, just one week later on December 10, 2013, MH Student 29 [REDACTED] **SA** [REDACTED] **Alleged Sexual Assault** [REDACTED]. The reporting staff member reported that “MH Staff 43 indicated that [REDACTED] should not have become involved. Perhaps this is so.” MH Student 29 is present at, or alleged to have initiated, at least three other documented incidents.

At least seven of the incident reports involved sexualized behaviors by MH Student 30, a Mission Hill School student whom MH Staff 8 described as “quite aggressive with peers and teachers.” The behaviors reported ranged from [REDACTED] **Alleged Sexual Assault**

[REDACTED] The follow-up varied by incident, but in two cases (2019 and 2020, respectively) the School reported alleged sexual misconduct through Boston School Police and related District contacts, and in one of those instances, recorded filing a 51A report.

The incident reports also included two significant sexual incidents involving MH Student 31. During a November 14, 2018 incident, MH Student 31 and MH Student 32, students in MH Staff 38's class, reportedly planned an encounter [REDACTED] **Alleged Sexual Assault**

[REDACTED] In addition to speaking with both parents, MH Admin 3 reported the incident as a report of sexual misconduct, submitted a Confidential Log, notified OS BPS Staff 4, contacted Safety Services and filed a 51A report. Another sexual incident involving MH Student 31 and another student, MH Student 33, occurred on January 17, 2019, while the students were present at the School after-hours during a Mission Hill School Governing Board meeting.

According to the Report completed by MH Admin 3, one student was caught allegedly [REDACTED] **SA** [REDACTED] **Alleged Sexual Assault** [REDACTED] In addition to speaking with both parents, MH Admin 3 reported the incident as a report of sexual misconduct, submitted a Confidential Log, contacted Safety Services, and filed a 51A report.⁶⁴

The recorded incident reports described a variety of behaviors involving other students, including slapping bottoms, pulling down pants and/or underwear, grabbing genitals, threatening students with physical violence if the students did not engage in a sexual act (or kiss), and general, explicit discussions about genitals and sexual acts involving the genitals.

Conspicuously absent from the incident report document is any record of an incident shared with investigators by former Mission Hill School parent MH Parent 30. MH Parent 30, who removed [REDACTED] children from Mission Hill School and [REDACTED] **Confidential Information**, shared an incident that happened on the School playground after school hours in which MH Student 59, another student, allegedly [REDACTED] **SA Alleg.** [REDACTED] MH Student 34 [REDACTED] **SA Alleg.** [REDACTED] MH Student 34 [REDACTED] **SA** [REDACTED] MH Student 34 [REDACTED] **Alleged Sexual Assault** [REDACTED] **Alleged Sexual Assault** [REDACTED] MH Parent 30 could not confirm whether MH Student 34 [REDACTED] **Alleged Sexual Assault** and/or if there was any contact between the two students at the time; however, [REDACTED] **Conf. Inf** [REDACTED] **Confidential Information** [REDACTED] MH Student 34, [REDACTED] **Conf. Inf** [REDACTED]

According to MH Parent 30, MH Admin 3 acknowledged the immediate safety concerns but then quickly skirted responsibility for responding to the incident. After "respond[ing] how any principal teacher [should have] responded," with concern, MH Admin 3 told MH Parent 30 that same day that the incident was "not [REDACTED] responsibility" and that the School had no responsibility because it happened after school. MH Parent 30 also informed MH Student 34's teacher, MH Staff 9, whom MH Parent 30 believed "knew this was happening" with other children at Mission Hill School and escorted MH Student 34 to the bathroom following this incident. During [REDACTED] interview, however, MH Staff 9 did not recall any incident involving MH Student 34 or discussions with MH Parent 30 about keeping MH Student 34 safe at School.

MH Parent 30 said that [REDACTED] **Confidential Information**

Anecdotally, MH Parent 30 said that [REDACTED] learned that MH Student 34 had an incident with the

⁶⁴ Investigators reviewed the pertinent communications with the Office of Equity but could not confirm whether MH Admin 3 disclosed the incident to the School's Operational Superintendent and/or Leader, but such disclosure would be consistent with how Mission Hill School reported similar events when the School completed a Confidential Log and/or notified in writing the Office of Equity.

son of family friend Individual 3. However, investigators could not confirm MH Parent 30's account.

D. Allegations of Retaliation and Hostile Environment by Mission Hill School Leadership

1. MH Staff 3

Many parents described an atmosphere in which staff who voiced dissent or an obligation to elevate serious concerns about student safety outside of Mission Hill School were fired or pressured to leave the school. Several parents shared a specific concern that Mission Hill School had terminated MH Staff 3 because ■■■ had filed a 51A report concerning MH Student 1 or pushed ■■■ out because ■■■ did not conform to MH Admin 3 view of keeping matters in-house. Specifically, MH Parent 17 and MH Parent 18 said they felt MH Staff 3 was "pushed out" because filing a 51A is "one of those things you don't do." MH Parent 12 and 13 told investigators they "sensed retaliation" against MH Staff 3 by MH Admin 3 who sought to "suppress" MH Staff 3 efforts to report serious safety concerns. However, in speaking with investigators, MH Staff 3 did not label ■■■ departure "retaliation." ■■■ said that ■■■ left because "things were not working out." MH Staff 3, reflecting back, speculated that MH Admin 3 may not have agreed with the decision to hire ■■■ and never "liked" ■■■ MH Staff 3 told investigators that after ■■■ filed a 51A report against MH Student 1 in November 2014 and MH Admin 3 removed MH Student 1 from ■■■ class: "I couldn't stay. They didn't want me there. I didn't want to be there anymore." However, MH Staff 3 did describe being "pushed out" by MH Admin 3, who "wanted to make it really clear that like [MH Staff 3] had to leave" and "was not going to be part of some underground mission to change the school."

While MH Staff 3 did not use the precise term "retaliation," ■■■ described an intimidating and unsupportive environment and pattern of hostility by MH Admin 3 and long-term teachers, illustrated by unprecedented negative feedback by MH Admin 3 and an overall lack of support. After satisfactorily completing ■■■ first year at Mission Hill School in spring 2013, MH Staff 3 was assigned a particularly challenging class. During the 2013-2014 school year, MH Staff 3,

Confidential Information

■■■. MH Staff 3 worried about ■■■ safety and the safety of the children, ■■■ Confidential Information

Upon ■■■ return in late April, MH Staff 3 received a "Needs Improvement" evaluation from MH Admin 3. MH Staff 3, who had ■■■ Conf. Inf ■■■, had never received a deficient evaluation or corrective/follow-up actions at an annual review. MH Admin 3 main critique centered on MH Staff 3 alleged difficulty instructing and developing relationships with young children of color. While MH Staff 3 noted that white teachers do face inherent and implicit challenges when it comes to teaching young children of color, which ■■■ was acutely aware of (and did not believe ■■■ had fully mastered) at that time, ■■■ asked MH Admin 3 for specific feedback but MH Admin 3 did not provide any specifics.

We do not purport to substitute our judgment for that of an experienced educator and administrator, and thus, do not make findings on the accuracy and appropriateness of MH Admin 3 professional evaluation of MH Staff 3, as whether or not a “Needs Improvement” label was appropriate is beyond the mandate of this investigation. However, whether MH Admin 3 delivered the criticism in good faith and without ill-will or malicious intent is a separate concern that is probative of possible retaliation. When asked, MH Staff 1, the second peer evaluator assigned to MH Staff 3 in the 2013-2014 review cycle, did not disagree with MH Admin 3 feedback. MH Staff 1 reported that [REDACTED] not MH Admin 3, initially voiced a concern about MH Staff 3 relationship with Black boys in particular. MH Staff 1 said that MH Staff 3 acted “literally frightened” of Black boys in [REDACTED] class and struggled providing firm instruction, particularly around blatant safety issues, while acknowledging that MH Staff 3 [REDACTED] Conf. Inf [REDACTED]. While MH Staff 3 recalled that MH Staff 1 disagreed at the time with MH Admin 3 assessment that [REDACTED] “Needs Improvement,” MH Staff 1 expressed [REDACTED] belief that such an evaluation was appropriate and did not recall stating otherwise to MH Staff 3. MH Staff 2 also, vaguely, recalled MH Staff 3 relationship with children of color as an issue. MH Staff 2 avoided directly answering whether the precise criticism MH Staff 3 received from MH Admin 3 was warranted but stated that MH Staff 3 struggled with children acting out, “and maybe those just happened to be students of color.”

The record is mixed on this point. Other experienced staff, though not teachers, such as MH Staff 23, vigorously disagreed with MH Admin 3 assessment. MH Staff 23 called the evaluation “a retaliatory review” of MH Staff 3 and viewed the critique as “targeting” MH Staff 3 and unjustified. MH Staff 8 echoed MH Staff 23’s sentiments and suggested MH Admin 3 created a hostile environment. MH Staff 8 specifically recalled MH Admin 3 accusing MH Staff 3 of not controlling [REDACTED] classroom and then attributing “why the [predominately Black] kids [were] not behaving,” to MH Staff 3, as a white teacher, “teaching them the wrong way.” MH Staff 23 and MH Staff 8 recalled MH Staff 3 being “stressed” and “physically ill” over MH Admin 3 treatment. MH Staff 8 reflected that MH Admin 3 feared the MH Student 1 events becoming public but had little recourse against MH Staff 8, [REDACTED] Conf. Inf [REDACTED], or the school psychologist.

In any event, after MH Staff 3 filed a 51A report in November 2014, MH Admin 3 reassigned MH Student 1 to MH Staff 2’s classroom with little, if any, explanation. MH Staff 3 said that after the reassignment [REDACTED] was out of the loop. Despite being MH Student 1’s assigned, grade-level teacher, MH Staff 3 had little contact with MH Student 1 or [REDACTED] family, but would frequently see MH Student 1’s mother chatting casually with MH Staff 29 at School. As previously discussed, MH Staff 3 recalled that the only time the School included [REDACTED] in discussions about MH Student 1 after January 2015 was a meeting convened by MH Admin 3 in the spring of 2015 attended by MH Parent 1, MH Parent 1’s therapist, MH Student 1’s grandmother MH Parent 2, MH Staff 2, and MH Admin 3. When MH Staff 3 arrived, [REDACTED] immediately noted that MH Student 1’s family had unredacted copies of the 51A report in hand and MH Parent 1 confronted [REDACTED]. In short, MH Parent 1 accused MH Staff 3 of [REDACTED] Conf. Inf [REDACTED] Confidential Information [REDACTED]. Neither MH Admin 3 nor MH Staff 2 spoke up in MH Staff 3 defense or in defense of the School, but left MH Staff 3 to defend [REDACTED] decision to carry out [REDACTED] legal obligation to ensure no one was abusing MH Student 1. MH Staff 3 described the event as “triggering and awful.”

That spring, it was evident to MH Staff 3 that the environment at Mission Hill School was untenable for [REDACTED]. MH Staff 3 asked MH Admin 3 to provide a “Meets Expectations” evaluation if [REDACTED] agreed to excess [REDACTED] which [REDACTED] did. MH Staff 3 said [REDACTED] hoped to avoid having two successive evaluations of “Needs Improvement” on [REDACTED] record, which would have invoked certain restrictions in the teacher hiring process moving forward. MH Admin 3 agreed. MH Staff 3 “put [REDACTED] head down, and [REDACTED] just survived the rest of the year.”

When asked why they believed MH Staff 3 left the School, both MH Staff 1 and MH Staff 2 said MH Staff 3 did not get along, or “jive” with the other grade-level teachers, MH Staff 29 and MH Staff 25. MH Staff 1 recalled that MH Staff 3 did not jive with MH Admin 3 either. In one instance, MH Staff 1 recalled that MH Staff 3 created a wooden box for calming practices that MH Admin 3 disagreed with. Neither considered [REDACTED] departure “retaliatory.” MH Staff 29, [REDACTED] Confidential Information told investigators that [REDACTED] always believed that MH Staff 3 left because “[REDACTED] wanted to leave” which was consistent with other former Mission Hill School staff that spend a few years at the School and then “move on.” However, unprompted by investigators, MH Staff 29 added that [REDACTED] had heard some reports in the news that “make[] [REDACTED] think something different” now.

MH Staff 3 was explicit with investigators that [REDACTED] was afraid of MH Admin 3 in 2012-2016, and remains so today. MH Staff 23 identified other Mission Hill School staff who were/are afraid of MH Admin 3, including MH Staff 29 whom MH Staff 23 felt was afraid to share [REDACTED] honest opinions in Action Team meetings.

2. Retaliatory Atmosphere

In speaking with investigators, MH Staff 22 openly criticized MH Admin 3’s handling of incidents involving MH Student 1. MH Staff 22 said that [REDACTED] was not worried about retaliation because [REDACTED] in approaching [REDACTED] Confidential Information. Likewise, MH Staff 23 and MH Staff 21 said they enjoyed some professional distance from MH Admin 3, who did not complete their evaluations. MH Staff 8 recalled that MH Admin 3 had begun discussing internally a plan to terminate MH Staff 8 in late 2015/early 2016, after MH Staff 8 had already decided to leave the School.

E. Allegations of a Sexualized and/or Overly-Familiar Culture at Mission Hill School

Closely related to concerns of unsafe sexual behaviors are concerns that Mission Hill School’s culture of individualism and acceptance has unintentionally fostered a culture in which sexualized behavior is the norm. MH Parent 30 told investigators that [REDACTED] had observed, first-hand, how students engaged in sexualized behaviors School-wide. MH Parent 30 said [REDACTED] repeatedly witnessed [REDACTED] Alleged Sexual Assault. MH Parent 30 stated that many instances occurred on the playground or in transition and involved students in MH Staff 29’s class. MH Parent 30 said MH Staff 29 was aware of the conduct and would respond with a sharp “no, no” or instruction that “we don’t touch.” Yet, in MH Parent 30’s opinion, MH Staff 29’s scolding did not go far enough to address, and ultimately, curb such inappropriate contact among students. [REDACTED] pointed out that MH Staff 42 had been a [REDACTED] CI

CI in MH Staff 29's class. Most Mission Hill School teachers we asked stated that they did not observe any persistent or regular sexualized behaviors among students, particularly on the playground. MH Staff 5 said that [REDACTED] saw [REDACTED] **Alleged Sexual Assault** and that those particular children "had other circumstances." MH Staff 29 also told investigators that [REDACTED] did not think [REDACTED] **SA Alleg.** [REDACTED] was a problem at the School. In [REDACTED] interview, MH Staff 20, who ran the after-school program for many years, minimized the ability of young students to engage in sexually assaultive behaviors – blaming the targeting of MH Student 1 on "race and class [], [rather] than the actual event – and attributed most categories of touching to "exploration." MH Staff 20 resisted the notion investigators presented that [REDACTED] **SA Alleg.**, even for a five-year-old child, would be an assault.

MH Parent 30 also alluded to a connection between the MH Staff 42' arrest and unsafe sexual behaviors by Mission Hill School students, explaining that shortly after MH Staff 42' arrest, the mother of a child who had engaged in sexualized conduct involving [REDACTED] **CI** MH Student 34, shared with other parents on the playground that MH Staff 42 had been [REDACTED] child's teacher and [REDACTED] was [REDACTED] **Alleged Sexual Assault** since kindergarten. MH Parent 30 said that [REDACTED] felt MH Student 34's teacher, MH Staff 9, knew that these sexual incidents were occurring but "was being muzzled" and "couldn't say more for whatever reason." MH Staff 9 did not corroborate this sentiment or these conversations in [REDACTED] interview.

The investigation further revealed evidence that Mission Hill School staff did not have clear boundaries when it came to physically interacting with and disciplining students. MH Staff 23 told investigators that [REDACTED] felt teachers and staff often acted more like parents than educators with regard to discipline, tone, and physical interaction with students. For example, MH Staff 23 recalled that MH Staff 5 and MH Staff 7 could "los[e] [their] temper" at times and grab a student out of frustration. As MH Admin 3 told the BPS investigator on the MH Staff 42 incident at Mission Hill School in 2015, children sitting on teachers' laps "was not necessarily a general practice though some staff would use the strategy." Indeed, parent MH Parent 32 said that, in [REDACTED] view, the job of teachers is not to be punitive "but to give hugs," and supported the use of rocking chairs for students to calm down on their own. MH Parent 7 said that [REDACTED] spent a five-day period at the School after [REDACTED] son experienced a life-threatening [REDACTED] incident, during which time [REDACTED] witnessed students acting out and adults having to hug them to calm them down.

Two reported incidents in particular illustrates the risks created by having students receive hands-on comfort from teachers. On October 18, 2017, MH Staff 44 reported that [REDACTED] allowed MH Student 11 to sit in [REDACTED] lap while preparing for music class. According to the Mission Hill School Incident Report completed by MH Staff 44, MH Student 11 [REDACTED] **SA Alleg.** [REDACTED] **Alleged Sexual Assault**

During that same school year (SY 2017-2018), MH Parent 9 said that [REDACTED] daughter, MH Student 9 had reported two separate events involving MH Student 9's [REDACTED] **Confidential Information** MH Staff 33. On March 23, 2018, MH Parent 9 emailed MH Admin 3, MH Staff 21, and MH Staff 36, copying others, to relay an incident MH Student 9 had described in which MH Staff 33 had commented to MH Student 9 that [REDACTED] was "getting too skinny." MH Parent 9 said that MH

Student 9 told █ that MH Staff 33 “did it to another █ too” and the comments generally made █ uncomfortable.

MH Parent 9 wrote:

I'm sure I don't have to unpack this for you, but it is completely inappropriate for MH Staff 33 to comment on my █ Conf. Inf weight or appearance in any way. The microaggressions that all █ and especially █ of color, face in school and in the community are already innumerable and wildly damaging. MH Student 9's

Confidential Information

MH Admin 3 forwarded MH Parent 9's email to MH Staff 33 on March 25, 2018. █ responded to MH Admin 3 with purported “context” that “[MH Student 9] asks to spend almost every lunch in my room but █ consistently has not been eating lunch (at least I have not seen it).” In █ email, MH Staff 33 denied making a “value statement” about MH Student 9 being “too skinny.” However, █ acknowledged that █ told MH Student 9 that █ was “concerned about █ not eating,” and had “asked █ if █ is losing weight because █ face looked slimmer to me.” MH Admin 3 informed MH Parent 9 that █ would address this issue with MH Staff 33 on Monday. Apart from responding to MH Staff 33, “Got it. Thanks, [MH Staff 33],” there is no evidence of MH Admin 3 discussing the complaint with MH Staff 33. Nevertheless, MH Admin 3 assured MH Parent 9 the incident would not happen again, though █ pointed out that “the words in your report relayed by [MH Student 9] were not the exact words used by [MH Staff 33]. They were █ interpretation of a conversation had. We can talk about this further if you would like.”

MH Parent 9 told investigators that █ learned of a second incident with MH Staff 33 from MH Student 9 that year, in which MH Student 9 reported to MH Parent 9 that MH Staff 33 had hugged and/or kissed █ friend. MH Student 9 told MH Parent 9 that MH Staff 33 “does these things” that █ and other female classmates found uncomfortable, and, in one instance, MH Student 9 had lost Movement and Recess because █ had remained in the bathroom to rally around █ friend. On July 14, 2018, MH Parent 9 emailed MH Admin 3 and MH Staff 21 to relay the events, as explained by MH Student 9. MH Parent 9 wrote, quoting MH Student 9, “Well a bunch of us █ were uncomfortable with MH Staff 33 because █ has been hugging girls. You know, like for too long in a way that makes us feel uncomfortable. And █ kisses girls on the head. And so my friend was really uncomfortable and so I was helping █ further wrote that MH Student 9 had said that █ and three other girls “went to MH Admin 3 with their concerns about inappropriate contact from MH Staff 33 [MH Staff 33].” MH Parent 9 wrote that “[t]his is not the first time MH Student 9 has come home expressing discomfort about MH Staff 33.” That same day, MH Admin 3 responded confirming that MH Student 9 and two friends “shared their discomforts” with █ and “[k]nowing that students were uncomfortable was enough for [MH Staff 33] to rethink █ expression of care and praise.” MH Admin 3 writes that “[MH Staff 33] will not have physical contact with any student unless █ has permission from that student. Hi fives, handshakes and hugs are things that we do in our school when asked for or permitted by the recipient.” MH Admin 3 forwarded █ response to MH Staff 33, who responded that “[t]his makes my stomach turn, and heart ache.”

F. Factual Findings

1. Findings Concerning Adequacy of Mission Hill School's Records
Pertaining to Sexualized Conduct

We find that MHS did not reliably document, or have a system in place to document, incidents involving sexual conduct among students. We further find that the failure to report events was not accidental, but an intentional by-product of MH Admin 3 longstanding and outspoken effort to insulate and “protect” Mission Hill School students, particularly students of color.

Specifically, on this point, we find credible and consistent with contemporaneous statements the statements of various Mission Hill School staff members that MH Admin 3 actively discouraged, and, in some cases, obstructed widespread and/or formal incident reporting. MH Staff 21 “g[ot] the sense that MH Admin 3 wasn’t sharing everything” and “was removing incident reports” before [REDACTED] resignation in 2019. MH Staff 21’s report is consistent with the sheer lack of incident reports found, as compared to the incidents identified by investigators through targeted email searches that do not appear to be recorded elsewhere, including the absence of at least a full year’s worth of Mission Hill School Incident Reports disclosing reports of sexual behavior. This testimony is corroborated by MH Staff 45, who noted that “a lot of stuff we dealt with in house” and that it was only “[t]oward [the] end of MH Admin 3 [MH Admin 3 tenure as **Conf. Inf** [that] there was reporting and stuff like that that was happening.” MH Staff 22 shared with investigators that [REDACTED] “kn[e]w from personal experience that [MHS teachers] [did not] like doing [incident reports] and weren’t doing [incident reports].” Several MHS staff members (including former staff members) readily acknowledged that MHS did not regularly complete hard-copy or electronic Incident Reports. Indeed, former staff member MH Staff 23, who **Confidential Information** [REDACTED] guessed that existing Incident Reports constitute about one-third of the total incidents, stating that “if one [Incident Report] got filed [it] means three didn’t.” While one current MHS teacher, MH Staff 46, attributed the lack of robust incident reporting in prior years to a “shift” in the District’s expectations for SY 2021-2022, significant reporting gaps in MHS records appear as early as 2015. Therefore, we find that the failure to consistently document incidents was pervasive and longstanding.

Furthermore, the lack of reliable documentation supports a reasonable inference that Mission Hill School underreported alleged sexual misconduct or sexualized behaviors within the School, making it doubtful that external reporting, should it be pursued, could be completed with any accuracy.

2. Findings Concerning Adequacy of Mission Hill School's Response to
Specific Incidents of Sexualized Behavior

i. *General Findings on Mission Hill School Investigative
Practices*

We find that MHS staff members routinely, and internally, questioned or interviewed potential victims and perpetrators in incidents involving alleged sexual assault and touching as

part of its purported restorative justice practices, in direct violation of explicit DCF and BPS guidance. Superintendent Circular LGL-13 explicitly states that “[i]n an attempt to minimize the emotional stress victims of sexual assault experience and to preserve the integrity and reliability of the necessary DCF and law enforcement investigations, **additional interviews or probing questions are not to be conducted by school officials**” (emphasis in original). The protocols articulated in LGL-13 and ETQ-3, further prohibit school officials from requesting that victims of sexual assault **submit a written report detailing the incident** or “**to discuss the incident with the alleged perpetrator present** at any time or under any circumstances.”

Despite this explicit policy, there is ample evidence that MH Admin 3 and Mission Hill School staff applied restorative justice techniques that required students to discuss incidents, often together, and focus, or attempt to focus, on repairing harm rather than investigating the source of the harm, an approach that flies in the face of District policies.

An incident reported on January 4, 2019 is particularly illustrative of the School’s divergence from District policy and Mission Hill School practices. As detailed on the Incident Report form, MH Staff 38 reported an incident where a student, MH Student 35, had SA SA Alleg. MH Student 36, SA MH Staff 38 conversed with the children (together) to find out what happened. then brought MH Student 35 to the office “to talk to another adult.” In the office, MHS personnel probed MH Student 35 further about the incident: “MH Staff 67 asked why MH Student 35 did this” and then “MH Student 35 spoke to MH Admin 3 [MH Admin 3] about the incident.”

The above incident confirms that *at least three* Mission Hill School staff spoke to an involved party, MH Student 35. At least one of these discussions involved probing MH Student 35 on “why” engaged in a sexually explicit action. Moreover, MH Staff 38 spoke to the two students together despite explicit guidance not to. In other instances, students wrote letters to the affected parties reflecting on the incident, the details of what occurred, and its meaning to them. Such extensive inquiries further violate the no-investigation directive of LGL-13 and ETQ-3. Indeed, the School amended its Incident Reporting form in 2016 to include a “resolution” of the incident, which often detailed internal steps to impose restorative measures and resolve the conflict.

Furthermore, the litany of emails and incidents described above evidence that the School routinely asked probing questions when conversing with students, including student-victims, beyond what is required to gather the core facts: who, what, where, when. Rarely, if ever, did the School involve a qualified and skilled investigative resource, such as the Office of Equity, School Safety, or DCF. MH Admin 3 expressed view that one BPS person can interview an alleged victim, while consistent with the guidance of LGL-13 and EQT-3, in practice, ran afoul of respecting the sensitivity of sexual incidents, as MH Parent 29 pointed out when told MH Admin 3 that did not want MH Student 6 interviewed further by the School in light of the clear mandate that MH Student 6 not be asked such probing questions.

In sum, we find that Mission Hill School’s adherence to restorative justice principles even when the conduct in question involved sensitive and in some cases violent acts of sexual

misconduct, aggression or even assault, in practice directly violated the spirit and letter of District policy.

ii. Incidents Involving MH Student 1

We find that Mission Hill School's, and MH Admin 3, persistent failure to adequately document and respond to an ongoing pattern of sexualized behaviors by MH Student 1, over the course of three separate school years, violated the spirit as well as the explicit requirements set forth in Superintendent Circular LGL-13. Moreover, MH Admin 3 resistance to labeling the incidents as sexual ones resulted in MH Student 1's behavioral patterns toward other students being shielded except from a small cohort of Mission Hill School staff members that alone were privy to the extent of the behaviors and alone took on the task of supporting [REDACTED]. We find that this "in house" mentality gave rise to an unreasonable—and unfortunately validated—risk that such behaviors would occur again and cause substantial harm to both students involved.

Not all events recorded on MH Staff 3's private incident log during the first portion of the 2014-2015 school year, which largely replaced Incident Reports for this time period, constituted reports of "sexual assault" as defined in LGL-13, which refers only to "any sexual act against another person either by force, against their will, or by threat of bodily injury," or against a minor incapable of providing consent. However, as relevant to the incidents involving MH Student 1 and [REDACTED] classmates, LGL-13 provides that "**any touching of genitalia**" of students under fourteen years old are *per se* sexual assaults. For instance, invading personal space in the bathroom and pulling down one's own pants may not always rise to the level of sexual assault. Kissing on the lips does not involve genitalia but reflects a level of intimacy and sexuality that puts the act well within the ambit of behaviors that LGL-13 requires to document and eradicate. At the very least, we find that kissing, disrobing in front of others, and/or other gestures toward one's sexual organs, even if done without direct contact with genitalia or private parts, if conducted as part of a pattern, would typically warrant leadership to, at minimum, seek consultation from designated, trained resources rather than substituting their own judgment.

For the 2014-2015 school year, we find that MH Admin 3 routinely failed to comply with LGL-13's strict reporting protocol for reports of sexual assault. Specifically, MH Admin 3 failed to create confidential reports detailing the incidents, contact the Office of Equity, notify Safety and/or Boston School Police, and to notify the School's Operational Leader. While in two instances in fall 2014, Mission Hill School staff filed 51A reports concerning MH Student 1, we find that MH Admin 3 discouraged, or at least failed to support, the filings and responded with hostility toward one of the filers (MH Staff 3). Based on the available documentation, outreach to DCF was required in at least four recorded instances (MH Parent 24' complaint, MH Parent 17s' complaint, the [REDACTED] SA Alleg.

[REDACTED] on or about June 12, 2015, among others). Furthermore, we find that it is highly likely that additional incidents of a sexual nature occurring during this time frame, and explicitly involving MH Student 1, were not captured in written incident reports or correspondence due to MH Admin 3's efforts to minimize the number of reports, the severity of the incidents, and the number of School personnel who knew about them.

For the 2015-2016 school year, we find that Mission Hill School continued to disregard the express requirements and mandates of LGL-13, as it pertained to MH Student 1's escalating and continuing episodes of sexual aggression and only reluctantly filed a single 51A report at the behest of the Operational Leader. One month into the school year, MH Student 1 [SA Alleg.] MH Student 20's [SA Alleg.] While the incident, in isolation, may not have triggered a report of potential sexual assault—as there is no explicit allegation that MH Student 1 touched MH Student 20's genitalia or invoked overtly sexual conduct—we find that, in light of MH Student 1's documented history of sexualized behavior the prior year, the LGL-13 policies applied. At the very least, MH Admin 3 had an obligation to seek guidance from the District and/or DCF on whether this incident required further notification or action. However, there was no such "gray area" when the School learned about MH Student 1's [SA Alleg.] [SA Alleg.] [SA Alleg.] Specifically, [SA Alleg.] [SA Alleg.] [SA Alleg.]⁶⁵, MH Student 1's [SA Alleg.] [SA Alleg.] [SA Alleg.] Even when MH Admin 3 contacted the Operational Leader in 2016 to report MH Parent 16 incident, and the OL apparently advised MH Admin 3 to file a 51A report in connection with the incident, there is no record that MH Admin 3 completed the required Confidential Log report and notified Safety. Nor is there a record that MH Admin 3 considered separately the allegations raised by MH Parent 27 and MH Parent 18 involving their children as reported to [redacted] during this same general time period.

For the abbreviated 2016 school year, we find that Mission Hill School continued to minimize MH Student 1's sexual behaviors and ignore the stringent reporting protocols in place by, among other things, failing to complete Confidential Logs, to timely contact BPS Central and/or the School's Operational Leader, and failing to consistently notify the Office of Equity and Safety divisions to appropriately elevate the concerns. MH Admin 3 represented that [redacted] contacted the Operational Leader in late September 2016 in response to reports that MH Student 1 had a history of [SA] MH Student 21 [SA Alleg.] The record indicates that MH Admin 3 filed a 51A report in response to reports of MH Student 1 [SA] [MH Student 21's] [SA] By October 2016, MH Admin 3 had contacted operational supports at BPS, BPS Staff 1 from the Office of Equity, and had opened a dialogue about how best to respond to parental complaints. However, both BPS policy (LGL-13 and ETQ-3) and Massachusetts law mandate that such widespread disclosure occur promptly and in response to each individual report of a potential sexual misconduct and/or assault. Additionally, based on the records available to investigators, we find that MH Admin 3 routinely failed to appropriately document the reported incidents for future use and investigation.

Moreover, from 2014 through fall 2016, we find that multiple Mission Hill School teachers, not just MH Admin 3, failed to follow their mandatory reporting obligations, as outlined by SSS-17 and chapter 51A. SSS-17 makes it incumbent upon *any* teacher or adult in a school building "with an awareness or heightened level of concern" for the physical abuse or substantial risk of physical abuse of a child to confer with the building administrator and school nurse and immediately contact DCF for each new or re-injury.

⁶⁵ One of the incidents reported in April 2016 involved an allegation that MH Student 1 [SA] MH Student 18's [SA] [SA] Because we only have a general description of the act, and evaluate the sexual nature of the event considering the totality of the interactions between MH Student 1 and MH Student 18 and [redacted] sister, MH Student 17, we evaluate this act as a sexual assault.

For 2014-2015, we find that MH Staff 23 and/or MH Staff 8 adhered to this policy when they collaborated to file the November 23 report with DCF, which was timely given the delayed (though we find unintentionally delayed) disclosure of the MH Student 1-MH Student 14 by MH Staff 3, who had promptly notified MH Admin 3, the building administrator, upon initial receipt of the incident. We further find that MH Staff 3 timely and appropriately filed a 51A report for [REDACTED] generalized concerns in late November in accordance with the law. It's likely, however, that [REDACTED] had a reasonable suspicion to suspect abuse as early as September 22, 2014, when [REDACTED] became aware of the MH Student 1-MH Student 12 incident, although such "heightened" awareness of potential abuse/neglect would have naturally occurred over time, and as a result of receiving reports that repeated incidents of [REDACTED] SA Alleg. [REDACTED]

[REDACTED] On the other hand, MH Admin 3, whom we find had full knowledge of the litany of events in late 2014 and June 2015 involving MH Student 1, should have had a reasonable suspicion or heightened awareness to report the June 12, 2015 playground incident, which occurred around the same time as the attack on MH Student 16, which was reported to DCF. It is insufficient that MH Admin 3 filed a single 51A around the same time for similar conduct, as SSS-17 and the pertinent policies instruct the School to contact DCF for *each new incident*. Moreover, while it is difficult to determine when they were fully aware of potential abuse, we find that other Mission Hill School staff kept in the loop, such as MH Staff 29 and MH Staff 1, had sufficient facts to independently report these incidents. We acknowledge, however, that SSS-17 largely directed staff to relay their concerns through the building administrator.

For 2015-2016, we find that the incident involving MH Student 1 and MH Student 20 ([REDACTED] SA Alleg. [REDACTED]), and that involving MH Student 19 ([REDACTED] SA Alleg. [REDACTED]), both of which went unreported entirely to authorities or the District, sufficiently gave rise to a heightened awareness and/or supported a reasonable suspicion that MH Student 1 was in substantial risk of sexual abuse, given the ongoing pattern of sexualized behavior [REDACTED] demonstrated as a young child toward classmates. In particular, while MH Staff 29 said that [REDACTED] passed off incidents to MH Admin 3, both SSS-17/SUP-20 and Massachusetts law did not restrict a teacher like MH Staff 29 from reporting directly, as MH Staff 22 told investigators [REDACTED] often did. We find that MH Staff 29 had an obligation to contact DCF directly based on the volume of information made known to [REDACTED]. In making this finding, we are further informed by MH Staff 23's statement that once [REDACTED] raised the DCF reporting obligations—and penalties for not reporting—with MH Staff 29, MH Staff 29 stopped informing MH Staff 23 of reports of sexual incidents in [REDACTED] room. Nevertheless, we find that MH Admin 3, as [REDACTED] Conf. Inf. [REDACTED] had a clear and mandatory responsibility to report both the MH Student 20 and MH Student 19 incidents to DCF, and that [REDACTED] disregarded this duty in the case of MH Student 20 and MH Student 19, though [REDACTED] timely and appropriately reported to DCF for the events relayed by MH Parent 16 on behalf of [REDACTED] daughters during this general time period.

Finally, for 2016-2017, we find that Mission Hill School continued to underreport serious sexual incidents that gave rise to a reasonable suspicion that MH Student 1 had been or was at substantial risk for sexual abuse and/or neglect. Prior to entering the school year, MH Staff 27 said [REDACTED] was aware of sexual incidents between MH Student 1 and at least four or five different students, and possibly more. MH Staff 2, we find, was also privy to the full scope of incidents given [REDACTED] relationship with MH Admin 3 and [REDACTED] role as MH Student 1's replacement teacher in

January 2015. Furthermore, both MH Staff 27 and MH Staff 2 received information that MH Student 1 had told School staff that [REDACTED] Conf. Inf. [REDACTED] Neither filed a 51A report.

While this statement alone might not trigger a reasonable suspicion in the judgment of certain mandated reporters—and we make no finding or judgment whether the statement alone warrants a DCF report—we find that MH Staff 27’s and MH Staff 2’s mandatory reporting duties were triggered in this instance given the sexual nature of the comment and the prior and ongoing behaviors MH Student 1 had exhibited leading up to [REDACTED] sharing that statement. Accordingly, the decision not to file did not comport with the spirit, if not the black letter, of SSS-17 and Massachusetts law designating MH Staff 2 and MH Staff 27 as mandated reporters under the law. On the other hand, the actions of MH Staff 22, who filed the report, met those obligations. Nevertheless, we acknowledge the difficulties of filing a 51A report based on information heard second or third-hand by individual staff members. We find that, given the totality of circumstances and reports involving MH Student 1, the larger failure as it relates to MH Student 1 and addressing [REDACTED] conduct in 2014-2016, was that of MH Admin 3, who stood at the helm, and continually told [REDACTED] teachers to elevate concerns through [REDACTED], only to then unilaterally decide what information should be elevated.

Overall, when it came to addressing consistent reports of sexualized behavior by MH Student 1, MH Admin 3 and Mission Hill School showed a blatant disregard for the specific reporting protocols, and more so the spirit of transparency and reporting up the chain. Statements by MH Admin 3 that MH Student 1’s [REDACTED] SA Alleg. [REDACTED] and a continued focus on “safe hands” and body blocking evidenced MH Admin 3 willingness to substitute [REDACTED] own judgment on how to address MH Student 1’s behaviors for those mandates handed down by BPS and the legislature. MH Admin 3 reaction of “ugh” to receiving instruction to report one such incident to DCF further underscores [REDACTED] hostility toward the entire system put in place to protect students. To be clear, we do not find that every sexualized behavior reported or displayed by MH Student 1 necessitated a formal report, but many more than were reported did. Moreover, we note the challenge of determining the full scope of incidents involving MH Student 1 because the vast majority of incidents involving MH Student 1 were not properly documented and maintained, such that investigators could ascertain which ones were relayed to and/or evaluated by external partners. MH Student 14 ring in mind these findings and observations, we conclude that MH Admin 3 selectively notified BPS Operational Leadership when it suited [REDACTED] and conveyed the message to staff, beginning with [REDACTED] hostility and lack of support of MH Staff 3, that staff should not file 51A reports but route concerns through [REDACTED] to keep sensitive matters involving MH Student 1 “in house.”

iii. Incidents Involving MH Student 11

We find that MH Admin 3 failed to properly respond to and report clear incidents of sexual misconduct and/or assault reported by MH Parent 19 involving [REDACTED] Conf. Inf. [REDACTED], MH Student 22, reported in January 2019. MH Admin 3 was obligated to follow the policies and procedures

in Superintendent Circular EQT-3, as in effect at the time⁶⁶. Importantly, EQT-3 broadened the scope of reportable events by expanding the criteria to “sexual misconduct,” which includes sexually inappropriate comments and/or behaviors of any kind.” EQT-3’s protocol, similar to LGL-13, required recipients of sexual misconduct disclosures to contact the Office of Equity, Office of Safety/Boston Safety Police, DCF, and complete a Confidential Log, among other actions. Rather than promptly and independently report the incident as described, MH Admin 3 contested MH Parent 19’s reading of the policy and argued that MH Student 11 could not form the intent to commit sexual assault (or misconduct).

We find that it was not MH Admin 3 place to interpret the language of the applicable policy or to engage in a philosophical debate over whether the policy’s provisions accurately reflected childhood psychology, as relevant to documenting and reporting the events brought to ■ attention. While MH Admin 3 view may have appeal in the field of social science, as a school leader, MH Admin 3 had an express obligation to elevate concerns which was only underscored by MH Parent 19’s express *request* that Mission Hill School treat MH Student 11’s behavior toward MH Student 22 as **sexual assault**. In the end, MH Parent 19—not MH Admin 3—contacted the Office of Equity to report that MH Student 11 had touched MH Student 22’s behind and engaged in other inappropriate sex-based behaviors toward MH Student 22.

iv. Incidents Involving MH Student 2

We find that Mission Hill School, and specifically through the inaction of MH Staff 29 and MH Admin 3, further violated LGL-13 when it apparently failed to adequately document and report an explicit report of sexual misconduct by MH Student 2 toward student MH Student 24.⁶⁷ While parental accounts differed, by January 15, 2014, Mission Hill had received an explicit report of sexual acts between ■ SA Alleg. ■, as relayed by MH Student 24’s parents. This should have immediately prompted completion of a Confidential Log report (among other documentation), notifications to external partners, including prompt notification of DCF, and safety discussions. None of the above-listed actions were taken in earnest. It is not sufficient that MH Student 2’s therapist indicated that ■ would file a 51A report, as MH Staff 29 and MH Admin 3 were mandated reporters who, through the reporting of this incident alone, had an awareness of potential abuse or neglect. Moreover, the explicitly sexual nature of the conduct may have required reports for MH Student 24 as well as MH Student 2, where MH Staff 29’s notes indicate that the January 2014 incident may not have been the first sexual incident involving MH Student 24 (who ■ SA Alleg. ■), which, if accurate, MH Admin 3 had also timely learned of and similarly ignored.

v. Incidents Involving MH Student 27 and MH Student 28

⁶⁶ While MH Parent 19 wrote that ■ intended to file a claim of sexual assault under LGL-13, we note that EQT-3 became effective on January 1, 2017, and encompassed substantially similar reporting requirements, for a broader range of conduct, than that which falls under the definition of “sexual assault” under LGL-13.

⁶⁷ Due to the inability to access the Mission Hill School email inboxes of MH Admin 3, to whom the internal reports were made, we make this finding solely based on the available evidence.

Finally, we find that Mission Hill School appropriately responded to the very concerning disclosure of multiple incidents of sexual abuse and/or misconduct between MH Student 6 and two different male students, MH Student 27 and MH Student 28. While the School may have delayed the report to DCF beyond the 48-reporting period, we find that, as reflected in the Confidential Incident Log, the combination of MH Staff 41 and MH Admin 3 adhered to EQT-3's mandated strict reporting protocol and contacted all applicable external partners. However, the School's insistence on allowing the aggressors to remain in close proximity and have access to MH Student 6 after the events came to light, which must be balanced by the School's obligation to provide an education to MH Student 27 and MH Student 28, was a clear dereliction of the School's responsibility to take immediate and appropriate safety measures.

We further note that the School's purported failure to inform MH Student 6's parents about the earlier incident at Farm School involving MH Student 29, who himself had a history of engaging in sexual misconduct and other unsafe sexual behaviors with students at Mission Hill School, fails to comport with the general disclosure obligations under BPS policy requiring the School to notify parents of the involved students.

3. Findings Concerning Retaliation and Hostile Environment by Mission Hill School Leadership

We find that MH Admin 3 created a hostile environment for teachers and staff who did not subscribe to ■■■ views about keeping reported sexual incidents "in-house." While we could not substantiate the widespread allegation that MH Admin 3 terminated MH Staff 3 *for* filing a 51A report, we nevertheless find that MH Admin 3 created a hostile and intimidating environment for MH Staff 3 that sharply escalated after MH Staff 3 filed a 51A report concerning MH Student 1 and ran counter to MH Admin 3's explicit wishes.

Prior to MH Student 1's first sexual incident in MH Staff 3 class, MH Admin 3 had left MH Staff 3 professionally unsupported in a high-needs environment. This dynamic came to a head when MH Admin 3 provided a negative performance review of MH Staff 3 at the end of the 2013-2014 school year, despite MH Staff 3 limited schedule in which ■■■ taught less than half of the school year due to ■■■ Conf. Inf. ■■■. MH Admin 3 hyper-focus on MH Staff 3 purported inability to effectively manage and teach children of color, followed by the abrupt removal of MH Student 1 from MH Staff 3 classroom, undermined MH Staff 3 confidence as a teacher and conveyed a message that ■■■ was unwelcome, a sentiment that was reinforced when MH Admin 3 failed to keep confidential MH Staff 3 identity as the mandated 51A reporter in discussions with MH Student 1's family that Spring. The fact that senior staff members acknowledged that MH Staff 3 observably did not get along with the other teachers is probative of how unwelcome the School was to MH Staff 3. Furthermore, we find that MH Staff 3 resort to bargaining for a "Meets Expectations" review from MH Admin 3, in exchange for ■■■ voluntary excess from the School, effectively deprived MH Staff 3 of a fair and objective evaluation and is consistent with MH Staff 3 perception that ■■■ was pushed out.

In sum, MH Admin 3 markedly worse treatment of MH Staff 3 after ■■■ filed a 51A report that MH Admin 3 "could not" (or would not) file ■■■, ran afoul of the anti-retaliation

provisions in LGL-13 and EQT-3, which imposes broad protection on all mandated reporters who exercise their duty to file.

4. Findings Concerning Mission Hill School's Sexualized Student Culture

While the accusation is troubling, we do not find sufficient evidence to find that Mission Hill School maintained a culture inundated with sexual behaviors, and could not substantiate that sexual behaviors were any more prevalent at Mission Hill School than at other comparable public schools. While MH Parent 30 told investigators that [REDACTED] observed sexual behaviors among kindergarten students on a daily basis, we could not corroborate that such sex-based interactions occurred with the pervasiveness [REDACTED] described or deviated from what was developmentally appropriate. Furthermore, we could not make a supported finding that such behaviors were attributable to a culture built upon tolerance for sexualized behavior as opposed to individual behaviors. Moreover, investigators could not substantiate MH Parent 30's allegation that teachers did not take such behaviors seriously. While we did not find MH Staff 29 credible in several respects, we find that [REDACTED] response to external student behaviors, such as lifting up one's skirt and pulling down one's pants, was appropriate and adequate and that [REDACTED] took seriously that students in [REDACTED] grade-level should not engage in sexualized interactions.

However, we find that Mission Hill School did foster a culture of over-familiarity which created additional, and undue, risk and opportunity for physical and potentially sexual harm within the School community. Behaviors such as hugging and kissing/nuzzling students are not appropriate behaviors for an educational setting. While we appreciate that younger students at the kindergarten level may require greater emotional supports than older ones, the tendency for teachers like MH Staff 33 to hug or put hands on—even to comfort—students, including students of the opposite sex, in the fifth and sixth grades is a practice that is prone to misunderstandings and situations of discomfort. Moreover, the fact that MH Admin 3 could not recall, much less document, MH Staff 35's report, corroborated by at least two different Mission Hill School staffers, that MH Staff 35 had witnessed MH Staff 42 with an [REDACTED] Conf. Inf. [REDACTED] on [REDACTED] lap in a darkened room is consistent with a culture that accepts familiar relationships that, in this instance, may have led to a criminal assault on a child.

III. Findings Concerning Allegations of Pervasive Bullying at Mission Hill

Several parents, students and Mission Hill staff members have alleged that Mission Hill leadership failed to prevent, investigate, address and report issues of bullying, creating an unsafe and hostile environment for all students at Mission Hill. A number of the interviewees reported that their children were subject to repeated and escalating bullying behaviors during their time at Mission Hill and that Mission Hill staff failed to address the bullying both in the moment it took place and after it was reported by students, staff and/or parents. The interviewees asserted that this inaction fostered and nurtured a culture of pervasive bullying at Mission Hill. As explained in greater detail below, in addition to gathering statements from key witnesses, investigators also reviewed thousands of documents relating to bullying complaints at Mission Hill, including, but not limited to, Mission Hill and BPS email communications, Mission Hill Incident Reports, Succeed Boston Bullying Reports, and DESE Complaints. Investigators' factual findings on the

issue of bullying are based on the totality of the investigatory record, which confirms a persistent and well-documented bullying problem at Mission Hill.

A. BPS's Bullying Prevention and Intervention Plan

Pursuant to M.G.L. ch. 71, § 37O(d)(1), school districts, like BPS, are required to develop a bullying prevention and intervention plan that prohibits bullying, cyberbullying, and retaliation. In or around December 2010, BPS developed its Bullying Prevention and Intervention Plan (the "2010 Plan"), which BPS subsequently updated in or around November 2017 (the "2017 Plan").⁶⁸ The 2017 Plan expressly provides that BPS "will not tolerate any unlawful or disruptive behavior, including bullying in all forms and types towards others in any school or at school related activities. To this end, the 2017 Plan mandates all schools to "investigate promptly all reports and complaints of bullying in all forms and types, cyber-bullying, and retaliation, and take prompt action to end that behavior and restore the victim's (target's) sense of safety."

The 2017 Plan defines "Bullying" as:⁶⁹
the repeated use by one or more students or a member of a school staff of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a (student) victim (target) that:

- Causes physical or emotional harm to the victim (target) or damage to the victim's (target's) property;
- Places the victim (target) in reasonable fear of harm to himself or herself or of damage to ■■■ or her property;
- Creates a hostile environment at school for the victim (target);
- Infringes on the rights of the victim (target) at school; or
- Materially and substantially disrupts the education process or the orderly operation of a school.⁷⁰

Consistent with M.G.L. c. 71, § 37O, a "hostile environment" is defined as a "situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education." The 2017 Plan covers and applies to all acts of bullying (in all forms and types) that take place on school grounds, at school-sponsored or a school related activity, function, or program whether

⁶⁸ The 2017 Plan adopts the substantial provisions of the 2010 Plan. Where the 2010 and 2017 Plan differ in material respects, investigators will note the differences herein to the extent they affect the findings.

⁶⁹ The Massachusetts Department of Elementary and Secondary Education ("DESE") defines bullying as "the repeated use by one or more students [aggressor(s)] of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: (i) causes physical or emotional harm to the target or damage to the target's property; (ii) places the target in reasonable fear of harm to ■■■ herself or of damage to his/■■■ property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of requirements related to this law, bullying shall include cyber-bullying." This definition is also included in the BPS Code of Conduct.

⁷⁰ This definition mirrors the definition of bullying in the Superintendent's Circular #SSS-18 (entitled Bullying Prevention and Intervention Plan) effective for the school years 2020-2021 and 2021-2022.

on or off school grounds, at a school bus stop, and on a school bus, among other places. The 2017 Plan also applies to bullying that takes place at a “location, activity, function, or program that is not school related-through the use of technology or an electronic device that is not owned, leased, or used by a school district, if the acts create a hostile environment at school for the victim (target) or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the appropriate function of the school.”

Importantly, the 2017 Plan explicitly states, “Principals . . . and all school staff have a responsibility to report, follow up with incidents reported by students and more importantly investigate and implement safety and intervention plans for all students involved, including others implicated in the incident.” The 2017 Plan underscores the critical role that school leaders play in creating and fostering a safe and positive school environment, particularly “in teaching students to be civil to one another and promoting understanding of and respect for diversity and difference.” Indeed, in accordance with M.G.L. ch. 71, § 37O, BPS has designated the principal or designee of each school “as the person responsible for receiving reports, recording incidents and investigating all incidents.”

BPS has promulgated certain policies and procedures for receiving and responding to reports of bullying “to ensure that members of the school community—students, parents, staff . . . —know what will happen when incidents of bullying occur.” These procedures are set forth below.

1. Reporting Obligations

Reports of bullying may be made by anyone, including, but not limited to students, parents and staff, may be made in any form (i.e. oral or written) and may be made anonymously.⁷¹ BPS has established a Safe Space and Bullying Prevention Hotline,⁷² which is staffed by trained counselors from Succeed Boston at the Counseling and Intervention Center (“Succeed Boston”), which leads the Bullying Prevention Initiative. Succeed Boston, formerly called the Counseling and Intervention Center and the Barron Center, is a short-term counseling and intervention program within BPS that serves BPS students who have committed the most serious 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 addition to the hotline, BPS also has a Bullying Prevention and Intervention Incident Report Form (the “Bullying Report Form”), which is a Google form available online on the BPS’s and Succeed Boston’s websites.⁷³ The Bullying Report Form defines “Bullying,” as “the

⁷¹ The 2017 Plan notes that anonymous reports “will likely impede the ability of the district to investigate or respond appropriately.”

⁷² The hotline is for families and students who want to report instances of bullying, but who may not be comfortable reporting bullying to school administrators directly.

⁷³ The Bullying Report Form, which is hosted by Google, was made available online in or around January 2017. However, BPS has maintained some version of a Bullying Prevention and Intervention Incident Reporting form on its website since late 2010.

repeated use by one or more students of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target.” The Bullying Report Form also states, “[b]ullying occurs where there is, **or is perceived to be**, an imbalance of power, i.e., social, emotional, cognitive, age, size, gender.” After receiving the Bullying Report Form, Succeed Boston will forward the allegations to the responsible Principal and School Leader for further action. The Bullying Report Form emphasizes that it is “[i]mperative that the Principal, School Leader or his/█ designee contact the parent/legal guardian within 48 hours upon receipt of the report,” noting that “[c]ollaboration with parents is essential to identify the issues occurring at school as well as developing the best safety and or action plan to remedy the situation.”⁷⁴ Moreover, the Bullying Report Form requires “[a]ll investigations, findings, and recommendations [to] be completed within 5 school days and results shared with parents of alleged targets and aggressors.”⁷⁵ In other words, the Bullying Report Form makes clear that Principals and staff members must act timely and promptly upon receiving a bullying complaint. Upon completion of the investigation, the school must complete and send the Investigation Form to Succeed Boston.

2. Acting on Bullying Reports and Complaints

The 2017 Plan requires all employees “to report promptly to the principal/headmaster or designee any instance of bullying or retaliation that [a] staff member[] receives a complaint or report of or otherwise becomes aware of or witnesses.” More specifically, the 2017 Plan states, “[a] staff member will report promptly (orally and then in writing) to the principal, headmaster or designee when he or she witnesses or becomes aware of conduct that may be bullying or retaliation.”⁷⁶

Before engaging in a full investigation of the bullying allegation(s), the principal or his/her designee must take steps to assess the need to restore a sense of safety to the alleged victim (target) and to protect the alleged victim (target) from possible further incidents. In addition, the principal or designee must take any necessary steps to promote the victim’s (target’s) safety both during and after the investigation. These steps may include creating a personal safety plan, making appropriate seating decisions in the classroom, at lunch or on the bus, identifying a staff member who will act as a “safe person” for the victim (target), and/or limiting the alleged perpetrator’s (aggressor’s) access to the victim (target).

3. Obligations to Notify Others

Under the 2017 Plan, the receipt of a bullying complaint requires the principal or designee to notify, at a minimum: (1) the parents or guardians of the victim (target) and/or the

⁷⁴ The Bullying Reporting Form also requires all allegations regarding bullying based on a protected class, including, but not limited to, race, color, age, disability, sex/gender, gender identity, religion, national origin, sexual orientation, and socioeconomic status, to be submitted to BPS’s Office of Equity for review of potential civil rights violations.

⁷⁵ While this 5-day deadline is not included in the 2010 Plan or the prior version of the Bullying Report Form, both documents emphasize conducting investigations of bullying complaints in an immediate and prompt manner.

⁷⁶ The 2010 Plan mandates staff to report “immediately” any bullying conduct that █ or █ witnesses or becomes aware of.

alleged perpetrator (aggressor); (2) any other schools or districts whose students were involved in the incident; and (3) law enforcement. More specifically, the principal or designee is required to notify the parent(s) or guardian(s) of the victim (target) and/or the alleged perpetrator (aggressor) of the bullying allegations and the procedures for responding to the same within 24 hours of receipt of the complaint.⁷⁷ The 2017 Plan does not impose a specific deadline for notifying other schools or districts, but states that such notice should be “prompt,” so that each school may take appropriate action. Finally, in terms of notifying law enforcement, the 2017 Plan states that the principal or designee will notify the local law enforcement agency if he or she has “a reasonable basis to believe that criminal charges may be pursued against the alleged perpetrator (aggressor).”

4. Investigating Reports of Bullying

As stated, *supra*, the 2017 Plan requires the principal or designee to investigate promptly **all** reports of bullying. An investigation requires collection and consideration of all available information, including the nature of the allegation(s) and the ages of the students involved.

The investigation should include, among other things:

- Interviews of students, staff, witnesses, parents or guardians, and others, who may have knowledge of the alleged incident(s) or circumstances related to the complaint or report;
- Consultation with the school counselor, where appropriate;
- An assessment of any safety concerns and, where appropriate, the creation and implementation of a safety plan; and
- A written record of all steps taken during the investigation.

The principal or designee must complete the investigation as soon as practicable and no later than five (5) school days after receipt of the complaint or report except for good cause, which cause must be documented in the investigatory file.

5. Determinations and Notice Thereof

After completing the investigation, the principal or designee must make a determination as to whether the bullying complaint is substantiated based upon all of the facts and circumstances. This requires an assessment of whether the situation meets the standard for bullying per District policies and guidance, meaning it involved: (1) a power imbalance and (2) repeated and intentional conduct. *See* Superintendent’s Circular #SSS-18 (Attachment 2); *see also* the 2017 Plan, p. 18. If the bullying complaint is substantiated, the principal or designee must take steps to stop the bullying behavior, prevent its reoccurrence, and ensure that the victim (target) is not restricted or limited in participating in school or in benefiting from the school’s programs and activities. If the principal or designee determines that bullying has occurred, the school must use a range of responses that balance the need for accountability with the need to

⁷⁷ The 2010 Plan required the principal or designee to notify the parents or guardians of the target and the aggressor “promptly.”

teach the perpetrator (aggressor) appropriate behavior. These skill-building approaches may include, but are not limited to, the following:

- Offering individualized skill-building sessions based on the school's or district's anti-bullying curricula;
- Providing relevant educational activities for individual students or groups of students, in consultation with school counselors and/or other appropriate school personnel;
- Implementing a range of academic and nonacademic positive behavioral supports to help students improve and develop appropriate ways and alternatives to achieving their goals;
- Meeting with parents and guardians to promote and enrich parental partnerships and support and to reinforce the anti-bullying curricular and social skills building activities at home;
- Adopting behavioral plans to include a focus on developing specific social skills and making referrals as needed and appropriate for additional supports and services.

BPS highly recommends that a safety plan be put in place for students who have been confirmed as targets and that interventions are documented in the Aspen Student Information System ("SIS") for both the target and aggressor.

In addition, the principal or designee must determine what remedial and/or discrimination action is appropriate to the extent needed. Depending on the circumstances, the principal or designee may need to consult with the students' teacher(s) and/or the school counselor and the victim or perpetrator's parents or guardians to discuss concerns, including identifying challenges that may have contributed to the perpetrator's bullying behavior, and for both students to access any necessary supports and services. If the principal or designee decides that disciplinary action is appropriate, the actions must be determined on the basis of the facts found in the course of the investigation, including:

- the nature, frequency, and seriousness of the conduct;
- the length of time the prohibited conduct has occurred;
- whether the perpetrator has engaged in any prior acts of bullying;
- the age of the students involved; and
- the need to balance accountability with the teaching of appropriate behavior.

Upon making a determination, the principal or designee will promptly, and by no later than the next school day, attempt to contact by telephone the parent(s) or guardian(s) of the victim (target) and the perpetrator (aggressor), and to send them a letter or email, to provide notice of the results of the investigation and, if bullying is found, what action(s) will be taken to prevent further acts of bullying. In issuing this notice, the principal or designee is required to adhere to the legal requirements regarding the confidentiality of student records. While the principal or designee cannot report specific information about the disciplinary action taken, they

can and should inform the victim's parents or guardians of any corrective action taken to protect the victim, including a stay away order or other actions that the victim must be aware of in order to report violations.

Finally, after completing the investigation and making a determination, the principal or designee should email a copy of the report to BPS's Office of Safe, Healthy, and Welcoming Schools' ("SAWS's") electronic database.

6. Promoting Safety for the Victim (Target) and Others

The principal or designee must continue to assess what adjustments, if any, are needed in the school environment to protect the victim's safety and enhance the victim's sense of safety and the safety of other school community members. Within one week following the determination and the ordering of corrective, remedial and/or disciplinary action, the principal or designee must contact the victim to determine whether there has been a reoccurrence of the prohibited conduct and whether additional supportive services are needed. If so, the principal or designee must work with appropriate school staff to implement promptly any necessary changes.

B. Bullying at Mission Hill

1. Statements from Former and Current Mission Hill Parents

Out of the 37 parents interviewed during this investigation, 25 parents reported bullying concerns involving their children and/or other students at Mission Hill. Many of these parents detailed multiple horrific accounts of bullying that their children were subject to while at Mission Hill and the School's complete lack of accountability when it came to addressing or reporting bullying behaviors in a manner that kept their children safe—if addressed at all. Due to the passage of time, among other things, investigators could not and did not verify every reported incident of bullying from these parents. Nevertheless, investigators found ample evidence in the investigatory record to corroborate these parents' perception that there was a pervasive bullying issue at Mission Hill School and, further, that Mission Hill leadership and staff generally did not take any of the necessary and BPS-mandated steps to address, report and/or remedy bullying behaviors at the School. This inaction, and perceived indifference, on Mission Hill's part created a hostile environment in which students were subject to bullying on a nearly daily basis, where aggressors' unchecked bullying behaviors escalated over time, and where students became so desensitized to bullying that they grew to expect it as part of the normal course of their educational experience.

i. MH Parent 4 and MH Parent 3

Investigators met with MH Parent 4 and MH Parent 3 (the "MH Parent 3 and 4") over two days, during which time MH Parent 3 and 4 recounted a number of concerns relating to their children's experiences at Mission Hill School, including severe bullying and a complete lack of any meaningful response by Mission Hill leadership and staff. During the interviews, MH Parent 3 and 4 reported that because Mission Hill did not have any messaging on bullying, including on how the School would handle instances of bullying, they were unaware of what, if anything, the

School was doing to address such conduct. However, they trusted Mission Hill School to address bullying and other safety issues in an appropriate and timely manner. MH Parent 3 and 4 explained that Mission Hill uses an incident report, which is a one-page physical document that students,⁷⁸ witnesses, and/or staff are supposed to complete if something happens at school. MH Parent 3 and 4 stated that they understood the incident report to be *step one* of a longer administrative process that generally requires some form of notice to the parents of the students involved in the incident, an investigation, a determination and, where appropriate, the implementation of remedial measures, such as a safety plan. MH Parent 3 and 4 explained that Mission Hill's practice of having students fill out incident reports was problematic for a number of reasons, including that some students may have a limited capacity to fill out the form because of reading, writing and/or language barriers. As explained further herein, MH Parent 3 and 4 and several other families reported that Mission Hill did not complete or record bullying incident reports in any uniform or consistent manner under MH Admin 3 leadership, as well as under the Co-Teacher Leaders' tenure.

MH Parent 3 and 4 reported that [REDACTED] CI [REDACTED], MH Student 5, was subjected to repeated and escalating bullying behaviors during [REDACTED] approximately five years at Mission Hill School. MH Parent 3 and 4 stated that when it came to bullying, "institutional and individual follow-up" simply "did not exist" at Mission Hill. MH Parent 3 and 4 expressed their opinion that Mission Hill staff members exhibited a "hero mentality" in trying to "save" all students, including aggressors, at Mission Hill, which meant trying to resolve all matters—regardless of the level of severity—in-house. MH Parent 3 and 4 stated that unless MH Student 5 mentioned an incident or they received a call from MH Staff 22, [REDACTED] Conf. Inf. [REDACTED], they were left completely in the dark about physical and/or verbal attacks on MH Student 5 at school. MH Parent 3 and 4 expressed their feeling that the School "hated accountability" and "found ways to make parents feel guilty for asking for anything like accountability," such as safety plans.

MH Parent 3 and 4 informed investigators that in or around June 2019, they submitted multiple formal record requests, seeking, among other things, all incident reports, nursing records, and email correspondence involving MH Student 5. MH Parent 3 and 4 provided investigators several documents and communications that MH Parent 3 and 4 viewed as important and relevant to their claims against Mission Hill School. As explained in further detail below, investigators reviewed all of these documents, as well as a number of other documents from BPS, DESE, and Succeed Boston in making its findings on bullying, as set forth below.

April 2016 [REDACTED] Conf. Inf. [REDACTED]

Investigators were alerted by MH Parent 3 and 4 to a purported bullying incident in 2016 that involved serious physical harm endured by MH Student 5. MH Student 5 sustained [REDACTED] CI [REDACTED] in April of 2016. [REDACTED] Conf. Inf. [REDACTED] Individual 6 [REDACTED] Conf. Inf. [REDACTED] The nurse report from April 5, 2016, states that MH Student 5 "fell off monkey bars when upside down and hanging by [REDACTED] knees,

⁷⁸ The Co-Teacher Leaders later created a Google form that encompassed the hard-copy Mission Hill Incident Report form, available for staff to complete (including on behalf of students) online as opposed to by hand.

landed on hard floor, hitting right side of [REDACTED] head, and tooth hit lower lip.”⁷⁹ When MH Staff 22 evaluated MH Student 5, [REDACTED] noted that [REDACTED] was “unable to tell [REDACTED] what happened.” MH Staff 22 called MH Student 5’s parents and they took [REDACTED] to [REDACTED] Conf. Inf. [REDACTED] MH Student 5 [REDACTED] Conf. Inf. [REDACTED]

With respect to the April 2016 incident, MH Parent 3 and 4 told investigators that MH Admin 3 said [REDACTED] was going to conduct an investigation to determine what happened. On April 8, 2016 (three days after MH Student 5’s fall), MH Admin 3 emailed MH Parent 4 the following:⁸⁰

----- Forwarded message -----
From: [REDACTED] MH Admin 3
Date: Fri, Apr 8, 2016 at 9:07 PM
Subject: Re: re thanks for chatting
To: [REDACTED] MH Parent 4

Hello [REDACTED] MH Parent 4
Just following up on two things promised.
1. [REDACTED] MH Staff 24 investigated the incident that led to [REDACTED] MH Student 5 injury by asking witnesses (adults and students) what they saw. [REDACTED] reported to me that [REDACTED] MH Student 5 was moving back and forth from one gym structure to another-- both attached to the wall, one vertical and one horizontal. After several moves he reached for a structure and missed, falling to the floor. No foul play was uncovered.
2. I spoke briefly with [REDACTED] MH Staff 24 about the environment needed for [REDACTED] MH Student 5 safety. [REDACTED] agreed that [REDACTED] should be in another classroom for [REDACTED] protection. [REDACTED] MH Staff 19 and [REDACTED] MH Staff 2 know the situation, but I still need confirmation from them about the best placement for [REDACTED]. I’ll work on that this weekend.
Best,
[REDACTED] MH Admin 3

MH Parent 3 and 4 told investigators that they were so focused on MH Student 5’s injury and still trusting of MH Admin 3 representations that [REDACTED] would provide certain accommodations to keep MH Student 5 safe, such as a 1:1, that they did not raise issues about the sufficiency of the investigation at the time. MH Parent 3 and 4 said, in hindsight, they should have requested that MH Admin 3 conduct a “larger investigation” in light of the ongoing bullying issues and conflicting statements about whether MH Student 5 fell or was pushed in the gym.

Investigators searched for and reviewed emails relating to this incident. While MH Admin 3 represented to MH Parent 4 on April 8, 2016 that “MH Staff 24 investigated the incident . . . by asking witnesses (adults and students) what they saw,” and that “[n]o foul play

⁷⁹ MH Parent 3 and 4 told investigators that they received conflicting stories about how MH Student 5 fell from the monkey bars, claiming that MH Staff 22 told them that a student named MH Student 37 pushed MH Student 5. Due to the lack of documents surrounding this event and no other corroborating statements, investigators were unable to determine who, if any one, pushed MH Student 5 or whether this event constituted bullying under BPS’s policies.

⁸⁰ As discussed, *supra*, MH Staff 2 deleted MH Admin 3 Mission Hill email account in or around June of 2021. MH Admin 3 original email to MH Parent 4 no longer exists in the Mission Hill email system. However, this email is still accessible as part of MH Staff 2’s email file because MH Admin 3 forwarded the email chain to MH Staff 2 on October 21, 2019 (when MH Admin 3 was longer at Mission Hill but still had access to [REDACTED] Mission Hill email account) to assist MH Staff 2 in gathering documents to respond to MH Parent 3 and 4’s record requests. If MH Admin 3 had not forwarded this email to MH Staff 2, it would have been completely absent in the Mission Hill email system.

was uncovered,” investigators found evidence that directly undermined MH Admin 3 statements that any such investigation had been conducted and/or completed by April 8th.

MH Staff 24 emailed MH Staff 33 and MH Staff 47, separately, on April 8, 2016 (i.e. the same day MH Admin 3 told MH Parent 4 that the investigation was complete) and tells them, “MH Admin 3 asked me to look into MH Student 5’s accident. MH Student 38 says you were the teacher who came over. Can you tell me what happened?” Two days later, on April 10, 2016, MH Staff 33 responds:

I walked into the gym to MH Student 5 crying. ■ had already fallen down, as kids described it to me. ■ was dangling head down from the bars when ■ foot slipped (?) and ■ landed on ■ head. ■ was in considerable pain. I walked ■ to the nurse. ■ had a bloody mouth and was crying uncontrollably.

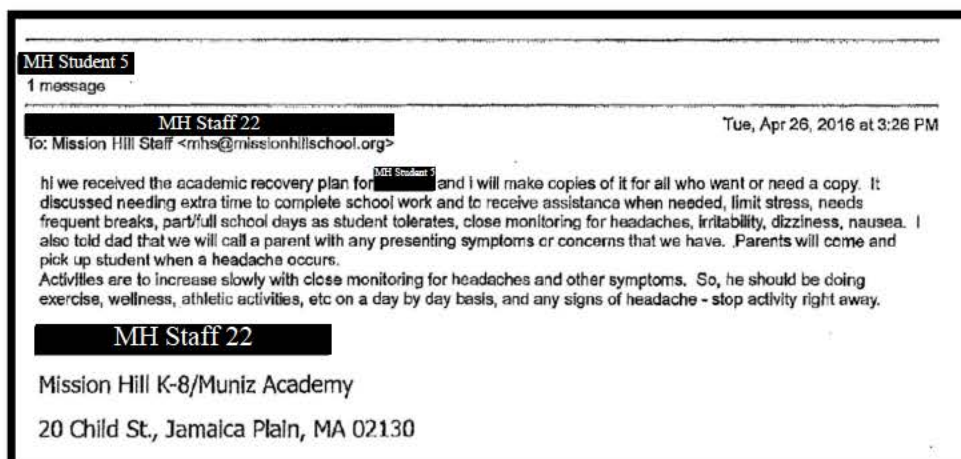
Then, on April 11, 2016, MH Staff 24 asked MH Staff 33 if there were other kids present, to which MH Staff 33 said, “I don’t remember.”⁸¹ In addition, MH Staff 24 emailed MH Staff 22 on April 8, 2016 and told MH Staff 22, “I know we spoke briefly but MH Admin 3 has asked me to follow up and write a report. Could you please let me know exactly what you know so I can put it in the report.” Investigators did not locate MH Staff 22’s response to this email, if one exists. Nor did they locate MH Staff 24’s report regarding ■ investigation of this matter or any incident reports that were filed in connection with this event. Based on the documents available to investigators, MH Admin 3 statement to MH Parent 4 on April 8, 2016 that MH Staff 24 had “investigated” the matter and concluded that no “foul play was uncovered,” was, at a minimum, misleading as the aforementioned emails reflect that MH Staff 24’s investigation was still ongoing as of April 11, 2018. MH Admin 3 seemingly premature response, however, is in line with MH Parent 3 and 4’s statements that MH Admin 3 often gave “the aura of support” so they would “walk away thinking something is being done but nothing is.”

On April 26, 2016, MH Staff 22 met with MH Parent 3 and 4 to conduct a reentry meeting. MH Parent 3 and 4 informed MH Staff 22 that MH Student 5 ■ Conf. Inf.

■
■ MH Parent 3 and 4 told investigators that ■ Conf. Inf. ■ MH Student 5’s ■ Conf. Inf.

■ Following this meeting, MH Staff 22 sent the following email to all Mission Hill staff:

⁸¹ Investigators did not identify any response to MH Staff 24’s email from MH Staff 47.



As part of the investigation, investigators reviewed Mission Hill School nursing records relating to MH Student 5, which spanned over thirty pages. Investigators found six separate nurse entries within the six-week window after MH Student 5's fall relating to incidents where MH Student 5 was hit by another student, including in the head. The nurse reports reflected the following:⁸²

4/27/2016	[redacted] Bull. Alleg. *
4/28/2016	[redacted] Bull. Alleg. [redacted] The nurse report indicates that the "teacher called parent on [redacted] cell phone, no working phone in school."
5/2/2016	[redacted] Bull. Alleg. *
5/9/2016	[redacted] Bull. Alleg. [redacted] The nurse report indicates "teacher asked to call dad since phone line out in nurse's office."
5/10/2016	[redacted] Bull. Alleg.
5/19/2016	[redacted] Bull. Alleg.

In addition to these incidents, investigators recorded several other entries in MH Student 5's nurse records reflecting injuries caused by other students, including, but not limited to:

2/16/2015	[redacted] Bull. Alleg.
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⁸² Entries with an asterisk (*) indicate that MH Staff 22 and/or staff contacted or indicated that they would contact MH Student 5's parents about the incident.

4/13/2015	[REDACTED] Bull. Alleg. [REDACTED], in with staff*
5/5/2015	Student (MH Student 5) states [REDACTED] Bull. Alleg. [REDACTED] [REDACTED] The nurse reports states [REDACTED] Conf. Inf. [REDACTED] [REDACTED] *
12/2/2015	[REDACTED] Bull. Alleg. [REDACTED] [REDACTED] The nurse reports indicates that MH Staff 22 “told teacher of issue.”
3/3/2016	[REDACTED] Bull. Alleg. [REDACTED] [REDACTED] The nurse reports indicates that MH Staff 22 had an exchange with school staff about the incident.
9/28/2016	[REDACTED] Bull. Alleg. [REDACTED] [REDACTED]
10/26/2016	[REDACTED] Bull. Alleg. [REDACTED] *
4/10/2017	[REDACTED] Bull. Alleg. [REDACTED]
5/15/2017	[REDACTED] Bull. Alleg. [REDACTED] [REDACTED]

Bullying Concerns in 2015-2016 and 2016-2017 School Years

MH Parent 3 and 4 reported that families raised a number of safety concerns in the 2015-2016 period, which MH Admin 3 addressed at a meeting. MH Admin 3 began the meeting by saying something to the effect of “safety means different things to different people.” MH Parent 4 told investigators that MH Admin 3 comment was, to [REDACTED] “one of [the] many ways” in which MH Admin 3 “dismiss[ed] and minimize[d]” safety concerns that were brought to leadership’s attention.

MH Parent 3 and 4 further told investigators that during MH Student 5’s third grade year (school year 2016-2017), the Mission Hill School Governing Board held a meeting to evaluate and vote on whether MH Admin 3 would be invited to return as Mission Hill’s principal for the coming school year. During this process, MH Admin 3 evaluation team submitted an evaluation and recommendation, which set forth certain “goals” MH Admin 3 set to support students, staff and families, as well as “evidence” of MH Admin 3 meeting those goals. The fourth goal listed in the evaluation was to reduce “[t]he number of incidents among students.” To meet this goal, MH Admin 3 indicated that staff would participate in anti-bullying training, as well as Welcoming Schools training. The evaluation reflected that staff participated in a Welcoming Schools training on October 11 and 18, 2016, which MH Admin 3 organized. Based on this

information, the evaluation committee found that MH Admin 3 had “met” this goal because there was “roughly a 55% decrease in the total number of incident reports.”

More specifically, the committee noted that Mission Hill School had “a total of 411 incident reports during the school year 2015-2016,” and the number of incident reports for the 2016-2017 school year had decreased to “a total of 228 incident reports.” MH Parent 3 expressed ■■■ belief that this significant reduction in the number of incident reports for the 2016-2017 school year was not an indication that Mission Hill School had become safer but, rather, reflected that “MH Admin 3 and staff stopped having students fill out Incident Reports when incidents happened.” Indeed, MH Parent 3 and 4 noted that during that same year (2016-2017), they asked MH Admin 3 why there were no incident reports or investigations regarding MH Student 5 because ■■■ was coming from school “bruised” and crying. In response, MH Admin 3 told them, “Well it’s MH Student 5. If I did an incident report every time ■■■ got hurt, I would be doing it all the time.”⁸³

Investigators requested all available incident reports relating to Mission Hill, which BPS provided. Investigators reviewed all available incident reports relating to MH Student 5 to see how many were filed in connection with the events described in the nursing reports. With the exception of *two incidents*, investigators did not locate any other incident reports that corresponded with the fourteen other events listed above. Investigators note that the significant lack of incident reports for this particular period is consistent with MH Parent 3 and 4’s understanding that MH Admin 3 “met” ■■■ goal in reducing incidents at Mission Hill for the 2016-2017 school year by simply not filing incident reports that should have been filed. The lack of incident reports filed during this period supports an inference that instances of bullying went unreported or underreported during this period.

Investigators also requested and received access to all Bullying Prevention and Intervention Incident Report forms that were filed with Succeed Boston relating to Mission Hill and related correspondence. Remarkably, investigators only found *two* Bullying Report Forms that were filed by a Mission Hill staff member prior to April of 2021.⁸⁴ The lack of filings under MH Admin 3’s leadership is troubling on its own, but it is even more disturbing when evaluated in the context of the incidents reflected in MH Student 5’s nurse reports, as set forth above.⁸⁵

⁸³ Upon reviewing the available incident reports, investigators identified seven incident reports relating to MH Student 5 for the 2016-2017 school year. None of the seven incident reports indicate whether Mission Hill had contacted MH Parent 3 and 4 to inform them of the incident.

⁸⁴ Investigators uncovered evidence of five bullying reports being filed with Succeed Boston relating to events/incidents at Mission Hill School during MH Admin 3’s tenure as ■■■ CI ■■■ of Mission Hill School. Of these reports, investigators could only corroborate that two were or appear to have been filed by MH Admin 3. The other three reports were filed by MH Parent 31, who alleged that ■■■ Bull. Alleg. ■■■. MH Parent 31 complained that MH Admin 3 was not complying with measures ■■■ offered to address the situation. In responding to the complaint, MH Admin 3 stated that ■■■ interviewed all students on the bus and that the students reported ■■■

■■■ Bull. Alleg. ■■■ MH Admin 3 concluded that there was no bullying, but did find retaliation. MH Admin 3 reported that the aggressor had been placed on a new bus and assigned seats were given to students.

⁸⁵ Investigators requested from DESE, among other things, all complaints filed with DESE relating to Mission Hill. In responding to investigators’ records request, DESE provided a redacted Closure Letter for PRS 3432 (dated October 16, 2020) based on a complaint filed by MH Parent 3 about ongoing and persistent bullying at Mission Hill.

The incidents described in MH Student 5's nurse reports show that MH Student 5, just one Mission Hill School student, was subjected to repeated and targeted physical acts by one or more students and, further, that [REDACTED] Bull. Alleg. [REDACTED] MH Student 5's Bull. Alleg. [REDACTED]

Furthermore, MH Parent 3 and 4 provided email communications showing that they complained about MH Student 5 being bullied and targeted by other students that went completely unaddressed by MH Admin 3 and other Mission Hill staff. Examples of these communications include, but are not limited to, the following:

- June 13, 2016 email from MH Parent 4 to MH Admin 3 and MH Staff 48, stating that MH Student 5 has "[REDACTED] Bull. Alleg. [REDACTED] by MH Student 8 and MH Student 39, [REDACTED] Bull. Alleg. [REDACTED] MH Parent 4 states that this "has been **going on for a long time** but really hasn't calmed down" and expresses concern that "MH Student 5 seems to be a **particular target**" for these students.
 - MH Admin 3 responded on June 21, 2016, stating that the "teachers of MH Student 39 and MH Student 8 have addressed this with the boys." MH Admin 3 informs MH Parent 4 that "[s]tudents express upset with MH Student 5, [REDACTED] doesn't hear them or read them, then the student responds aggressively." MH Admin 3 tells MH Parent 4 that "[r]eading **social cues . . . is a really important factor in breaking this cycle [of] others harming [REDACTED]**"
- June 2, 2017 email from MH Parent 3 to MH Admin 3 and MH Staff 2. In the email, MH Parent 3 provides MH Student 5's perspective on an incident that took place between [REDACTED] and MH Student 8 on May 15th. MH Parent 3 states, "MH Admin 3 you mentioned that you had heard vaguely about the incident and that it didn't sound like a big deal. Both MH Staff 66 and MH Staff 65 talked to us about it in the afternoon because they had both been quite concerned, and MH Staff 66 definitely had the impression that you were following up on it . . . That it didn't raise higher concern for you, especially because MH Student 5 had to go to MH Staff 22's [REDACTED] Bull. Alleg. [REDACTED] and because **it was [REDACTED] Bull. Alleg. [REDACTED] MH Student 8 [REDACTED] Bull. Alleg. [REDACTED] MH Student 5**, is alarming. This is a serious incident." MH Parent 3 also expresses concern that "there may be a **group bullying dynamic operating here.**"
- June 8, 2017 email from MH Parent 4 to MH Staff 2 detailing an encounter between MH Student 5 and MH Student 40 that involved "[REDACTED] Bull. Alleg. [REDACTED]"

MH Parent 3 provided investigators with an unredacted copy of DESE's related Letter of Finding, dated February 2, 2020. The Letter reflects that DESE found that the District did not receive or respond to the report of bullying promptly. In making this finding, DESE cited a December 13, 2019 email from Succeed Boston in which Succeed Boston reported, "that it received no bullying reports from the parent or the school regarding [MH Student 5]." This finding is consistent with investigators' own review of the reports made or, in this case not made, to Succeed Boston relating to MH Student 5.

[REDACTED] Bull. Alleg.
[REDACTED] MH Student 5's [REDACTED] Bull. Alleg. [REDACTED] MH Parent
4 said the incident happened "1 on 1" and that "MH Student 5 [REDACTED] Bull. Alleg.
[REDACTED]

- MH Staff 2 responds and thanks MH Parent 4 for the report and says that [REDACTED] will do an "incident report" and have a conversation with the [REDACTED] CI . . . , including appropriate follow up." MH Staff 2 also states, "[MH Student 5] has come to tell me about when a few small things have happened. **At this stage it's more like tattlet telling and wanting me to take care of them** as opposed to lets talk with them and work it out, but it is a step forward."
- November 1, 2017 email from MH Parent 4 to MH Staff 2 informing MH Staff 2 that MH Student 5 "has been saying that MH Student 41 and MH Student 42 have been picking on [REDACTED] all year but that they are effective at doing it quietly in such a way as to not draw attention."⁸⁶
- May 14, 2018 email from MH Parent 4 to MH Admin 3 requesting a meeting to discuss the lack of incident reports filed relating to MH Student 5's physical safety. In the email, MH Parent 4 says, "In the interspace – between classes and at recess, MH Student 5 is [REDACTED] Bull. Alleg. [REDACTED] and [REDACTED] has not had a lot in the way of resilience or support." MH Parent 4 tells MH Admin 3: "Alluding to possibly failing to do incident reports because [REDACTED] is a kid who has so many incidents makes me wonder if you do a root cause analysis when there are many incidents filed. Incident reports should not just be an outcome metric but a TOOL to go looking and doing a deeper dive."
- June 14, 2018 [REDACTED] Conf. Inf. [REDACTED] states that MH Student 5 "[REDACTED] Bull. Alleg. [REDACTED]

Bullying Concerns in 2018-2019 and 2019-2020 School Years

MH Parent 3 and 4 stated that when MH Student 5 was in the fifth grade (2018-2019 school year), there was "so much violence happening regularly," that MH Student 5 had developed a "sophisticated coping mechanism" of essentially blocking off what was happening at school unless specifically asked. For instance, on one occasion, MH Parent 4 noticed a bruise on MH Student 5's face and asked [REDACTED] about it. MH Student 5 responded, "someone hit [REDACTED] over the head with a chair." According to MH Parent 4, that was the first time [REDACTED] learned that MH Student 5 was "assaulted at school." MH Parent 3 and 4 stated that, due to the ongoing violence at Mission Hill, MH Student 5's own perception of what it meant to be safe took into account some level of physical violence. For example, when MH Parent 3 asked MH Student 5 in sixth grade if [REDACTED] felt "safe at Mission Hill," MH Student 5 responded, "yes." When MH

⁸⁶ Investigators located an Incident Report dated September 11, 2018 where MH Student 5 reported that MH Student 41 [REDACTED] Bull. Alleg. [REDACTED]

Parent 3 asked MH Student 5 if [REDACTED] thought [REDACTED] was going to get hit today, MH Student 5 said, "Well yeah, of course that's normal."

MH Parent 3 and 4 provided investigators with an email dated September 25, 2018, where MH Parent 4 reported to MH Staff 6 and MH Admin 3 an incident that happened [REDACTED] BA [REDACTED] Bull. Alleg. MH Student 5, MH Student 41 [REDACTED] Bull. Alleg. MH Parent 4 wrote that MH Student 5 went to the [REDACTED] Bull. Alleg. [REDACTED] MH Student 5, [REDACTED] Bull. Alleg. MH Parent 4 BA [REDACTED] MH Student 5 BA [REDACTED] MH Student 41 Bull. Alleg. MH Student 5's BA [REDACTED] Bull. Alleg. MH Student 5 [REDACTED] Bull. Alleg. MH Parent 4 expressed concern about this incident because it involved [REDACTED] Bull. Alleg. MH Staff 6 responded on September 26, 2018 and told MH Parent 4 that [REDACTED] "checked on MH Student 5" and "will share [REDACTED] report with MH Student 41's teachers" and "will address the issue with [REDACTED] Investigators did not locate an incident report relating to this incident.

On December 17, 2018, MH Parent 4 wrote to MH Admin 3 and MH Staff 6 to share another incident involving MH Student 5 and MH Student 41. MH Parent 4 wrote: "I was talking to MH Student 5 over the weekend and [REDACTED] mentioned that several weeks ago, MH Student 41 [REDACTED] Bull. Alleg. [REDACTED] said that there was an incident report done at the time. Is this accurate?" MH Staff 6 responds that same day thanking MH Parent 4 for the "heads up" and states that [REDACTED] will follow-up with MH Staff 31, MH Student 41's teacher. MH Admin 3 also responds and states that [REDACTED] will "follow up with the family." Notably, neither MH Admin 3 nor MH Staff 6 responded to MH Parent 4's question about whether an incident report was filed in connection with this incident. Investigators reviewed all available incident reports involving MH Student 5 from September 2018 through December 2018 and did not locate one relating to this event. MH Parent 3 and 4 told investigators that when they asked MH Admin 3 what specific actions were being taken to keep MH Student 5 safe after this troubling report, MH Admin 3 said that [REDACTED] could not disclose the "discipline of another child," as that would be in "violation of the other child's civil rights."

Thereafter, on February 28, 2019, MH Parent 4 wrote to MH Admin 3 and MH Staff 6 to inform them about another incident with MH Student 41, this time involving MH Student 5 as well as their oldest child, MH Student 4. In the email, MH Parent 4 states:

MH Student 4 walks some of the small kids from the school to an after school program. Today, while [REDACTED] was near the old monumental cupcakes with the kids, MH Student 43 and MH Student 41 [REDACTED] Bull. Alleg. [REDACTED]

Later in the email exchange, MH Parent 4 states that "MH Student 5 said that either MH Student 43 or MH Student 41 together [REDACTED] Bull. Alleg. [REDACTED] Finally, MH Parent 4 expresses concern about the "ongoing pattern of behavior and bullying." MH Parent 4 states:

Bull. Alleg.

Investigators searched for all communications and reports relating to this incident and located one email dated February 28, 2019 in which MH Staff 6 forwards MH Parent 4's email to MH Staff 41 and MH Staff 31, MH Student 41's teachers, with the message, "FYI." Later, on March 5, 2019, MH Admin 3 agreed to meet with MH Parent 4 at "drop off time" to talk about [REDACTED] email. On March 12, 2019, MH Admin 3 emails MH Parent 3 and 4, copying MH Staff 6, with a "summary of the most recent conversation and action steps." The email states, "MH Student 5 may be normalizing hurtful behaviors or actions that [REDACTED] receives or gives. This is of concern and needs to be responded to when there are signs of it happening." The email, outlines a number of limitations and/or changes for MH Student 5, but does not address what, if any, actions or safety measures have been taken with respect to MH Student 41.⁸⁷ Investigators did not locate any incident reports relating to the events MH Parent 4 reported on February 28, 2019.

On March 22, 2019, MH Parent 4 emailed MH Staff 6 to express [REDACTED] continued concerns about MH Student 5's safety at Mission Hill. In the email, MH Parent 4 states:

[REDACTED] Bull. Alleg. MH
Student 5 Bull. Alleg.
Bull. Alleg.

MH Parent 4 sent MH Staff 6 a follow-up email later that same evening sharing that MH Student 5 told [REDACTED] gets hurt at school "probably every other day that [REDACTED] Bull. Alleg. [REDACTED] Bull. Alleg. MH Student 39." When MH Parent 4 asked MH Student 5 why [REDACTED] does not say anything, MH Student 5 responded, "the teachers would get sick of me telling because it happens so frequently."

On May 6, 2019, MH Parent 4 emailed MH Admin 3 and MH Staff 6, and Individual 4, a therapist with the Home for Little Wanderers, to report an incident involving MH Student 39. In the email, MH Parent 4 states:

⁸⁷ MH Parent 3 and 4 also reported that MH Student 41 bullied MH Student 4, MH Student 5's older sister, on other occasions.

MH Parent 3 picked MH Student 5 up today and asked [REDACTED] how the day went. [REDACTED] was in a really funky space, but said things were fine. When I took [REDACTED] to soccer this afternoon, [REDACTED] Bull. Alleg.

[REDACTED] MH Student 39 [REDACTED] Bull. Alleg.

[REDACTED] MH Student 39 [REDACTED] Bull. Alleg. [REDACTED] MH Student 39 [REDACTED] Bull. Alleg. [REDACTED], so MH Student 5 got sent to the classroom to be removed from the situation, but then there was not yet a teacher in the classroom, and MH Student 39 got into the classroom before an adult. On Friday, MH Student 39 [REDACTED] Bull. Alleg. [REDACTED] Bull. Alleg. [REDACTED] MH Student 5 [REDACTED] Bull. Alleg.

I am glad that today resulted in an incident report. I am REALLY concerned that there was not a phone call after [REDACTED] Bull. Alleg. [REDACTED] MH Student 39 [REDACTED] Bull. Alleg. [REDACTED] MH Student 5 [REDACTED] Bull. Alleg. [REDACTED] This is not a small thing and I am VERY upset that [REDACTED] continues to be physically unsafe. I would like to see if we can have a safety plan addressed immediately. **This is impacting [REDACTED] stress level and [REDACTED] learning.**

MH Staff 6 responded to the email that same day stating that MH Staff 38 had informed [REDACTED] of the incident and “collected a bunch of incident reports from different students.” MH Parent 4 asked MH Staff 6 for a time to meet and reiterated [REDACTED] concerns:

But I do want to be clear that this and other incidents seem to be bullying at this point. There is repeated physical lack of safety and psychological lack of safety as well as impact on learning.

Individual 4 also responds to this email exchange stating, “I know there have been significant concerns regarding MH Student 5’s safety that appear to be escalating” and offers to participate in the meeting to address these concerns. MH Admin 3 responds later that evening offering [REDACTED] availability for a meeting and writes, “I’m committed to having a plan in place for [MH Student 5.]” While MH Admin 3 expressed [REDACTED] commitment to implementing a safety plan for MH Student 5 after the May 6th incident with MH Student 39, investigators did not locate any such plan for MH Student 5 in or around this period.

In reviewing the incident reports collected by Mission Hill staff, investigators found six reports filed by other students that seemed to corroborate MH Student 5’s account of the incident with MH Student 39. The resolution, as reflected in MH Student 39’s incident report, was “MH Student 39 was spoken to/talked with and mother was notified. MH Student 39 spent 3 days w/ the gr. 3 & 4 classrooms.” Investigators find Mission Hill’s “resolution” of this incident to be particularly troubling and insufficient because of: (1) the lack of notice to MH Parent 3 and 4; (2) the decision to place MH Student 39, [REDACTED] Conf. Inf. [REDACTED], in classrooms with third and fourth graders, which calls into question whether [REDACTED] received an appropriate, grade-level education; (3) the lack of reporting to Succeed Boston despite MH Parent 3 and 4 reporting

prior incidents of targeted behavior by MH Student 39, and (4) the failure to implement any meaningful remedial and/or disciplinary measures to keep MH Student 5 safe.

MH Parent 3 and 4 stated that when they went to MH Staff 6 to express their concerns about the extent to which MH Student 5 was being targeted at school by the other students and the alarming rate at which the episodes were happening after MH Student 5's **Conf. Inf.**, MH Staff 6 was dismissive and turned the conversation into one about racial dynamics. In particular, MH Parent 3 and 4 said MH Staff 6 told them that it was hard to advocate for MH Student 5 because "other teachers see [redacted] as a white kid with social capital." MH Parent 3 and 4's impression was that Mission Hill School had a tendency of discouraging certain families from bringing complaints, particularly families who were white or white passing, by suggesting that they were "being racist by advocating for [their] child." Investigators asked MH Staff 6 about this alleged statement during [redacted] March 4, 2022 interview. MH Staff 6 denied making any such statement to MH Parent 3 and 4 and stated that [redacted] was against the idea of "social capital" because it assumes that "a white student happens to be a family of privilege." Although MH Staff 6 immediately recognized that "squeaky wheels," get the proverbial oil, as evidenced by [redacted] impression that BPS was conducting an investigation into Mission Hill School based on complaints made by certain "squeaky" families.

Ultimately, MH Parent 3 and 4 **Conf. Inf.** MH Student 5 from the Mission Hill School to the **Conf. Inf.** in late September 2019. As stated, *supra*, MH Parent 3 and 4 made a number of formal record requests to Mission Hill starting in June of 2019. On October 10, 2019, MH Parent 3 requested, among other things, "any documents connected to the implementation of the BPS Bullying Prevention & Intervention Plan," including, "safety plans, notices, investigation records, or determinations relating to these reports." On October 18, 2019, MH Staff 2, who was a Co-Teacher Leader at this point, responded as follows to MH Parent 3's record request:

We do not have any documents at MHS related to this. We called the Equity office to inquire about this. They said anything that may have been filed is now confidential, but you as the family can request this information. They also said the department of Social and Emotional Learning would have any reports filed through 311.

Then, on October 22, 2019, MH Staff 2 followed-up with MH Parent 3 to inform [redacted] that [redacted] has "contacted BPS Staff 5 for help **to start the bullying investigation.**" The email does not provide any details regarding the incident(s) of bullying that Mission Hill planned to investigate. Investigators did not locate any documents relating to this investigation, to the extent one was conducted. Notably, DESE found in its February 4, 2020 Letter of Finding that Mission Hill did not comply with "the basic requirements for addressing allegations of bullying" as it related to MH Student 5's bullying complaints.⁸⁸ In making this finding, DESE noted that the 2017 Plan "requires schools, at a minimum, to make a report for every bullying investigation it conducts and a determination of action and submit the report" to SAWS for entry into the electronic

⁸⁸ DESE's finding is limited to an October 22, 2019 email wherein Mission Hill School represented to MH Parent 3 that it was starting a bullying investigation because DESE's investigatory authority only extends to allegations occurring within one year of the receipt of the complaint.

database. Because Mission Hill failed to comply with these basic requirements, DESE found that the District “has *not* complied with M.G.L. c. 71, § 37O(e) (1, 2, and 3).”

Observations Based on Experiences at [REDACTED] Conf. Inf.

MH Parent 3 and 4’s experiences at Mission Hill stand in stark contrast to their experiences at the [REDACTED] Conf. Inf., which MH Student 5 [REDACTED] CI [REDACTED] Conf. Inf. after leaving Mission Hill. MH Parent 3 and 4 admitted that MH Student 5 still [REDACTED] Conf. Inf., but [REDACTED] did not encounter the same type of violent or targeted behavior that [REDACTED] experienced at Mission Hill School. In fact, MH Parent 3 and 4 said MH Student 5 was “shocked” when [REDACTED] moved to the [REDACTED] CI [REDACTED] because [REDACTED] had the “impression that there’s violence at every school.” MH Parent 3 and 4 shared that MH Student 5 was “confused” when the [REDACTED] CI [REDACTED] acted on an incident involving MH Student 5 and another student because “no one [at Mission Hill] ever took [REDACTED] safety seriously.” MH Parent 3 also expressed that [REDACTED] was surprised by the Haley’s immediate and appropriate response to the incident, as the response was so markedly different from how Mission Hill handled incidents.

Other Reports of Bullying Regarding MH Student 5

During the course of this investigation, investigators heard conflicting accounts from multiple parents and Mission Hill teachers who described MH Student 5 as the aggressor rather than, or in addition to, being a bullied student. We have summarized these incidents, as reported, here. To be clear, investigators do not make any findings as to the accuracy of these statements or allegations. Investigators reference them because they are part of the complete investigatory record as it relates to additional incidents that may involve MH Student 5 and bullying and, therefore, implicate BPS’s bullying policies and procedures. However, in doing so, investigators readily acknowledge that this type of criticism is consistent with the described “cult-like” community mentality in which members are often ostracized for speaking out against the School.

MH Parent 32 reported that MH Student 5 bullied [REDACTED] CI [REDACTED], MH Student 44, [REDACTED] Conf. Inf. [REDACTED], and others students at Mission Hill. MH Parent 10 also reported to investigators that MH Student 5 picked on [REDACTED] CI [REDACTED], MH Student 60, whom MH Parent 10 described as a “soft target” because of [REDACTED] long hair. MH Parent 23 told investigators that [REDACTED] thought MH Student 5 was a bully because [REDACTED] Bull. Alleg. [REDACTED] Bull. Alleg. [REDACTED]. MH Parent 16 stated that MH Student 5 was bullied and bullied others. MH Parent 12 and 13 described MH Student 5 [REDACTED] Bull. Alleg. [REDACTED] MH Student 46” and [REDACTED] BA [REDACTED] MH Student 46 [REDACTED] Bull. Alleg. [REDACTED] MH Parent 12 and 13 described the [REDACTED] Bull. Alleg. [REDACTED] MH Student 5” [REDACTED] Bull. Alleg. [REDACTED]. In addition to the testimonial evidence, investigators reviewed email communications wherein MH Admin 3 and other Mission Hill staff reported that MH Student 5 questioned MH Student 45 about [REDACTED] BA [REDACTED] Bull. Alleg. [REDACTED] MH Student 45 [REDACTED] Bull. Alleg. [REDACTED]⁸⁹ Finally,

⁸⁹ As discussed, *infra*, MH Student 5’s behavior and conduct with MH Student 45 is addressed in the Equity section. On March 10, 2022, investigators emailed MH Parent 33 and MH Parent 34, MH Student 45’s parents, to request a meeting to discuss their experiences at Mission Hill and any concerns they have around student safety, among other things. On March 15, 2022, investigators followed-up on their request. MH Parent 33 responded to investigators’ interview requests via email on April 13, 2022. In the email, MH Parent 33 stated that [REDACTED] CI [REDACTED] had endured

various Mission Hill students and/or staff identified MH Student 5 as the alleged aggressor in various Mission Hill incident reports. Again, investigators make no findings as to the accuracy of these incident reports and allegations. To the extent there are inconsistencies in the reports of bullying by MH Parent 3 and 4 and those described by Mission Hill parents and staff and in incident reports, we do not reconcile any such conflicting accounts.

ii. MH Parent 12 and 13

MH Parent 12 and 13 (the “MH Parent 12 and 13”) told investigators that their oldest child, MH Student 46 (they/them pronouns) attended Mission Hill from fall of 2012 until early 2016.⁹⁰ MH Parent 12 and 13 decided to leave Mission Hill because “MH Student 46 felt emotionally and physically unsafe at the school.” MH Parent 12 and 13 shared that MH Student 46 was “Bull. Alleg.

MH Student 46 Bull. Alleg. MH Parent 12 and 13 noted that Mission Hill had a “loose supervision model,” which resulted in students getting harmed or bullied in different areas of the building. According to MH Parent 12 and 13, “kids are free to roam the school and harm each other.” MH Student 46 experienced Bull. Alleg. MH Parent 12 and 13 also shared that MH Student 46 Bull. Alleg.

MH Parent 12 and 13 complained to MH Staff 25 who did not help alleviate their concerns. MH Parent 12 and 13 said MH Staff 25 “mentioned that had the kids line up by gender to see what line MH Student 46 got into.” MH Parent 12 and 13 found this action to be damaging to MH Student 46 and other kids because it enforced gender norms.

MH Parent 12 and 13 shared that MH Student 46 had a hard time in MH Staff 2’s classroom because MH Student 46 was targeted for not complying with gender norms. According to MH Parent 12 and 13, a paraprofessional told MH Student 46 not to paint their nails and other kids told them that was “not okay.” MH Parent 12 and 13 complained to MH Staff 2 but did not take their complaints seriously. MH Parent 12 and 13 noted that there was “a complicated dynamic in the classroom” because MH Student 46 is CI and MH Staff 2 and the kids who were picking on MH Student 46 were CI MH Parent 12 and 13’s impression was that Mission Hill School’s and MH Staff 2’s commitment to Black Lives Matter “dominated over MH Student 46’s right to have their gender identity.” MH Parent 12 and 13 said that MH Staff 2 viewed their complaints and requests for safety for MH Student 46 as them “being racist to CI kids.” MH Parent 12 and 13 explained to investigators that Mission Hill School was not “giving space for both identities to flourish,” which was problematic because MH Student 46 “thought CI people didn’t like queer people,” based on their experiences at Mission Hill. MH Staff 2 told investigators that did not recall MH Student 46 being subject to physical threats or attacks. The only thing MH Staff 2 could remember was MH Student 46 being “teased about

Bull. Alleg.,” and that “MHS administration protected bullies by withholding the seriousness of their behavior,” leaving child “to bear the burden of keeping safe.” The substance of this correspondence is included in the Equity section, below.

⁹⁰ Pursuant to MH Parent 12 and 13 stated preference that investigators refer to MH Student 46 using their current name and pronouns, all references to MH Student 46 herein have been revised accordingly.

nail polish.” MH Staff 2 told investigators that when safety issues were raised relating to gender-nonconforming students [REDACTED] “tried to address those issues with sincerity and passion and honestly . . . [to] make[] sure the student feels safe, seen, and feel a part of the community.” MH Staff 2 said [REDACTED] approach didn’t work “100%, but [worked] most of the time.”

MH Parent 12 and 13 said they escalated their concerns to MH Admin 3 prior to leaving Mission Hill School, but that “accomplished nothing.” When MH Parent 12 and 13 complained about MH Student 46 being bullied, MH Admin 3 responded that they “don’t use the term bullying.” MH Parent 12 and 13 viewed MH Admin 3 hyper focus on terminology as being “very intentional[] to avoid the legalities of a bullying claim.” Investigators located an email dated September 23, 2015 from MH Parent 12 to MH Admin 3 and MH Staff 24, MH Student 46’s second grade teacher, where MH Parent 12 and 13 “request[ed] a meeting . . . to talk about strategies to support [MH Student 46] and prevent further bullying around [MH Student 46’s] gender expression.” MH Parent 12 wrote:

[MH Student 46] has tried repeatedly to express [REDACTED] gender identity at MHS since K1 (wearing dresses, painting [REDACTED] nails, wearing pink, etc.) and **each time has faced bullying** that has made [REDACTED] feel unsafe at the school in terms of gender expression. When [MH Student 46] feels safe to be [REDACTED], we observe a happy, engaged child. **When [REDACTED] feels scared and oppressed, [REDACTED] shifts noticeably to safe and angry, over-reactive to small challenges, and uninterested in learning.**

MH Parent 12 and 13 explained that they had several meetings with MH Admin 3 and MH Student 46’s teachers. During one such meeting, MH Admin 3 told them, “Mission Hill is the only school that would keep [MH Student 46] safe in BPS so [you] are welcome to leave but [you] would be worse off anywhere else.” MH Parent 12 and 13 explained that MH Admin 3 and MH Staff 24 “berat[ed] each other” about maintaining control in the classroom and about Mission Hill School’s lack of sufficient resources to do so. MH Parent 12 and 13 said that MH Staff 24 ultimately told them that [REDACTED] “didn’t feel that [REDACTED] could keep MH Student 46 safe” and recommended that they “pull MH Student 46 from the school.” At or around the same time, MH Student 46 was going to the School nurse, on a daily basis, who also commented to MH Parent 12 and 13 that MH Student 46 was not safe at Mission Hill. MH Staff 24 told investigators that [REDACTED] “felt frustrated with the School because [REDACTED] didn’t think they did enough to really keep [MH Student 46] safe.” MH Staff 24 stated that [REDACTED] and MH Parent 12 and 13 told MH Admin 3 that MH Student 46 was in danger. During one conversation with MH Admin 3, MH Parent 12 and 13 tried to advocate for a safe bathroom space for MH Student 46. According to MH Staff 24, MH Admin 3 “rolled [REDACTED] eyes” at the suggestion. MH Staff 24 agreed that MH Admin 3 did not take MH Parent 12 and 13 bullying concerns seriously.

When investigators asked MH Parent 12 and 13 to describe MH Student 46’s progress in the second grade, they stated, “MH Student 46 went from a really happy kid to an unhappy, angry, sad kid. The light left their eyes.” MH Parent 12 and 13 disclosed that they later learned that MH Student 46 [REDACTED] Conf. Inf. [REDACTED]. MH Student 46 [REDACTED] Conf. Inf. [REDACTED] and essentially “did not participate for two years at school.”

Investigators located an email dated October 21, 2015 from MH Parent 12 to MH Staff 24 regarding more targeted behavior against MH Student 46. In the email, MH Parent 12 states:

Additionally, [MH Student 46] let me know that MH Student 37 [Redacted] Bull. Alleg.
[Redacted] Bull. Alleg., and MH Student 47 is [Redacted] Bull. Alleg.
[Redacted] Bull. Alleg. Apparently, MH Student 37 [Redacted] Bull. Alleg.
[Redacted] Bull. Alleg. [MH Student 46] [Redacted] Bull. Alleg.
[Redacted] Bull. Alleg. We'd love to find
a plan to help mitigate that, even if it's just separation/avoidance for now – I know
in particular we've been getting reports of MH Student 37 [Redacted] Bull. Alleg.
[Redacted] Bull. Alleg.

MH Staff 24 responded to MH Parent 12's email on October 22, 2015 and represented that [Redacted] would "separate those 2 in the line and keep an eye on what is going on in the room." MH Staff 24 also "suggested a gesture to let [Redacted] know that something is not going well," to which MH Student 46 agreed.

Investigators did not find any evidence that MH Staff 24, MH Admin 3 or anyone else at Mission Hill filed an incident report or a bullying report with Succeed Boston regarding these complaints of bullying. Furthermore, as discussed, *infra*, investigators did not identify any reports filed with the Office of Equity relating to these events, which would have been required per BPS policy.

On November 22, 2015, MH Parent 12 emailed MH Admin 3 and MH Staff 24 to inform them that MH Student 46 was "bullied on the bus last week on Thursday and Friday." MH Parent 12 states, [Redacted] Bull. Alleg. [MH Student 46] [Redacted] Bull. Alleg. [Redacted] Bull. Alleg. [MH Student 46] reports the bus monitor and driver did not intervene. How can we address this?" MH Parent 12 also expressed concern about the manner in which Mission Hill has addressed [Redacted] prior bullying complaints, stating:

We are very grateful for the work you've done and the actions you've taken to help [MH Student 46] feel safe at school. However, we feel that one recent action has been very counter-productive. To keep [MH Student 46] safe from MH Student 37, who seems to have specifically targeted [Redacted], [MH Student 46] has been moved to another class's recess and lunch. It is helpful that they've separated, as recess has been the time when MH Student 37's been able to hurt MH Student 46 the most now that the line order has changed. However, this change has the result of taking [Redacted] away from the network of friends and allies [Redacted] built to keep [Redacted] safe and supported outside of class. Second, and maybe more damaging, is the implicit message – [MH Student 46] has to leave, while [Redacted] antagonist gives up very little, at least from [MH Student 46's] perspective.⁹¹

⁹¹ In an email dated November 23, 2015, MH Parent 12 informed MH Staff 24, "[MH Student 46] said [Redacted] rather have recess with [Redacted] class even if that means being beaten up by MH Student 37."

Investigators did not find any evidence that MH Staff 24, MH Admin 3 or anyone else at Mission Hill School filed an incident report or a bullying report with Succeed Boston regarding MH Parent 12 and 13's report of bullying on the bus.⁹² In addition, investigators find Mission Hill's response and purported "solution" of moving MH Student 46 to another class's recess and lunchtime, which separated MH Student 46 from their own support system, to run contrary to the intent and purpose of BPS policy. The 2010 Plan expressly states that if a bullying complaint is substantiated, which Mission Hill School did not even do here, "the principal or designee must take steps to stop the bullying behavior, prevent its reoccurrence, **and to ensure that the victim (target) is not restricted or limited in participating in school or in benefiting from the school's programs and activities.**" Notwithstanding this unambiguous requirement to support the victim (target), Mission Hill's response to MH Student 46's complaints of bullying only exacerbated the situation by taking MH Student 46 away from their "network of friends and allies" at a time when MH Student 46 needed them.

When MH Parent 12 and 13 left Mission Hill, they did not communicate with anyone at the School about their decision.⁹³ Investigators identified an email dated March 1, 2016, wherein MH Staff 24 tells MH Parent 12, "I am sorry to hear . . . that [MH Student 46] won't be coming back but I also understand that this is for the best. I hope this time will be a happier and safer time for [MH Student 46]."

MH Parent 12 and 13 stated that at some point after they left Mission Hill School, MH Admin 3 reached out to ask if they had left. When MH Parent 12 and 13 informed MH Admin 3 that they had, MH Admin 3 said [REDACTED] had something important to tell them about their child, which was that someone "raised concerns about MH Student 46 being a potential bully."⁹⁴ MH Parent 12 and 13 connected MH Admin 3 comment to MH Student 5, who was "frenemies" with MH Student 46. MH Parent 12 and 13 told investigators that while they believed that "MH Student 5 was physically harming MH Student 46," they felt MH Admin 3 message was directly blaming MH Student 46 for instigating the incidents when they had so long been the target of such repeated attacks.

iii. MH Parent 15

MH Parent 15 told investigators that [REDACTED] **CI** MH Student 49, [REDACTED] **Conf. Inf.** [REDACTED] MH Parent 15 explained that MH Student 49 "wants everyone to like [REDACTED] and, therefore, was more "prone to bullying on a regular basis." When investigators asked if [REDACTED] children reported any bullying or physical acts, MH Parent 15 explained that at Mission Hill "kids didn't even know" that bullying behavior, as parents understand it, was "wrong" because they saw it as "normal behavior" at the School. MH Parent 15 shared that [REDACTED] **CI** got glasses and on the first or second day of school a [REDACTED] **Bull. Alleg.** [REDACTED] without repercussion. MH Parent 15 only learned about the incident because

⁹² Investigators note that they identified over 100 separate incident reports relating to unsafe physical and/or bullying conduct taking place on a bus during the 2012 - 2021 period.

⁹³ MH Parent 12 and 13 shared that they spoke with MH Parent 44, a [REDACTED] **Conf. Inf.** [REDACTED] about [REDACTED] experiences having a transgender child at Mission Hill. On March 10, 2022, investigators emailed MH Parent 44 to request a meeting to discuss [REDACTED] experiences at Mission Hill and any concerns [REDACTED] may have around student safety and academic support. MH Parent 44 did not respond to investigators meeting request.

⁹⁴ Investigators could not locate this email within Mission Hill's email system.

█ noticed CI █ broken glasses and asked █ what happened. MH Parent 15 brought the incident up to MH Staff 2, but there were no meetings or follow-up.

MH Parent 15 said, “bullying starts from the top down in how it’s reported” and “anyone in dissent is pushed out” at Mission Hill School. MH Parent 15 recalled that BPS presented on bullying at one of the parent council meetings and “MH Admin 3 left the room,” signaling that “█ did not need to be there.” By contrast, the Co-Teacher Leaders addressed the issue of bullying at their first meeting and told the community that they “very much recognize that things need to get solved and that problems within the school need to change.” According to MH Parent 15, the Co-Teacher Leaders at least identified how Mission Hill had dealt with bullying in the past as one such problem that needed to change. MH Parent 15 explained that the Co-Teacher Leaders acknowledged that BPS’s bullying protocols “[had] not [been] followed” historically, but promised to parents that they “knew the BPS requirements and expectations” and would “fulfill” all such requirements moving forward.

MH Parent 15 told investigators that █ heard about kids being “bullied” and “abused” on the bus and even reported that some parents were “abused” when the students got off the bus. MH Parent 15 said some of these parents reported the incidents to the Co-Teacher Leaders but “nothing happened.” MH Parent 15’s perception was that Mission Hill School, even under the leadership of the Co-Teacher Leaders was “adamantly against trying to protect kids.” MH Parent 15 commented that it is one thing for Mission Hill to have autonomy to set its own curriculum, but “not at the expense of child safety.”

MH Parent 15 shared that █ personally observed “bullying in hallways,” in “how older kids were treating each other,” and how “bigger kids were physically overwhelming the younger ones” in MH Staff 7 MH Staff 7’s class, but “nothing happened.”

When MH Parent 15’s children left Mission Hill in August of 2020, █ requested all records relating to their time at Mission Hill, including any documents relating to bullying. MH Parent 15 stated that █ did not receive any documents or incident reports relating to bullying and that MH Staff 2 confirmed that Mission Hill did not have any such documents for █ children.

iv. MH Parent 16

MH Parent 16 told investigators that Mission Hill School does not do anything to stop bullying among students. MH Parent 16 said there is a “lot of roughhousing” at the school and “certain kids always are picking on each other.” MH Parent 16 also noted, “kids learn to protect themselves by being abusive or annoying back,” which only perpetuates the bullying cycle. With this re-occurring dynamic, it is hard to identify the “bully versus the one being bullied.”

MH Parent 16 shared that Conf. Inf. █, MH Student 18 and MH Student 17, both experienced inappropriate touching by MH Student 1, which MH Parent 16 reported to MH Staff 29 and MH Admin 3. MH Parent 16 stated that upon learning about the inappropriate touching, █ asked for a bullying investigation and a safety plan. When MH Parent 16 asked MH Admin 3 about the safety plan, MH Admin 3 responded that █ reported the incident to DCF and that

“MH Staff 29 has [REDACTED] eyes on [REDACTED] if incidents continue to happen.” MH Admin 3 told MH Parent 16 that [REDACTED] “couldn’t share the safety plan with [MH Parent 16] because it was the student’s [MH Student 1’s] plan and not [REDACTED].” MH Parent 16 pushed back because [REDACTED] needed to know what actions the School was taking to keep [REDACTED] safe. According to MH Parent 16, when [REDACTED] asked MH Admin 3 for more transparency, MH Admin 3 told [REDACTED] that [REDACTED] was asking questions in a “racist way.” On other occasions, MH Admin 3 indicated that [REDACTED] would get a “safety plan from the district” and report back. MH Parent 16 said MH Admin 3 never provided [REDACTED] with a safety plan.

MH Parent 16 commented that the situation around MH Student 1 “could be seen as bullying,” because [REDACTED] believed that [REDACTED] “targeted a number of people and made them feel scared.” MH Parent 16 believes that Mission Hill should have investigated the incidents and filed a bullying complaint.

MH Parent 16 shared that **Alleged Bullying**

[REDACTED] Upon learning of these concerns, MH Parent 16 shared them with MH Staff 7 and MH Staff 49 who offered to let [REDACTED] use the bathroom for staff for more comfort and said that they would talk to the class about it. When MH Parent 16 asked questions about the proposed follow-up, MH Staff 7 and MH Staff 49 said they were “not going to talk to [MH Parent 16], but [REDACTED] has a way to feel fine” without providing any further information.

MH Parent 16 told investigators that kids who were transgender or considered transgender “had a harder time” at Mission Hill and identified MH Student 5 and MH Student 46 as two students who were bullied for this reason. MH Parent 16 stated that when MH Parent 12, MH Student 46’s [REDACTED] confronted MH Admin 3 about the bullying conduct MH Admin 3 justified the behavior stating something to the effect of “boys will be boys.” MH Parent 16 explained that the School’s response to most issues, including bullying, was to try and “understand each other and have a talk,” as a form of “restorative justice.” MH Parent 16 did not feel that Mission Hill was using restorative justice appropriately but, rather, it was used to make “both sides feel better.” Investigators asked MH Parent 16 whether [REDACTED] felt Mission Hill School’s restorative justice approach was effective. MH Parent 16 said maybe for a day or two, “but not having structural mechanism in place meant that kids would bubble up again” and the “chaos” would return.

MH Parent 16 shared [REDACTED] opinion that MH Admin 3 influence was “felt” even after [REDACTED] departure and the hiring of the Co-Teacher Leaders. MH Parent 16 said that the Co-Teacher Leaders were a “continuance of the ‘we always do things right’” attitude, which meant “covering up for MH Admin 3.”

MH Parent 16 submitted a formal records request to Mission Hill. In response, MH Parent 16 received a “single email with [MH Parent 16] about inappropriate touching.” There were no incident reports or records of discipline relating to the inappropriate touching incidents with MH Student 1. MH Parent 16 said it is “really hard to know or keep [the School] accountable” because the “lack of documentation makes it hard to prove anything.”

v. *MH Parent 8*

MH Parent 8 told investigators that [REDACTED] did not perceive a pervasive bullying problem at Mission Hill. However, MH Parent 8 shared one issue that [REDACTED] CI had raised with [REDACTED] involving an older student named MH Student 50 and another student whose name MH Parent 8 could not recall. MH Parent 8 said MH Student 50, who is CI **Alleged Bullying**, who is CI and the other student, who was also CI **Bull. Alleg.**. At the time, MH Parent 8's CI was a new first grader so MH Parent 8 viewed these incidents as the older kids "picking on the new kid." At the same time, MH Parent 8 informed investigators that [REDACTED] talked to CI about what it meant that a "CI was spitting at a CI." MH Parent 8's CI raised the incidents with [REDACTED] teacher and the teacher sat the students down to "do a restorative justice process." MH Parent 8 noted that CI "had the language to talk to [REDACTED] and [REDACTED] teacher" about what had taken place, but [REDACTED] could see how it might affect other students who did not. Even then, MH Parent 8 stated that CI "didn't think [REDACTED] was being heard" during the restorative justice meeting because the teacher was not interested in hearing [REDACTED] side about how the incidents started. MH Parent 8 has experience with restorative justice and said one has to be "trained well to do it." MH Parent 8 noted that, "without proper training [restorative justice] is not going to have the same impact." MH Parent 8 suggested that Mission Hill School "make sure everyone is trained to do restorative justice correctly or only have people who are specialized in that handle" those meetings.

MH Parent 8 served on the Mission Hill Governing Board from approximately 2016-2017, through 2020. MH Parent 8 said MH Admin 3 generally seemed "open" to addressing concerns and issues raised at the Governing Board meetings. MH Parent 8 told investigators that one concern raised with MH Admin 3 was the issue of bullying because some parents complained that MH Admin 3 was not acting on concerns raised about bullying. MH Parent 8 stated that MH Admin 3 "brought in BPS to do a workshop" on bullying and put up the number to the bullying hotline on the Family Council Board, as well as in the Mission Hill Newsletter. MH Parent 8 said the messaging around the hotline was something to the effect of, "if you think MH Admin 3 is not doing anything you could call this number." MH Parent 8 noted that [REDACTED] was not privy to what MH Admin 3 was or was not doing in terms of responding to people's individual complaints.

vi. *MH Parent 5*

MH Parent 5 shared with investigators that, MH Student 6, of whom [REDACTED] and **Conf. Inf.** [REDACTED], started at Mission Hill in or around 2012. MH Parent 5 expressed that [REDACTED] family felt they had "won the lottery" when MH Student 6 got into Mission Hill because [REDACTED] prior school was not a good fit. MH Parent 5 explained that MH Student 6 had **Conf. Inf.** [REDACTED] **Confidential Information**. MH Parent 5 said that Mission Hill "sounded perfect" for MH Student 6. MH Student 6 remained at Mission until sixth or seventh grade when MH Parent 5 pulled [REDACTED] and MH Student 15, **Conf. Inf.** [REDACTED] out of Mission Hill due to a "series of sexual assaults" that MH Student 6 endured in Mission Hill's after school program. These sexual assaults are addressed, *supra* in Section II, and evaluated in the context of BPS's sexual abuse and reporting obligations. However, because MH Parent 5 also raised bullying complaints in

connection with at least some of these events, investigators are evaluating the pertinent events under BPS's bullying policies as well.

MH Parent 5 said Mission Hill School's after school program was run by individuals who were "not experienced enough," such as teacher aides or whoever wanted to fill the slot. As a result, a lot of "stuff just kind of slide by the wayside." MH Parent 5 informed investigators that there were two CI MH Student 27 and MH Student 28, who participated in the abuse and bullying behaviors, but MH Student 27 was the only one who was in the after school program. MH Parent 5 stated that MH Student 27 was "bigger" and "stronger," and "took advantage of that knowledge" to "exploit[] MH Student 6 even more." MH Parent 5 said that "MH Student 27 was a predator and [redacted] figured out how to, you know [find] what corners were not visible and where [redacted] could get [redacted] MH Parent 5 expressed [redacted] belief that MH Student 27 and MH Student 28 targeted MH Student 6 Conf. Inf. [redacted] MH Parent 5 explained that MH Student 6 is Confidential Information [redacted] MH Parent 5 believes the CI [redacted] recognized those attributes in MH Student 6 and "exploited it."

MH Parent 5 told investigators that [redacted] did not learn about the sexual abuse until later on because MH Student 6 was "very good at covering it up." Upon learning about the abuse, MH Parent 5 informed MH Admin 3 and sought to implement a safety plan for MH Student 6. While MH Admin 3 acknowledged that [redacted] "had to report" the abuse, [redacted] resisted taking any other steps to keep MH Student 27, Conf. Inf. [redacted], and MH Student 28, Conf. Inf. [redacted], separate from MH Student 6, Conf. Inf. [redacted]. According to MH Parent 5, MH Admin 3 said the CI [redacted] "have to be given a chance and they have to be treated equally." MH Parent 5 was shocked that MH Admin 3 allowed the CI [redacted] to continue sharing classes with MH Student 6, although [redacted] acknowledged that the teachers "were doing everything they could to keep them apart." MH Parent 5 told investigators that MH Admin 3 did put a safety plan in place, but because it did not require MH Student 27 to stay away from MH Student 6, it "felt like a very small Band-Aid to a very large problem." Investigators located the Safety Plan for MH Student 6, dated January 15, 2019. In essence, the Safety Plan provided that a Mission Hill staff member was to escort MH Student 6 throughout [redacted] entire school day (i.e. to homeroom, during transitions, at breaks, and during lunch and recess). Investigators did not find any Safety Plans for either MH Student 27 or MH Student 28.

MH Parent 5 said MH Admin 3 pointed to the "Mission Hill mission" of restorative justice as a basis for not imposing additional safety measures because the boys "are allowed to learn from their mistakes" and "should not be victimized." MH Parent 5 commented that while [redacted] is generally "in favor of restorative justice," there are "some things that are just not redeemable" through restorative justice, such as sexual assault and bullying. MH Parent 5 stated that Mission Hill's failure to protect MH Student 6 and MH Student 15 from MH Student 27 is "ultimately the reason why [redacted] took both children out."

MH Parent 5 said MH Student 27 also "bullied [MH Student 15] a fair bit." MH Parent 5 reported that these Alleged Bullying [redacted] MH Student 15 and at one point, MH Student 27 Alleged Bullying [redacted] MH Student 15's Bull. Alleg. [redacted]. When MH Parent 5 asked MH Admin 3 why this assault was not being addressed, [redacted]

was told that MH Student 27 “apologized to [MH Student 15], so they “were all good.” MH Parent 5 called Mission Hill’s response or lack thereof a “pattern” that ■ “did not understand.”

Investigators located an email dated March 27, 2019, from MH Parent 29 to MH Admin 3 and MH Staff 28. In the email, MH Parent 29 wrote:

On Tuesday, 3/26, . . . I asked MH Student 15 to tell me about ■ day and BI
Alleged Bullying MH Student 27 Alleged Bullying
Alleged Bullying MH Student 51 Bull. Alleg.
BI MH Student 27 Alleged Bullying MH Student 15’s BI
Alleged Bullying MH Student 15 MH Student 15 BI
Bull. Alleg. MH Student 15 Alleged Bullying
Alleged Bullying
Alleged Bullying

Unfortunately, Alleged Bullying MH Student 15 Alleged Bullying
■ MH Student 27 BI MH Student 51 Bull. Alleg. MH Student 27 BI MH
Student 51 BI MH Student 15 Alleged Bullying
Bull. Alleg. MH Student 27 Bull. Alleg. MH Student 51 Bull. Alleg.
Alleged Bullying We have told MH
Student 15 to tell a teacher, but ■ says ■ gets told to ‘not be a snitch.’ MH Student
27 and MH Student 51 went too far yesterday, so we are writing to you now.

MH Student 27, MH Student 51, and to some extent MH Student 64’s bullying of
MH Student 15 is egregious. We it will be dealt with immediately by appropriate
MHS staff.

After several days without a meaningful response from MH Admin 3, MH Parent 5
emailed MH Admin 3 again to “reiterate how completely unacceptable it is that MH Student 15’s
attempts to notify after school staff with regard to being bullied were met with ■ being told
‘not to snitch.’” MH Parent 5 explained that Mission Hill’s dismissive actions has “only led to
increasing bullying action from MH Student 27 and MH Student 51,” as they “realized MH
Student 15 wasn’t being taken seriously by the staff, and therefore they could easily get away
with bullying ■.” In light of MH Student 27’s history of abuse with MH Student 6 and
escalating bullying behaviors with MH Student 15, MH Parent 5 expressed that MH Student 27
should not be allowed to remain in the after school program with “MH Student 15 and other
vulnerable children, some as young as 4 or 5 in attendance.”

On April 2, 2019, MH Admin 3 responded that the incident required “an investigation”
and they “want to make sure [they] have as much information as possible” to “determine next
steps.” Later that day, MH Staff 7 responded with the “results” of ■ investigation, which
consisted of a meeting with MH Student 15 to get ■ perspective of the event and a meeting with
MH Student 27 who “relayed almost the same story” as MH Student 15.

MH Staff 7 informed MH Parent 5 that [REDACTED] had reminded MH Student 15 to tell an adult if “ANYTHING happens that makes [REDACTED] feel uncomfortable.” Neither MH Admin 3 nor MH Staff 7 responded to MH Parent 5’s request that MH Student 27 no longer be allowed to participate in the after school program. Instead, MH Staff 7 wrote the following rather bizarre explanation as to why “middle-age (3rd graders)” adore the “older friends:”

Middle-age friends told me they want to be with our older friends because ‘they are cool.’ Older friends said they enjoy playing/hanging with our middle-age friends. Most times both groups happily/appropriately interact with each other. On occasion, older friends want to have some ‘older kid’ time. When they have asked for that space our middle-aged friends have not always responded kindly. They have ignored the request or responded in a manner that frustrated the older friends. For example, if asked to move so the older kids have some space, middle-age friends would wiggle their bodies in place and say things like, ‘there I moved.’

MH Staff 7 ended the email by telling MH Parent 5 that [REDACTED] told the students that “adults would keep an eye on things and check in soon.” MH Parent 5 responded the following day to inform MH Admin 3 and MH Staff 7 that they “will be making other arrangements for MH Student 15’s after school care for the remainder of the year.”

Investigators did not locate any reports filed with Succeed Boston in connection with MH Parent 5 and 29’s reports of MH Student 27 and others bullying MH Student 6 and MH Student 15.

MH Parent 5 told investigators that Mission Hill’s approach to responding to bullying was essentially “lip service,” because “in the end there was no justice and certain children who knew how to exploit that or knew that the consequences weren’t that dire, just kind of continue to get away with it.”

C. Other Comments and Observations From Parents Regarding Bullying at Mission Hill

In addition to the statements detailed, above, investigators received a wide array of experiences from other Mission Hill parents on the subject of bullying at Mission Hill.

On the issue of restorative justice, parents offered differing views. MH Parent 10 told investigators that MH Staff 6 handled a bullying issue involving CI [REDACTED] “skillfully.” MH Parent 10 stated that after a restorative justice session, CI [REDACTED] became “friends with the aggressor.” MH Parent 10 credited MH Staff 6 for “brokering this” friendship.⁹⁵ MH Parent 22 also applauded MH Staff 6’s ability to “diffuse a situation” where CI [REDACTED] was harassed and bullied about [REDACTED] physical appearance.

⁹⁵ MH Parent 10 shared that on another occasion a student who was “slightly gender-nonconforming” showed up wearing an earring and students teased the gender-nonconforming student. According to MH Parent 10, MH Staff 6 showed up the next day with an earring in “solidarity” with [REDACTED] student, which was a “very welcomed” gesture by the student’s family.

MH Parent 23 told investigators that CI [REDACTED] was bullied in the third grade, but MH Staff 5 taught CI [REDACTED] how to “advocate for [REDACTED]” and “empowered [REDACTED] to handle it on [REDACTED] own.” MH Parent 23 noted, however, that CI [REDACTED] was “still miserable for a couple weeks before” the bullying “became obvious to [REDACTED] and MH Staff 5.” MH Parent 25 and MH Parent 26 shared that their child, MH Student 16, Conf. Inf. [REDACTED], was bullied “minimally,” but that MH Student 16 had “strong teachers” who “nipped [that conduct] in the bud.” MH Parent 35 told investigators that CI [REDACTED] was bullied on more than one occasion. MH Parent 35 participated in a few meetings about the bullying, but said that “if a student or child is constantly doing the same thing to the same student, then more is needed beyond just talking it out.” MH Parent 17 also agreed that restorative justice is not “enough,” to address bullying because there needs to be some form of “accountability.”

BPS Staff 10 told investigators that when conduct amounts to bullying, restorative justice is not appropriate for two reasons. First, restorative justice is a “choice” and cannot be mandatory. Therefore, if two students are having an issue with one another and do not want to participate in restorative justice, the school “can’t force them to participate.” Second, the school can use restorative justice to build a community to talk about bullying, but the moment one student targets another student, there is an unequal balance of power that prevents the school from bringing the students together in a meaningful way. BPS Staff 10 explained that in [REDACTED] experience, [REDACTED] has seen the victim (target) of bullying get into a restorative justice circle only to claim there was just a “big misunderstanding” because the victim does not have “the same power” as everyone else in that circle.

In terms of reporting, MH Parent 35 stated that Mission Hill needs to improve its reporting procedures. MH Parent 21 told investigators that [REDACTED] leaned on the School system and believes [REDACTED] is informed whenever something happens. MH Parent 21 said there is a “spectrum of bullying” and that CI [REDACTED] has experienced one physical incident in [REDACTED] five years at Mission Hill, which involved another student slapping CI [REDACTED] on the back. MH Parent 21 heard about the incident from CI [REDACTED] and not from CI [REDACTED] teacher. The lack of notice was not alarming to MH Parent 21 because [REDACTED] thought the incident may have just been “child’s play” and [REDACTED] “gave the teacher the benefit of the doubt,” because maybe they were unaware of the incident. MH Parent 21 did not perceive a bullying issue at Mission Hill, especially in the younger years. MH Parent 36 expressed serious concerns about bullying at Mission Hill and the School’s failure to notify parents when children are bullied. MH Parent 36 stated that Mission Hill parents only find out about incidents “after the situation is already out of control.”

Finally, we also heard that certain current Mission Hill School parents are “frustrated” with the narrative that is “being spun” that there is a pervasive bullying problem at Mission Hill School. MH Parent 10 expressed [REDACTED] belief that bullying incidents happen at other BPS-schools, but those schools are not “managed by the tight procedures” that Mission Hill is currently experiencing. MH Parent 11 told investigators that the “bullying narrative is false,” declaring that the real issue is a “lack of supervision” due to a lack of resources and support from BPS. MH Parent 11 said that students are not targeting one another they are just “losing control.”⁹⁶

⁹⁶ Throughout the course of this investigation, certain parents and teachers have expressed frustration with the fact that Mission Hill is undergoing the instant investigation. These individuals blame individual families and/or students who had a difficult time “fitting into Mission Hill” and now are trying to raise concerns that are unfounded

MH Parent 43 also found the School to be “chaotic,” but did not think there were targeted incidents of bullying taking place.⁹⁷ MH Parent 18 cited a string of incidents where certain students were known for targeting and threatening other students with physical and/or sexual violence during ■ meeting with investigators. MH Parent 18 said Mission Hill’s safety plans were not effective in combatting the bullying taking place at the School. MH Parent 11 expressed the sentiment that “everything is bullying nowadays.” MH Parent 6 appeared to agree with the sentiment that the term “bullying” is overused. MH Parent 6 said Mission Hill taught first graders about bullying and now CI ■ “overuses the word to describe anything a kid does that ■ doesn’t like.” MH Staff 6 also told investigations that “back in the day,” “bullying wasn’t used to describe every incident with everyone.”

D. Process Changes under the Co-Teacher Leaders & Present Administration

MH Staff 1 and MH Staff 2 assumed the roles of Co-Teacher Leaders at Mission Hill for the 2019-2020 school year. MH Staff 1 stated that when ■ assumed the role, ■ knew there were some things that needed to change, documentation of incident reports being “a big one.” MH Staff 1 said that ■ and MH Staff 2 were “flabbergasted” at how “incomplete” the incident reports were at Mission Hill. Moving forward, they decided to implement a new system for incident reports and created a Google form to make it easier to track the reports. The new form also indicated whether the filer needed to follow any other protocols (i.e. contact the Office of Equity) based on the type of incident.⁹⁸ MH Staff 1 stated that they provided “some” training to staff members on the new form, but not on the Code of Conduct, which came later.

MH Staff 1 told investigators that after receiving a DESE complaint relating to bullying ■ wanted to bring Succeed Boston in to train staff members. We note that the decision to conduct bullying-specific training closely followed a separate investigation by BPS into prior reports of unaddressed bullying at Mission Hill School, in which the School was found to have flouted its obligation to identify, document, and appropriately address reported incidents of bullying. When MH Staff 1 contacted BPS Staff 10, the Senior Director of Succeed Boston, to conduct the training, BPS Staff 10 told ■ that there “weren’t many bullying reports” from Mission Hill School and that “[BPS Staff 10] didn’t think that was a great thing.” On the issue of reporting, MH Staff 1 said ■ made a concerted effort to follow-up with parents and teachers on bullying complaints and teachers and parents “thanked [■] for taking it seriously” and commented about it being “different.” MH Staff 1 did not recall ever being involved in a bullying investigation when ■ was a teacher. MH Staff 1 said BPS Staff 10 “helped [■] realize that, whether or not there is a finding of bullying, you have to submit the final report.” MH Staff 1 claimed that ■ did not know about such a requirement until ■ became a school leader.

from their perspective. For example, MH Parent 11 told investigators that ■ believes MH Parent 3 and 4 are “biased” because “MH Student 5 did not fit in” and so the whole family had to leave the School.

⁹⁷ MH Parent 43 told investigators that a “group of mean girls picked on CI ■,” which ■ addressed with ■ CI ■ teachers, but ■ didn’t feel the teasing rose to the level requiring a written report.

⁹⁸ In Attorney Coffey’s June 10, 2021 Report of Investigation relating to Mission Hill, ■ recommended that the “Co-Teacher Leaders revise the M.H.S. Incident form by including a check box on the face of the form which identifies student conduct that “may be bullying.” Based on our review of the changes to the M.H.S. Incident forms over time, investigators found that the M.H.S. Incident form was updated in or around September 2021 to add a question about whether the matter was reported to Succeed Boston.

While the requirements imposed on Mission Hill School to respond to bullying concerns did not shift in 2019 with the change of leadership, two staff members, MH Staff 5 and MH Staff 6, reported that, from their vantage points, MH Staff 2 and MH Staff 1 changed the expectations for bullying reporting at the School to better align with BPS training, and emphasized follow-ups and timeframes for calling and notifying parents. MH Staff 45 told investigators that, under MH Admin 3 leadership, “a lot of stuff [was] dealt with in house.” However, MH Staff 2 and MH Staff 1 “were much more open than MH Admin 3 was in following through with consequences” and doing “trainings and protocols.”

MH Staff 2 explained that under MH Admin 3 leadership there was no “systemic way” to follow-up on incident reports. Rather, MH Staff 2 would have to ask MH Admin 3 about the incident to receive an update or MH Admin 3 would circle back on [REDACTED] own. MH Staff 2 stated that after [REDACTED] became a Co-Teacher Leader, however, [REDACTED] “wanted to make sure [bullying] was addressed in a way that students, staff and families felt handled more thoroughly and resolved – that families felt like something was done.” MH Staff 2 explained that as a leader, [REDACTED] was able to receive more information and noticed that the bullying issue was “not a school wide thing,” but related to “specific students.”

Succeed Boston held two separate training programs at Mission Hill on the topic of bullying in April 2021⁹⁹ and August 2021. MH Staff 2 said there were discussions at these trainings about how to define bullying. From MH Staff 2 perspective, these questions were aimed towards making sure they were not “wrongly accusing” students of bullying or “taking it too lightly.” Investigators spoke with BPS Staff 10 who indicated that Grace Wai “put the fear of God” into the Mission Hill staff members at the August 2021 training, telling them to file a bullying report if they were in doubt. BPS Staff 10 said the staff were “quite arrogant in response to [REDACTED] training” at the spring 2021 meeting, telling [REDACTED] that “[REDACTED] was feeding the school to prison pipeline by talking about reporting and documenting” bullying. The staff were adamant that they could use “restorative justice practices” as a way to resolve bullying issues. BPS Staff 10 was “very clear” that was not the case. BPS Staff 10 told the staff that their “not reporting and not being accountable had put a number of students in jeopardy both physically and mentally and [REDACTED] thought the District was going to pay a very steep price for that.” The “ethos” of the staff at the spring 2021 training, according to BPS Staff 10, was that “everything they did was right and the District was coming in and requiring documentation and accountability,” but it was really about “white privilege and colonization” and that BPS Staff 10 and Succeed Boston “did not get it.” Ultimately, BPS Staff 10 shared that [REDACTED] thought the Mission Hill staff “lacked a fundamental understanding about classroom management” and how “best to do inclusion.” BPS Staff 10 told investigators that [REDACTED] had never seen a breakdown to this degree at any other school when it came to not reporting. BPS Staff 10 noted that the schools, like Mission Hill under MH Admin 3 leadership, with “no reports or incidents are the ones we worry about because we know there are going to be issues.”

On September 17, 2019, the Co-Teacher Leaders had to act on an incident involving alleged bullying between MH Student 5 and MH Student 52. MH Student 52 is CI [REDACTED]

⁹⁹ We note that the April 2021 training predates the issuance of Attorney Joseph Coffey’s June 2021 report addressing Mission Hill School’s past failure to address reports of bullying at the School.

Confidential Information¹⁰⁰ According to MH Parent 7, MH Student 52's mother, MH Student 5 BI MH Student 52 Alleged Bullying MH Student 52" Alleged Bullying MH Student 52. MH Staff 62, the long-term substitute, observed the incident, ended recess early and reported the incident. MH Parent 7 BI MH Student 5 Alleged Bullying [MH Student 52's] BI MH Student 52 Confidential Information MH Student 52 Confidential Information

MH Parent 3 and 4 sharply contests MH Parent 7's narrative of the events that took place on September 17th and thereafter, including the allegations that MH Student 5 bullied MH Student 52. Investigators make no findings as to the veracity of MH Student 52 and/or MH Parent 7's statements, as that exceeds the scope of the investigative mandate. Rather, investigators considered the September 17th incident to determine what steps, if any, the Co-Teacher Leaders took upon receiving a report of bullying from a Mission Hill parent. Based on the available documents, the Co-Teacher Leaders took the following steps upon receiving the complaint:

9/17/2019

- Spoke with MH Student 5 regarding the incident and completed an MHS Incident Report
- Contacted MH Parent 4 to inform [redacted] of the incident.
- Contacted MH Parent 7 to inform [redacted] of the incident.
- Kept MH Student 5 in the office for the rest of the afternoon while [redacted] completed work provided by [redacted] teacher.

9/18/2019

- Spoke with MH Staff 62 and completed an MHS Incident Report¹⁰¹
- Spoke with two students who witnessed the incident and completed an MHS Incident Report
- Created a Safety Plan for MH Student 52, which provided that MH Student 52 will remain in [redacted] homeroom, which is a nut free zone, while MH Student 5 would spend [redacted] academic day with another teacher and will be monitored closely at lunch and recess by an adult.
- Notified MH Parent 3 and 4 about a disciplinary hearing for MH Student 5 on 9/23.
- Spoke with the Academic Superintendent about how to handle both the disciplinary hearing and other preventative measures regarding safety around allergies.

¹⁰⁰ MH Parent 7 told investigators that MH Admin 3 and [redacted] teachers took MH Student 52's CI [redacted] "very seriously," during [redacted] first and second year at Mission Hill. According to MH Parent 7, they "chose to make it a nut free zone," and MH Admin 3 connected [redacted] with the school cafeteria lady to make sure the cafeteria was also aware of MH Student 52's CI [redacted]. MH Parent 7 expressed that the former Co-Teacher Leaders "did not take it seriously at all," and indicated that the incident between MH Student 5 and MH Student 52 never would have happened had they paid more attention to MH Student 52's CI [redacted].

¹⁰¹ MH Staff 10 provided [redacted] statement to the Co-Teacher Leaders on 9/18 because [redacted] accompanied MH Student 52 to the hospital on 9/17.

9/23/2022

- Received MH Student 52's written statement relating to the incident
- Held the disciplinary hearing for MH Student 5; Confidential Information [REDACTED] that MH Student 5 Confidential Information [REDACTED]

9/24/2019

- MH Staff 2 lead a conversation with MH Student 52 and MH Student 5's classroom about the incident and safety; MH Student 5 was not present for this conversation; MH Student 52 was present.

9/25/2019

- MH Staff 2 filed a statement with the Boston School Police relating to the September 17th incident.

9/26/2019

- Created a Safety Plan for MH Student 5 due to a Harassment Prevention Order, requiring MH Student 5 to stay away from MH Student 52. The Safety Plan provided that MH Student 5 would complete [REDACTED] work in another room "until the Order is lifted;" stated that MH Student 5's CI [REDACTED] has been given to the adults in the other classroom; reflected that Confidential Information [REDACTED] assist MH Student 5; and offered, upon request, to arrange a meeting with school counselor/psychologist during the school day.

Investigators find that based on the actions taken above, the Co-Teacher Leaders substantially complied with the 2017 Plan and Superintendent's Circular #SSS-18 in investigating and responding to the September 17th incident. More specifically, investigators find that the Co-Teacher Leaders substantially complied with BPS's bullying policies by:

- Notifying the parents of the students involved within 24 hours of the incident;¹⁰²
- Assessing the need to restore a sense of safety to MH Student 52, as the alleged victim (target) and implementing a Safety Plan that limited MH Student 5's (the alleged aggressor's) access to MH Student 52;
- Completing the investigation of the incident within 5 school days and determining that disciplinary action may be warranted within that same window;
- Notifying MH Parent 7 and MH Parent 3 and 4 of the results of the investigation;
- Notifying law enforcement about the incident upon learning that MH Parent 7 had hired an attorney and may be pursuing legal action; and
- Implementing a Safety Plan for MH Student 5 after the issuance of the Harassment Prevention Order that was "reasonably calculated to prevent reoccurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities."

¹⁰² SSS-18 states that notice to the parents/guardians must be provided within 48 hours of receipt of the bullying complaint and before "interviewing students." Based on the Sept. 17, 2019 MHS Incident Report it appears MH Staff 2 interviewed MH Student 5 about the incident soon after it occurred and likely before MH Staff 2 spoke with MH Student 5's [REDACTED] "at the end of the day." Based on the totality of the steps taken by the Co-Teacher Leaders, investigators do not find this departure from BPS's bullying policies to be material.

While investigators acknowledge that the Co-Teacher Leaders did not file the results of their investigation with Succeed Boston or SAWS, as recommended by the 2017 Plan, we nevertheless find that the actions taken by the Co-Teacher Leaders were largely consistent with the spirit of the 2017 Plan, which reflected the mandatory steps a school must take to respond to purported bullying. Investigators found that during the Co-Teacher Leaders relatively short tenure, there was an increase in both the number of incident reports filed at Mission Hill and with Succeed Boston. Notably, investigators located an emailed dated April 8, 2021, from MH Staff 2 to MH Staff 63, wherein MH Staff 2 states, “[T]o be even more clear . . . remember that you are reporting ANY incidents of bullying to me, MH Staff 1 and MH Staff 69 first. Then we can decide if you fill out the form or if we will it out. You will fill out the MHS Incident report no matter what, as we usually do.” This uptick in Mission Hill’s reporting numbers continued even after the removal of the Co-Teacher Leaders in August 2021, suggesting a change in Mission Hill’s culture at least in terms of reporting events outside of the School.¹⁰³

In short, we find that in response to widespread critique that manifested in Attorney Joe Coffey’s 2021 report, as discussed, *supra*, the Co-Teacher Leaders strongly encouraged Mission Hill School staff to report any and all instances of bullying including to Succeed Boston and/or the Office of Equity, as appropriate. As part of this effort, the Co-Teacher Leaders took steps toward bringing Mission Hill into compliance with BPS’s basic reporting protocols, and improving the culture of minimization and/or indifference toward bullying that previously existed at the School. However, even with greater compliance, we do not find that Mission Hill School staff have fully embraced, and complied with, the District-mandated process for identifying and reporting bullying. Notwithstanding recent changes, Mission Hill School continues to lack an effective and systematic approach to identifying and combatting bullying within its walls.” Grace Wai informed investigators that the staff is not reporting bullying behavior in line with Succeed Boston’s training but, rather, reporting general “misbehavior that shouldn’t be happening if classrooms were effective.” In reviewing the incident reports for the 2021-2022 school year, it is apparent that Mission Hill staff is reporting general misbehavior or one off incidents between students as bullying, which obscures true instances of bullying and perpetuates, albeit in a different way, Mission Hill’s failure to readily identify and address bullying as required by law.

E. Mission Hill’s Bullying Processes as Reflected in the School’s Community and Staff Handbooks

Investigators heard from multiple interviewees that Mission Hill staff members viewed the School’s status as an autonomous Pilot School as a basis for not having to comply with BPS’s various policies and practices. Investigators, therefore, reviewed Mission Hill’s own

¹⁰³ During interviews with Mission Hill teachers, several teachers reported that they are completing MHS Incident Reports and Bullying Reports with Succeed Boston per the training they received from Succeed Boston, but noted that these reports do not appear to be going anywhere. Grace Wai told investigators that there is currently a “really long lag time” in terms of following up on the incident reports due to staffing issues, which Mission Hill School is trying to resolve. Wai noted that the teachers are contributing to the lag because they are filing reports without making a good faith effort to differentiate, according to the definitions on which they were trained, acts of bullying from general student misbehavior.

policies on bullying to determine what, if any, requirements Mission Hill School had imposed on its own for addressing bullying complaints.

Investigators located two separate Mission Hill handbooks for (1) the general community and (2) the faculty/staff. The Mission Hill School Community Handbook (the “Community Handbook”) provides:¹⁰⁴

Bullying Doesn’t Help Anyone. A bully is someone that repeatedly targets another person or group of people to gain power over them through harm or intimidation. *This is different than a regular quarrel or an argument with a classmate.* If you are fearful of someone at school let your teacher or another adult know immediately.

While the Handbook advances this definition of a “bully,” it also includes the definition of “bullying,” as defined in the 2010 Plan and M.G.L. c. 71, § 37O. The Community Handbook is silent on Mission Hill’s process for receiving, investigating and reporting bullying complaints. This absence of messaging is consistent with the lack of consistent and timely response that Mission Hill parents reported to investigators.

With respect to bullying, the Mission Hill School K-8 Staff Handbook states (the “Staff Handbook”), in relevant part:¹⁰⁵

If you are witness to or hear rumors of bullying (verbal or physical) report the incident to the Lead Teacher or Co-Teacher Leaders immediately. Obtain a General incident report from the Secretary and fill it out completely with as much information as possible.¹⁰⁶

The handbook also states that it included information to the City of Boston Anti-bullying Hotline.¹⁰⁷ The Staff Handbook does not reference the 2010 or 2017 Plan or M.G.L. c. 71, § 37O. Furthermore, it does not include any further guidance to Mission Hill staff members as to what they should do after obtaining and completing an incident report. Here too, the lack of established reporting systems is consistent with Mission Hill staff members’ conflicting statements about what the reporting expectations and processes were at the School.

Investigators reviewed all available Mission Hill incident reports during the relevant period (2012-2021). While it is apparent that Mission Hill did not complete incident reports on any consistent basis, investigators were nevertheless able to identify several students who were repeatedly involved in incidents (either as the alleged victim or aggressor) in such a manner that a bullying investigation was likely warranted. For instance, MH Student 30 was involved in 40 incident reports between November 2013 and December 2019. MH Student 8 was involved in

¹⁰⁴ Investigators were able to locate the Mission Hill School Community Handbook for school years 2014-2015, 2015-2016, 2016-2017

¹⁰⁵ Investigators were able to locate the Mission Hill School Faculty/Staff Handbook for school years 2013-2014, 2015-2016 and 2019-2020.

¹⁰⁶ The 2015-2016 version required notice to the Lead Teacher or Principal.

¹⁰⁷ Investigators note that the Mission Hill Staff/Faculty Handbooks did not actually contain the hotline information.

over 30 incident reports between September 2013 and June 2017. MH Student 53 was involved in 12 incident reports between October 2016 and January 2019. MH Student 2 had 10 incident reports, 8 of which related to incidents between February 2016 and December 2016.

Despite the alarming number of incident reports involving these students, investigators could not locate any evidence that Mission Hill staff members made a meaningful attempt to investigate these incidents let alone report the incidents to Succeed Boston.

F. Boston School Police Reports

Investigators also requested and received all available Boston School Police Incident Reports relating to Mission Hill. We received two reports relating to harassment, intimidation and/or bullying activities at Mission Hill, which are summarized below:

9/17/2019 MH Staff 2 reported that MH Student 5 “had been bullying victim MH Student 52.” **Alleged Bullying**
 [REDACTED] MH Student 5 and MH Student 52.

10/3/2019 MH Staff 41 reported that MH Student 30 was Alleged Bullying [REDACTED]
[REDACTED] The incident report indicates that the responding officer “advised the school to file a 51A and . . . needed to take disciplinary action towards the young CI [REDACTED]. The report also states that the “School will be sending home disciplinary hearing notice and following up with possible suspension.”

Investigators note that both of these incidents took place under the Co-Teacher Leaders' reign, when the Co-Teacher Leaders indicated that they were making an effort to follow BPS's reporting and disciplinary policies and procedures.

G. Mission Hill School Climate Survey Results

Investigators requested and received the results of BPS's School Climate Results from 2012-2021 relating to Mission Hill. In reviewing those survey results, investigators identified multiple comments submitted by parents and a teacher in the 2016-2017 and 2017-2018 school years, specifically referencing bullying and/or safety issues at Mission Hill. These comments are set forth below.

SY	Commenter	Comment
2016-2017	Teacher	There is a concern regarding lack of discipline and follow through of students' violent action and verbal behaviors example cursing, hitting, destroying of properties.

SY	Commenter	Comment
2016-2017	Parent	There are many issues with Mission Hill that have caused me to remove my children. Safety protocols not followed, bullying not addressed, unsafe environment, abuse covered up, ineffective principal, disrespecting/blaming families, many teachers not having proper licenses and one not even licensed to teach at this grade level (MH Staff 33) (a simple check with DESE will show this to be true)
2016-2017	Parent	I have concerns about safety and bullying at the school, especially in spaces that are unsupervised by adults.
2016-2017	Parent	I love my kids teachers. I have huge concerns about the principal. ■■■ seems to favor and protect some kids and not others. ■■■ allows a culture of group bullying, which is alarming. ■■■ doesn't take safety concerns seriously and implement protections for kids which affects their ability to learn.
2016-2017	Parent	<p>Our 5th grade experience at The Mission Hill School has been disappointing, to say the least. Our child has not been prepared well to advance within BPS via the ISEE, particularly as it relates to mathematics. The teacher has never approached us with educational issues, leaving us to identify problems and seek to remediate learning that should be happening in the classroom.</p> <p>There have been several significant safety issues at the school last year and this year that have impacted our child (including a multi-classroom rampage that left several classrooms destroyed and several children hurt—including our child) and the school has done little or nothing to address these situations in a meaningful way.</p> <p>Finally, the principle has been largely unresponsive to our concerns when we have brought them to ■■■ ■■■ has been polite in person, but fails to do anything in response to them. There appears to be no follow up or follow through on ■■■ part. I have been extremely disappointed in the leadership at The Mission Hill School this year.</p>
2016-2017	Parent	I am concerned about how behavioral issues are handled at this school. I also worry that students safety has been in jeopardy (from other students) in the past and parents were not informed of these very serious issues.
2016-2017	Parent	There are some amazing teachers at MHS but the Principle is misguided and disorganized. There are huge safety issues at this school and many of us are afraid for our childs safety on a daily basis. The teachers are busy texting or on their computers most of the day. If there is homework which is rare it is never corrected so we have no idea what the kids know and don't know. Its a mess.

SY	Commenter	Comment
2016-2017	Parent	Children are not safe at this school. Numerous children were hurt by offer or more students, and the staff did not take it seriously, causing multiple children to be traumatized by their inaction. They did not take necessary steps to keep kids safe even when they knew what was going on. They buried it, swept it under the rug, the Principal penalized teachers for calling DCF. I do not believe any child is safe at MHS with the current Principal in place.
2016-2017	Parent	We are leaving the school because of repeated minimizing and dismissal of safety concerns around sexual harassment and assault.
2016-2017	Parent	Absolutely no faith in the Principal or staff and free incidents of inappropriate touching by a student for YEARS which was not handled and led to more students being abused. Very close to moving out of the city of Boston because of this.
2017-2018	Parent	The district/school needs to do a better job in how it supports families that do not have children on IEP's/Behavioral Issues and how it affects students. The staff to student ratio MUST be consistent, so teachers are not left by themselves to deal with behavioral issues that will put others students in harms way. Administrators/Teachers MUST communicate in writing/phone immediately when their child(ren) is harmed, bullied, injured in any way. A parent should NOT hear from their child first about what happened in the first 24/48 hours
2017-2018	Parent	En la escuela tienen q trabajar mucho con el bullying ¹⁰⁸

H. Factual Findings Regarding Bullying at Mission Hill

Based on the totality of the investigatory record, investigators make the following findings with respect to bullying issues at Mission Hill School during the period 2012 through 2021-22 school year:

First, we find that Mission Hill School's failure to adopt or apply standardized disciplinary or reporting mechanisms gave rise to a pattern of bullying that went largely unaddressed by staff and leadership under MH Admin 3 leadership and continued after [REDACTED] departure. While it is difficult to identify precisely how prevalent bullying was under MH Admin 3's leadership due to a lack of consistent reporting, [REDACTED] failure to report bullying incidents to Succeed Boston in any consistent or regular manner during [REDACTED] tenure as CI [REDACTED] of Mission Hill School, underscores [REDACTED] general unwillingness to label specific acts as "bullying," even when parents explicitly complained to MH Admin 3 that their children were being targeted and bullied by other students at Mission Hill School.¹⁰⁹ We further find that the School, and MH

¹⁰⁸ According to Google, the translation of this comment is "[a]t school they have to work a lot with bullying."

¹⁰⁹ As stated, *supra*, investigators note that the investigation uncovered a total of three incidents that MH Admin 3 may have elevated to Succeed Boston (or its predecessor) during [REDACTED] entire tenure as CI [REDACTED]

Admin 3 in particular, more often than not paid “lip service” to the handling of serious safety and bullying incidents, and hid behind veiled confidentiality concerns and restorative rhetoric to avoid taking concrete steps to address, document, and/or resolve the issues. Several parents said that MH Admin 3 commonly avoided answering direct questions about their safety concerns and at times turned the tables to accuse white parents of being racist or unnecessarily hostile in advocating for their child(ren)’s safety.

Second, Investigators find that Mission Hill School’s response to parental and teacher complaints detailing specific concerns about bullying, under MH Admin 3 leadership, was consistently inadequate, as there is credible evidence that the complained-of behaviors continued largely unabated, and caused substantial harm to students. Several parents described that the School’s hands-off attitude taught students to protect themselves by being abusive or annoying back to the other student, which often led to students engaging in tit-for-tat, perpetuating the bullying cycle in which both sides felt bullied and unsafe. Furthermore, multiple parents reported that when their children reported bullying to Mission Hill School staff members, the staff minimized the complaints as “tattling,” which only exacerbated the unequal power dynamic between the students.

Finally, while we find that the Co-Teacher Leaders brought the School closer to compliance with District Policy and the law, and at least publicly embraced the District’s reporting structures and standards as a means to address past deficiencies in combatting bullying at the School, the Co-Teacher Leaders did not effectuate meaningful or sustained change to the School’s culture of minimizing the seriousness of bullying behavior. We find that the Co-Teacher Leaders did change Mission Hill School’s reporting practices, including introducing new forms and encouraging teachers and staff to report any and all instances of bullying and elevating to Succeed Boston and/or the Office of Equity, as appropriate. While it is hard to discern the exact extent to which the Co-Teacher Leaders would have found success in improving the reporting culture at Mission Hill, due to their short tenure and the impact of remote learning during the COVID-19 pandemic just months after their promotion, we note their efforts found at least limited success as evidenced by the documented increase of incident reports filed at Mission Hill School and bullying reports filed with Succeed Boston, showing an improvement in the reporting culture at Mission Hill School to bring the School into compliance with expectations, largely as a result of their efforts.

IV. Findings Concerning Reports of General Safety Concerns

A. Parent Concerns

During interviews with current and former Mission Hill School parents, interviewees described numerous safety concerns at Mission Hill School. MH Parent 3 and 4 described the contrast between other schools and Mission Hill School, and described Mission Hill School as being a place where “physical violence was normalized.” Both parents described a “lack of safety,” including six to seven head impacts to their **CI** MH Student 5, and they stated that the School took no proactive steps to address the safety concerns.

Some Mission Hill School parents told investigators that their kids generally felt safe at the School, especially with the Mission Hill School teachers. For instance, MH Parent 14 said [REDACTED] never felt kids were “unsafe” in teacher-student interactions. MH Parent 10 explained that CI [REDACTED] did not feel “bubble-wrapped” at school, but [REDACTED] felt safe and knew if [REDACTED] ever felt unsafe, teachers would help [REDACTED]. Other parents said their children were usually safe or their children did not generally feel unsafe at school, including MH Parent 32, MH Parent 39, MH Parent 40, MH Parent 41, and MH Parent 7.

Other Mission Hill School parents said that they felt their own children were generally safe at school, but spoke about safety issues at Mission Hill School involving other students. As an example, MH Parent 38 said that at a book fair, one student flipped a table of books because [REDACTED] could not buy a book, but the teacher handled it well. MH Parent 37 recalled five-year-old students shoving each other on the playground. MH Parent 35 said there was an incident with a child with rocks and kicking, but CI [REDACTED] did not get kicked that time. MH Parent 8 described a rock throwing incident, and [REDACTED] said that a teacher sat the students down and used a restorative justice process to address it. MH Parent 23 said CI [REDACTED] was generally safe at school, but the exception was when [REDACTED] was in kindergarten and there was a student who was “explosive.”

While some parents felt that the School responded adequately to their safety concerns MH Parent 20 explained that [REDACTED] thought it was clear that MH Admin 3 had the children’s interests at heart when [REDACTED] spoke with MH Admin 3 about physical safety concerns due to a disruptive kindergarten student. Nonetheless, MH Parent 21 shared that teachers simply sent [REDACTED] a report and an email stating that “the issue was resolved” in response to multiple incidents involving students being aggressive with CI [REDACTED], including slapping [REDACTED] in the face and back, leaving [REDACTED] wondering if something more could have been done about the issue. Similarly, MH Parent 26 and MH Parent 25 said that after one of their children was hit by a flying chair, they received a generic email to the School community saying that there had been a “disruption” in class, but it was dealt with and everyone “is fine.”

MH Parent 42 also said that when teachers learned that CI [REDACTED] had bruises, the response was that CI [REDACTED] suffered bruises when “walking around.” MH Parent 18 told investigators that everyone was “unsafe” and kids hit and threw things, with that becoming normalized and “part of the narrative” of the School’s environment.

A number of parents also referenced lack of supervision and insufficient school resources as a cause of many safety issues. MH Parent 13 and MH Parent 12 said that Mission Hill School had insufficient monitoring, and that there was punching, kicking, and hitting in classrooms, at recess and in transition periods. MH Parent 30 similarly expressed concerns about “not enough hands to monitor” the students, especially during chaotic transition periods. MH Parent 11 told investigators that the physical safety issues at the school, including students getting hit, could all be addressed with more resources as there was a lack of supervision and violence was tolerated because students said they were “okay.”

B. Staff Member Concerns

Similarly, in interviews with staff members, Mission Hill School staff expressed concerns about the safety of the Mission Hill School environment, stating that students and staff members were unsafe. One teacher, MH Staff 38, said that a student put their hands on another child's throat and exhibited scratching and throwing objects, among other behaviors. MH Staff 6 said a student was throwing things, cursing, and tipping a table over. MH Staff 24 recalled walking in a hallway with a second-grader and having to ward off two other students who began jumping on [REDACTED]. MH Staff 24 stated that an investigation ensued but there was no follow-up by the School after staff members talked to [REDACTED] about the incident. In an email from MH Staff 1 to BPS Staff 10 dated May 13, 2021, MH Staff 1 said that a student brought a knife to school and the School was collecting reports from students who saw it, including some students who were threatened with it.

Some Mission Hill School teachers also reported feeling unsafe around students. For example, MH Staff 5 told investigators that students were able to harm teachers and [REDACTED] did not always feel protected. Other staff members, including MH Admin 4 and Grace Wai, said that Mission Hill School was not as safe as other schools.

There were also reports of staff members being assaulted by students. MH Staff 23 claimed that "probably everyone at some point" felt unsafe around students at the School and that [REDACTED] recalls one paraprofessional being assaulted. MH Staff 8 said [REDACTED] did not think anything was done about the assault and that the paraprofessional took a medical leave of absence.

One Mission Hill School staff member, MH Staff 4, sent a January 31, 2016 email to MH Admin 3 and others expressing [REDACTED] serious concerns about safety at Mission Hill School. MH Staff 4 reported having post-traumatic stress disorder after an escalating situation with a student named MH Student 2. [REDACTED] stated that MH Student 2 punched [REDACTED] hard enough to take the wind out of [REDACTED] made stabbing motions with a knife, slapped [REDACTED] in the face, jumped on [REDACTED] pounded [REDACTED] head and "stormed" [REDACTED] while on a field trip, grabbing [REDACTED] hair and "pulled [REDACTED] down," dragging [REDACTED] on the ice. MH Staff 4 stated that these sorts of incidents "get downplayed and covered up" and "more drastic action is needed to keep everyone safe, including MH Student 2." MH Admin 3 responded to the email stating, "Be well, MH Staff 4," and reminded [REDACTED] to submit the required paperwork for [REDACTED] leave request.

Staff members described multiple reasons for the lack of safety at the School. MH Staff 21 shared that [REDACTED] did not feel Mission Hill School was safe, adding that the atmosphere was likely chaotic because it was shared with a high school. MH Staff 45 told investigators that there were situations that went on for too long where students did not feel safe, attributing this to the School's attitude that every student can be educated at Mission Hill School, which [REDACTED] believes pulled resources away from other students.

Some staff members described a change more recently at Mission Hill School, as incidents appear to be taken more seriously currently, and documentation and reports of safety issues has gotten better. For instance, MH Staff 34 said that Mission Hill School has been dealing with safety issues well and documenting everything, but that before the "whole thing

with MH Staff 2 and MH Staff 1, not so much.” MH Staff 50, who began working at the School in January 2020, also said that safety concerns were taken “very seriously.”

Ultimately, we find that Mission Hill School had numerous safety issues and that the response from the School’s leadership generally did not consistently address these issues to the satisfaction of Mission Hill School families and staff members. Although some parents who expressed safety concerns regarding their own children felt that teachers did an effective job of helping their children resolve the concerns, several parents reported safety concerns for other Mission Hill School students, even if their own children generally felt safe. Staff members almost universally expressed concerns about safety at Mission Hill School and several provided detailed information regarding problematic safety issues, including threats, the brandishing of weapons and the assault of staff members. A lack of resources, leading to insufficient staffing and supervision, appears to have played a role in the proliferation of safety issues at Mission Hill School. Some staff members have seen a positive change in how the School has handled safety issues in recent years but others who have participated in leadership roles over the current school year, MH Admin 4 and Grace Wai, believe that the School compares unfavorably to other schools with regards to safety.

V. Findings Concerning Mission Hill’s Provision of Special Education Services

A core philosophy of the Mission Hill School is to “meet children where they are,” including students who have Individualized Education Programs (“IEPs”) and/or 504 plans (“504s”). Despite this aspirational mission, an overwhelming majority of the parents interviewed reported that they were disappointed with the provision of special education services at Mission Hill, including the School’s general attitude towards the need for and implementation of such services.

A. The IEP Evaluation, Writing and Implementation Process¹¹⁰

Pursuant to 603 CMR § 28.00, all schools in Massachusetts must “make all reasonable efforts to locate, identify, and provide special educational services for children ages three and four, who may either have a substantial disability or possibly experience challenges in a regular pre-school or kindergarten program.”¹¹¹ The Massachusetts Department of Education has issued an IEP Process Guide (the “IEP Guide”), which outlines the general process for making an eligibility determination, writing the IEP, and making placement decisions. The IEP Guide emphasizes the importance of the school working together with the students’ parents in the IEP process, as parents “have a unique and critically important perspective on their child’s learning style, strengths and needs.” Accordingly, parents have certain rights in the IEP process, including, but not limited to, the right to be involved in meetings that discuss the identification, evaluation, IEP development and educational placement of their children. In short, the law ensures that parents and school personnel are equal partners in all steps during the IEP process. In addition, the IEP Guide states that students are also important participants in IEP meetings, particularly as they become older and can better identify their own interests and goals. With

¹¹⁰ This discussion does not include every requirement or law related to IEPs but, rather, touches on a variety of legal definitions, requirements and best practices upon which the investigators’ findings are based.

¹¹¹ BPS has codified this requirement in Superintendent’s Circular No. SPE-20 (dated Sept. 7, 2021).

respect to school staff, the IEP Guide notes that “general educators are vital participants in the development, review and revision of the IEP,” as their experience about how to “modify the [general] curriculum” is crucial to the student’s education experience.

A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student’s development. 603 CMR § 28.04(1). In accordance with M.G.L. ch. 71B, § 2, prior to the referral, the principal of the student’s school must ensure that all efforts have been made to meet such student’s needs within the regular education program. However, such efforts “shall not be construed to limit or condition the right to refer a school age child for an evaluation.” *Id.*

The IEP Guide defines “special education” as “specially designed instruction to meet the unique needs of the student or related services that are necessary to access the general curriculum.” Furthermore, “specially designed instruction” means that “there is a need to adapt the content, methodology, delivery of instruction and/or performance criteria in order for a student to make effective progress.” If a student is found eligible for special education, then an IEP must be developed, detailing the unique needs of the student. The IEP is intended to be a useful document that aids educators and parents in understanding the student and how best to work with that student. In other words, educators must carefully review a student’s IEP to understand how the student learns and how the student best demonstrates that learning, among other things.

In terms of identifying placement, 603 CMR 28.06(2)(c) states, in relevant part:

(c) Least Restrictive Environment (LRE). The school district shall ensure, to the maximum extent appropriate, students with disabilities are educated with students who do not have disabilities, and that special classes, separate schooling, or other removal of students with special needs from the general education program occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The placement decision depends upon a number of factors, including the services that the Team has identified as necessary for the student and the impact of the disability on the student’s learning.¹¹²

IEPs must be reviewed and the progress of each eligible student evaluated on an annual basis, at minimum, and include an assessment of each year’s measurable annual goals, as well as a discussion of any lack of expected progress. 603 CMR § 28.04(3); the IEP Guide, p. 16. In

¹¹² The Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”) defines an IEP Team to include a group of individuals, including: (1) the parents of the child; (2) at least one regular education teacher of the child; (3) at least one special education teacher of the child; (4) a representative of the public agency who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (5) an individual who can interpret the instructional implications of evaluation results; (6) other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and (7) whenever appropriate, the child with a disability. 20 U.S.C.A. § 1414 (d)(1)(B).

addition, the student must undergo a full re-evaluation every three years, or sooner if appropriate, to assess whether the student would continue to make progress in school without the continued provision of special education services.

B. Identification of Students Who May Require SPED Services

Parents held mixed opinions regarding the School's ability to appropriately identify students who may benefit from and/or require specialized services. Two parents, MH Parent 6 and MH Parent 5, were particularly pleased with how the Mission Hill staff recognized the specialized needs of their children. MH Parent 6 reported that [REDACTED] CI MH Student 54, started at Mission Hill when [REDACTED] was Confidential with kindergarten teachers MH Staff 1 and MH Staff 51. MH Student 54 Confidential Information when [REDACTED] started at Mission Hill. [REDACTED] would CI

[REDACTED] Confidential Information
[REDACTED] MH Parent 6 said MH Student 54's teachers recognized that [REDACTED] Confidential Information
[REDACTED] MH Parent 6 found MH Student 54's teachers to be "knowledgeable" and "professional" in their recommendations and ability to adapt to MH Student 54's needs. MH Parent 6 also noted that the teachers were "very responsive" to [REDACTED] concerns and "very collaborative" when it came to finding solutions to addressing MH Student 54's needs. MH Parent 6 told investigators that MH Staff 1 noticed that MH Student 54 CI Confidential Information MH Staff 1 Confidential Information
[REDACTED] MH Student 54 CI MH Parent 6 heeded MH Staff 1's advice, which lead to MH Student 54 CI Confidential MH Parent 6 explained that without "winning" the BPS school lottery for Mission Hill, MH Student 54 Confidential Information
[REDACTED]

MH Parent 6 stated that [REDACTED] Confidential Information and involved a number of individuals, including an Occupational Therapist, Speech/Language Pathologist and a Mission Hill teacher. Overall, MH Parent 6 was "very happy" with Mission Hill's identification of [REDACTED] Confidential and how the School handled the evaluation process. MH Parent 6 remarked that the entire evaluation experience "set [REDACTED] up for having very high expectations," which were met until the 2021-2022 school year.

MH Parent 5 echoed MH Parent 6's sentiments about Mission Hill doing a thorough job in terms of identifying [REDACTED] child's specialized needs. MH Parent 5's [REDACTED] CI MH Student 6, Confidential Information "very quickly" after arriving at Mission Hill in or around 2012. MH Parent 5 found the IEP process to be "thorough" and Confidential Information
[REDACTED] CI MH Student 6." MH Parent 5 explained that Mission Hill set MH Student 6 CI Confidential Information MH Parent 5 recalled a number of people Confidential Confidential including former MH Admin 3, MH Student 6's teachers, and the School Occupational Therapist.

MH Parent 14 also had a favorable experience in terms of IEP services at Mission Hill. MH Parent 14 stated that [REDACTED] asked for a meeting with MH Staff 1 to discuss the possibility of CI

Confidential Information MH Staff 1 told MH Parent 14 that it was “up to [Confidential Information] and that they can do an assessment if [Confidential Information] wanted. MH Parent 14 Confidential Information Confidential Information MH Parent 14 noted that [Confidential Information] “cannot say one negative thing about the speech therapist” MH Staff 52, because MH Staff 52 “worked wonders with [Confidential Information]. MH Parent 14’s impression was that Mission Hill teachers supported Confidential Information Confidential Information

MH Parent 21’s son, MH Student 55, Confidential Information Confidential Information In addition, MH Student 55 Confidential Information CI MH Parent 21 commented that, in [Confidential Information] experience, the IEP crafting process has been “quite successful” because the IEP coordinator usually contacts them during the annual review process and sends them all relevant documentation to review beforehand. MH Parent 21 noted that there was one occasion in the past where [Confidential Information] told MH Staff 48, a Mission Hill teacher, that Confidential Information MH Parent 21 explained that they would get together for the IEP annual deadline but then “nobody talks about the IEP” after two or three months so Confidential Information MH Parent 21 relayed that [Confidential Information] had a conversation with MH Staff 48 about [Confidential Information] concerns and, afterwards, Confidential Information Confidential Information MH Parent 21 stated that CI wished there was more communication and feedback from teachers about the IEP services and student’s progress. In addition, MH Parent 21 expressed a desire for more involvement from BPS to help “parents navigate through the IEP process.”

Other Mission Hill parents, including, but not limited to MH Parent 3 and MH Parent 4, MH Parent 11, MH Parent 43 and MH Parent 16 expressed discontent with the School’s efforts, or lack thereof, in identifying their child’s specialized needs. MH Parent 3 and MH Parent 4 noted that their CI MH Student 5, did not have an IEP while at Mission Hill, Confidential Information Confidential Information.¹¹³ MH Parent 4 expressed [Confidential Information] belief that “many children” are denied IEPs at Mission Hill because the School lacks standard evaluation criteria. MH Parent 3 stated that Mission Hill “gaslighted people” by using “nonstandard language that was very close to standard language.” For example, MH Parent 3 and 4 stated that they advocated to MH Admin 3 for a 504 plan after MH Student 5 Confidential Information Confidential Information MH Student 5 Confidential Information Confidential Information. In lieu of a formal 504 plan, MH Admin 3 offered MH Student 5 “extra time on tests.” However, when MH Parent 3 tried to point out that MH Student 5 was supposed to have extra time on the TerraNova, MH Admin 3 told [Confidential Information] that accommodation was only for “kids on 504s or IEPs,” which MH Student 5 CI CI. Investigators located an email dated October 26, 2018 between MH Admin 3 and MH Parent 3 and 4 wherein MH Admin 3 wrote, “Accommodations are for students with a formal 504 or IEP. MH Student 5 Confidential Information Confidential Information In other words, MH Admin 3 “offer” of extra time on tests for MH Student 5

¹¹³ MH Staff 21 told investigators that “maybe if there was better tracking, Confidential Information CI MH Student 5 Confidential Information

was rendered meaningless because Mission Hill did not place MH Student 5 on a 504 and, therefore, was not bound to provide any related accommodations.

MH Parent 11's [CI] MH Student 56, has attended Mission Hill since kindergarten and is [Confidential] MH Parent 11 noticed that [Confidential Information] [Confidential Information]. When MH Parent 11 raised [Confidential Information] concerns with MH Student 56's teachers, they would try to pacify MH Parent 11, telling [Confidential Information] that it was "not something to be worried about," that [Confidential Information] should "let MH Student 56 be herself," and not to "pressure [Confidential Information]". Instead of addressing MH Parent 11's concerns about MH Student 56's [Confidential Information], MH Student 56's teachers focused on MH Student 56's [Confidential Information] [Confidential Information] MH Parent 11 told investigators that the only reason [Confidential Information] [Confidential Information] MH Parent 11 [Confidential Information] MH Parent 11 commented that [Confidential Information]

MH Parent 43 told investigators that when [Confidential Information] was "thrilled" with Mission Hill's IEP process. However, [Confidential Information] was unaware that [Confidential Information] [Confidential Information] As time went on, MH Parent 43 realized that [Confidential Information] [Confidential Information] Mission Hill continued to [Confidential Information] [Confidential Information] MH Parent 43 commented that at one point the music teacher was assigned to provide [Confidential Information] [Confidential Information] MH Parent 43 eventually demanded that Mission Hill [Confidential Information] [Confidential Information] MH Parent 43 told investigators that [Confidential Information] spoke with MH Staff 9, a former Mission Hill teacher, about [Confidential Information] concerns. During this conversation, MH Staff 9 purportedly told MH Parent 43 that the School "was not paying attention to special education kids."

MH Parent 16's [CI] MH Student 18, [Confidential Information] [Confidential Information] MH Parent 16 reported that [Confidential Information] asked MH Staff 53, MH Student 18's first and second grade teacher, if MH Student 18 [CI] [CI] and MH Staff 53 "assured" [Confidential Information] that MH Student 18 [Confidential Information]. However, MH Parent 16 [Confidential Information] MH Student 18 [Confidential Information] MH Parent 16 noted that [Confidential Information] MH Student 18 [Confidential Information] MH Parent 16 said Mission Hill did not give MH Student 18 [Confidential Information] MH Parent 16 [Confidential Information]. MH Parent 16 explained that [Confidential Information] had a couple meetings with the Co-Teacher Leaders and was told that Mission Hill "doesn't do these tests." MH Parent 16 was also reassured that MH Student 18's [Confidential Information] Following the meeting, MH Parent 16 submitted a records request, the results of which showed that "MH Student 18 [Confidential Information] [Confidential Information] [Confidential Information] Thus, Mission Hill tried to [Confidential Information] [Confidential Information] MH Parent 16 said Mission Hill [Confidential Information] [Confidential Information] MH Parent 16 [Confidential Information] due to the COVID-19 pandemic. In any event, [Confidential Information] MH Student 18 [Confidential Information] [Confidential Information] MH Parent 16 [Confidential Information] [Confidential Information] MH Student 18 [Confidential Information] MH

Student 18 is currently at [REDACTED] Confidential Information

MH Staff 21 [REDACTED] Confidential Information reported that the IEP process is “effective” from [REDACTED] perspective. MH Staff 21 said needs are generally identified by the student’s parent and/or teacher. MH Staff 21 explained that [REDACTED] generally receives IEP and/or 504 referrals from MH Staff 55, [REDACTED] Confidential Information, then speaks with the student’s parents and teachers, observes the classroom and makes an assessment as to whether an IEP and/or 504 is appropriate. MH Staff 21 will then write a report or conduct a re-evaluation depending on the circumstance. MH Staff 21 also participates in weekly Student Support Team (“SST”) meetings.¹¹⁴ MH Staff 21 reported that [REDACTED] has observed a “shift” at Mission Hill in terms of interventions being implemented ahead of time for children who are “clearly struggling.”

C. Implementation of IEP Services and 504 Accommodations

Once a child is given an IEP or 504 plan, most Mission Hill parents believe the School falls short of effectively implementing that plan. Four parents, MH Parent 21, MH Parent 43, MH Parent 9, and MH Parent 45, said the School failed to implement their child’s IEPs, and two parents, MH Parent 16 and MH Parent 17, said the school failed to implement their child’s 504 plan. But, this criticism was not uniform. Two parents, MH Parent 8 and MH Parent 7, approved of the School’s efforts to implement their children’s IEPs. MH Parent 7 noted that [REDACTED] moved [REDACTED] CI [REDACTED] MH Student 52, to Mission Hill because [REDACTED] Confidential Information [REDACTED] MH Student 52.¹¹⁵ Overall, MH Parent 7 feels Mission Hill has been “successful” in terms of [REDACTED] CI [REDACTED] MH Student 52’s [REDACTED] CI and noted that the “small setting” has worked really well for MH Student 52, such that [REDACTED] Confidential Information [REDACTED]

The most commonly referenced complaint concerning the implementation of IEPs and 504 plans was the inadequacy of school staffing. The overwhelming majority of parents do not believe the School has sufficient personnel or resources to provide appropriate specialized services to their children. For example, MH Parent 11 reported that [REDACTED] Confidential [REDACTED] MH Student 56, was supposed to [REDACTED] Confidential Information [REDACTED] because the reading coaches were used to provide support for students in emotional breakdowns. MH Parent 11 expressed [REDACTED] belief that the Mission Hill staff is doing their best to meet students’ needs, but “simply do not have the funding or manpower to do both, namely” to serve IEP students while also supporting students who are having mental breakdowns. MH Parent 43’s [REDACTED] Confidential Information [REDACTED] On one occasion, MH Parent 43 overheard MH Admin 3 explain that additional support staff would detract funding from programs like the Farm School.

¹¹⁴ SSTs are a formalized structure for a group of educators, administrators, and other staff to meet regularly to address concerns about individual students or groups of students. According to DESE, SSTs are designed to support students both by anticipating and preventing issues before they occur and by providing interventions and/or resources when issues do arise.

¹¹⁵ MH Parent 7 and [REDACTED] CI [REDACTED] MH Student 52 are [REDACTED] CI [REDACTED]

Many families appreciate Mission Hill School's collaborative communication in implementing IEPs and 504 plans. MH Parent 5 described [REDACTED] child's annual IEP meetings as "great." MH Parent 6 reported that the School was responsive to [REDACTED] concerns, MH Parent 17 believes [REDACTED] had a good relationship with [REDACTED] child's teacher, and MH Parent 21 said [REDACTED] was comfortable with approaching the School's co-leaders with any IEP-related questions. However, MH Parent 6, MH Parent 21, and MH Parent 9 believed that individual teachers provided insufficient feedback about their child's IEPs. MH Parent 9 commented that [REDACTED] received "vague answers" and "vague responses" from Mission Hill staff whenever [REDACTED] asked questions about how [REDACTED] child's IEP services would be delivered.

MH Parent 43 perceived the IEP-implementation failures at Mission Hill to be widespread, noting, "no one was getting pulled out unless they had noisy parents." MH Parent 43 stated that [REDACTED] CI [REDACTED] teacher, MH Staff 54, was "completely incompetent" because [REDACTED] did not even know that [REDACTED] Confidential [REDACTED]. Rather, [REDACTED] Confidential Information [REDACTED] In terms of [REDACTED] CI [REDACTED] prior teachers, MH Parent 43 felt they were trying, but nevertheless "ignored that [REDACTED] CI [REDACTED] Confidential [REDACTED]

MH Parent 27 met with MH Staff 29, whom [REDACTED] called "a super hero teacher," but still made the decision to transfer MH Student 20 to the Manning School. [REDACTED] criticized Mission Hill School's inability to service "children like [REDACTED] Confidential Information [REDACTED], and likened calling Mission Hill School an "inclusion school" to "putting a Mercedes emblem on a Ford Explorer."

MH Parent 3 and MH Parent 4 also expressed concerns to investigators about MH Staff 6's refusal to [REDACTED] CI [REDACTED] MH Student 5's [REDACTED] Confidential Information [REDACTED] MH Student 5 [REDACTED] CI [REDACTED] MH Staff 6's [REDACTED] CI [REDACTED].¹¹⁶ Investigators located an email dated July 1, 2019, where MH Parent 3 informed MH Staff 1 that they had "serious concerns about MH Staff 6's competency as a teacher, [REDACTED] ongoing refusal to acknowledge MH Student 5's [REDACTED] CI [REDACTED], and [REDACTED] Confidential Information [REDACTED] MH Student 5." When investigators asked MH Staff 1 about this exchange with MH Parent 3 and 4, [REDACTED] stated that [REDACTED] "looked into" their complaints and talked to MH Staff 6 [REDACTED] Confidential Information [REDACTED]. After speaking with MH Staff 6, MH Staff 1 had "concerns" about how MH Staff 6 [REDACTED] CI [REDACTED] Confidential [REDACTED] MH Student 5's [REDACTED] CI [REDACTED]. MH Staff 1 said you cannot be "lackadaisical" with 504 accommodations. Yet, MH Staff 6 told MH Staff 1 that "[REDACTED] whole room is a 504 plan." MH Staff 1 said they put MH Staff 68 in place to help because they didn't have evidence that MH Staff 6 was following MH Student 5's [REDACTED] CI [REDACTED]. Investigators also spoke with MH Staff 6 about MH Parent 3 and 4's [REDACTED] CI [REDACTED] complaints. MH Staff 6 stated that [REDACTED] recollection of the takeaways from [REDACTED] meeting with MH Staff 1 about MH Parent 3 and 4's complaints was that [REDACTED] needed to work on "documentation" and "paperwork." While MH Staff 6 denied, at least implicitly, the accusation that [REDACTED] did not implement MH Student 5's 504 plan correctly, [REDACTED] expressed [REDACTED] general opinion to investigators that the "kinds of things that fall in 504s" are just "[REDACTED] good

¹¹⁶ BPS developed [REDACTED] CI [REDACTED] MH Student 5 [REDACTED] Confidential [REDACTED] MH Parent 3 and 4 told investigators that after raising concerns with BPS about Mission Hill's failure to implement MH Student 5's 504, among other things, MH Admin 3 engaged in retaliatory conduct, and made a statement to MH Parent 3 and 4 to the effect of, "well when you get higher ups involved . . . that's what you get."

general teaching practices anyway.” Investigators understood MH Staff 6’s statement to mean that ■■■ general approach as a teacher and classroom structure would satisfy any 504 plan, so MH Parent 3 and 4’s concerns were unfounded. Investigators found MH Staff 6 to be not credible on this point.

MH Parent 6 stated that the IEP implementation process worked “really well” until the 2021-2022 school year “when it was a disaster” in MH Staff 27’s classroom. MH Parent 6 described the IEP process in prior years as “so easy,” “highly collaborative,” “extremely responsive,” and “perfect.” However, MH Parent 6 noted that Mission Hill was no longer making the same efforts to accommodate **Confidential Information**

MH Student 54's Confidential Information
 MH Parent
 6 said that MH Student 54's kindergarten teachers "did everything they could do" to CI
 . However, in the fall of 2021, MH Student 54 Confidential Information

MH Parent 6 also noticed that MH Student 54 Confidential Information. MH Parent 6 tried to give MH Staff 27 Confidential Information. MH Staff 27 Confidential Information. MH Parent 6 stated that when asked for Confidential Information, MH Student 54 Confidential Information, MH Student 54's CI Confidential Information, MH Staff 27 and Confidential Information. MH Parent 6 Confidential Information, MH Student 54, Confidential Information.

Ultimately, Student 54	Confidential Information	, MH Parent 6	CI	MH
	Confidential Information			
	MH Student 54	Confidential		

MH Parent 17 reported that Confidential MH Student 14, Confidential Information
 Confidential. ¹¹⁷ MH Student 14's Confidential Information.
 However, when MH Student 14 Confidential Information
 Confidential and MH Student 14 was Confidential Information

MH Parent 17 said Mission Hill’s provision of MH Student 14’s [REDACTED] was “excellent” and that [REDACTED], MH Staff 8, was “wonderful” and “receptive to learning about [REDACTED].” MH Parent 17 noted that MH Student 14’s [REDACTED] has “been lost over time” and that MH Student 14’s teacher, MH Staff 50, “did not know that [MH Student 14] [REDACTED].” MH Parent 17 noted, however, that MH Staff 50 “guessed” that MH Student 14 [REDACTED]. MH Parent 17 commented that there appears to be a literacy issue at Mission Hill where students with dyslexia may not have received the help or services they needed over the

117 Based upon investigators' review of MH Student 14's	CI	MH Student 14	Confidential Info.
		MH Student 14's	Confidential Info.

MH Student 14	Confidential Information
	MH Student 14 Confidential Information

years. MH Parent 17 is familiar with at least one family who left Mission Hill because their child did not get necessary reading services. MH Parent 17 explained that when parents raise reading concerns with Mission Hill staff, the response is often “that all children learn on their own time.” MH Parent 17 viewed Mission Hill’s approach as putting off the issue “rather than addressing the potential problem right away.” MH Parent 17 also mentioned that some parents are unfamiliar with how to elevate things in the absence of an IEP and suggested that at least some Mission Hill staff “try[] to talk parents out of their requests” for additional help.

MH Parent 15 told investigators that MH Staff 27, [Confidential Information] at Mission Hill, tried to [Confidential Information] MH Student 10 (MH Parent 15’s [Confidential Information]).¹¹⁸ MH Parent 15 noted that MH Staff 27 had 25 students in [] classroom with just one paraprofessional to assist, which MH Parent 15 found to be insufficient staffing because students and teachers were “in and out of the classroom” all day, resulting in significant disruption to the students’ learning. MH Parent 15 said that [CI] kindergarten teachers at Mission Hill were “very supportive,” but things “fell apart” when [CI] was placed in MH Staff 27’s classroom. MH Parent 15 stated that when [] asked MH Staff 27 for more information about what [Confidential Information] [Confidential], [] “gave [] a look like how dare you.” MH Parent 15 also said that [] told MH Staff 27 that MH Student 10’s [Confidential Information], to which MH Staff 27 responded, “that’s something they don’t do.”¹¹⁹ MH Parent 9 raised a similar issue during [] meeting with investigators, namely that [] was told that [Confidential Information] []¹²⁰ MH Parent 9 was told that if [] did not like the model, [] “could go elsewhere.” MH Parent 9 told investigators that the issue was not the model, but Mission Hill’s failure to comply with the actual IEP requirements.

Investigators asked MH Staff 27 about MH Student 10’s [Confidential Information] MH Staff 27 [Confidential Information]” MH Staff 27 told investigators that MH Parent 15 did not raise any concerns at MH Student 10’s [Confidential Information] MH Student 10’s [Confidential Information] [Confidential] MH Staff 27 said that because MH Student 10 [Confidential Information], MH Student 10 [Confidential Information],” which meant the seat could be filled with another student with moderate needs. MH Staff 27 stated that MH Parent 15 became “very resistant” to the idea of [Confidential] MH Student 10’s [Confidential Information] MH Student 10 [Confidential] so a child with “more needs” would not come into the classroom and take MH Staff 27’s attention away from MH Student 10. MH Staff 27 noted that this discussion about revising MH Student 10’s [CI] took place during a meeting facilitated by BPS Staff 14, the Assistant Director of Special Education and School Settings. According to MH Staff 27, BPS Staff 11 [Confidential Information] also attended this meeting.

¹¹⁸ MH Parent 15 has [CI], MH Student 10 and MH Student 49, [Confidential] during their time at Mission Hill.

¹¹⁹ MH Student 10’s [Confidential Information]

¹²⁰ MH Parent 9 identifies as [Confidential]

Investigators do not find MH Staff 27's account of [REDACTED] conversations with MH Parent 15 to be credible. Investigators identified an email dated January 16, 2020 wherein BPS Staff 11 thanked BPS Staff 14 and BPS Staff 12, the former Assistant Superintendent of Special Education, for their support at Mission Hill for MH Student 10 and MH Student 49. In the email, BPS Staff 11 writes:

[REDACTED] Confidential Information [REDACTED]
[REDACTED]
[REDACTED] MH Staff 1 [REDACTED] CI [REDACTED] MH
Staff 2 [REDACTED] Confidential Information [REDACTED]
[REDACTED] MH Student 49 [REDACTED] Confidential Information [REDACTED]
[REDACTED] MH Staff 27, MH Student 10's [REDACTED] Confidential Information [REDACTED]
[REDACTED]

This email directly undermines MH Staff 27's statements to investigators that MH Parent 15 did not raise concerns about MH Student 10's [REDACTED] CI [REDACTED] and [REDACTED] Confidential Information [REDACTED]. Furthermore, investigators located another email dated September 5, 2019, wherein MH Parent 15 informs MH Staff 27, among other Mission Hill staff, that [REDACTED] has concerns about [REDACTED] CI [REDACTED]

[REDACTED] Confidential Information [REDACTED]
[REDACTED].¹²¹ MH Parent 15 copied MH Staff 27 to keep [REDACTED]
[REDACTED] "in the loop" and asked to be informed about "next steps . . . [REDACTED] Confidential Information [REDACTED]
[REDACTED] In short, based on the documents available to investigators, MH
Parent 15 raised legitimate concerns about both [REDACTED] Confidential Information [REDACTED]
[REDACTED] The January 16, 2020 email from BPS Staff
11 suggests that MH Parent 15 still had concerns about MH Student 10's [REDACTED] Confidential [REDACTED]
[REDACTED] Confidential Information [REDACTED] MH Staff 27 [REDACTED] Confidential Information [REDACTED]
[REDACTED] MH Student 10 [REDACTED] Confidential Information [REDACTED]

One parent, MH Parent 45, told investigators that BPS's staffing changes at Mission Hill during the 2021-2022 school year has interrupted the provision of [REDACTED] Confidential Information [REDACTED] over the past school year.¹²² In an email dated September 30, 2021, MH Parent 45 wrote the following to MH Staff 55, [REDACTED] Confidential Information [REDACTED] :

Dear MH Staff 55,

I am writing with regard to the [REDACTED] Confidential Information [REDACTED] as a result of the District's staffing changes this fall. We are aware that [REDACTED] Confidential [REDACTED] grade band Learning Coach was assigned as [REDACTED] classroom teacher for over two full weeks of school, thus the Learning Coach was [REDACTED] Confidential [REDACTED] MH Student 57's [REDACTED] CI [REDACTED]
[REDACTED] Confidential [REDACTED]

¹²¹ MH Student 10's [REDACTED] Confidential Information [REDACTED] MH Student 10 [REDACTED] Confidential Information [REDACTED]
[REDACTED]
[REDACTED]

¹²² MH Parent 45's [REDACTED] CI [REDACTED] MH Student 57, [REDACTED] CI [REDACTED]

It remains concerning that the District did *not* notify parents about any impact of the staffing changes to the delivery of IEP services. I did not receive any response to my emails about [Confidential Information] Dr. Grace Wai (other than “I am in receipt of your email. We are working on hiring a qualified long term substitute.”) of from the Office of Special Education addressing my concern for lack of IEP services as well as the lack of communication to parents about the lack of services provided at MHS amid the District’s staffing changes.

While a long-term substitute joined [Confidential] class this week, I remain concerned not only for [Confidential Information] since the start of school, but also for other MHS students’ lack of IEP services resulting from the District’s staffing changes.”

MH Parent 45 indicated that BPS Central did not respond to [redacted] emails regarding IEP services. However, investigators identified an email dated October 1, 2021, where MH Parent 45 responded to MH Parent 45’s September 30th email and informed MH Parent 45 that [redacted] and MH Staff 56, Mission Hill’s Assistant Director of Special Education, would be “working on a plan” to address the situation. On October 6, 2021, MH Staff 56 informed MH Parent 45 that [redacted] had requested a list of “ALL students who have experienced an interruption of service delivery,” and that [redacted] would provide MH Parent 45 with an official interruption letter, outlining “the service and minutes the district/MH owes you.” In addition, MH Staff 56 explained that [redacted] was working with Grace Wai to “identify a service provider who will deliver the comp services,” but “the district is experiencing a shortage of staff.”¹²³

Prior to BPS involvement, MH Parent 45 thought Mission Hill “did a good job of implementing” [Confidential]. MH Parent 45 explained that Mission Hill teachers did not just focus on the “four corners of the IEP,” but rather “strategize[d] what is helpful to allow [redacted] children to learn.” MH Parent 45 said [redacted] would learn what was and was not working for [redacted] [Confidential Information]. While MH Parent 45 did not have any issues with the provision of IEP services during this time period, [redacted] noted that some families have commented that they raised concerns about their child’s inability or difficulty to read and that Mission Hill brushed those concerns off, telling parents “don’t worry we all read on our own time.” MH Parent 45 said some people have left Mission Hill and received diagnoses elsewhere.

MH Staff 34, [Confidential Information], noted that while [redacted] felt the IEP process at Mission Hill was “adequate,” some IEP students have struggled with the high school exam tests. MH Staff 21 noted that it is harder to assess whether IEP students are making sufficient progress at Mission Hill because “teachers don’t discuss the meat of the academics,” namely math and reading skills. MH Staff 21 also stated that because Mission Hill teachers create their own curriculum, or at least did in the past, they did not have the type of data that would help assess whether there were concerns about the student’s progression under the IEP. MH Staff 21 noted that there has been recent “growth with teachers coming to [SST] meetings” with data.

¹²³ Investigators were unable to identify any further follow-up by either Mission Hill or BPS with MH Parent 45 regarding [redacted] IEP concerns.

MH Staff 23 and MH Staff 8 both expressed their belief that Mission Hill did not follow special education laws or IEP requirements. MH Staff 23 stated that if a general education teacher was responsible for IEP service provision, “they often did not follow the IEP, but may have checked in with the student.” MH Staff 23 explained that teachers were “unaware of the specificities of their students’ IEPs.” MH Staff 23 told investigators there was a “lack of accountability with IEPs and 504s.” MH Staff 8 shared the responsibility of IEP administration with teachers in [REDACTED] former role at the School. MH Staff 8 said teachers did not “monitor children’s reading levels.” MH Staff 8 told investigators that “there was insufficient infrastructure to support students with severe needs,” and noted that these students were “neglected.”

D. Perception of IEP Students at Mission Hill

Investigators identified two common themes relating to IEPs that Mission Hill parents and teachers raised during the course of this investigation. First, there is a running narrative among parents and staff that BPS assigned a disproportionately large number of IEP students to Mission School after it became an inclusion school without providing the necessary funding, support or resources to serve those students. Second, we heard that MH Admin 3 and certain other Mission Hill staff were generally hesitant to have students, particularly young Black boys, evaluated for special education services because there is a “tendency to over diagnose, resulting in disproportionate numbers of young Black boys with IEPs.” In addition, MH Admin 3 did not like the perception of pulling Black children out of their general curriculum classrooms for pushout IEP services because of the “optics” of Black children being “educated separately.”

With respect to the first perception, we heard from at least three parents that the view among Mission Hill School parents is that the School faced an influx of students with IEPs after it moved to the Child Street location in 2012. The view among some parents is that students with IEPs comprised a significant percentage of the student population at Mission Hill, up to 30%. Investigators requested and obtained IEP statistics for students with IEPs at Mission Hill from the 2010-2011 school year through the 2021-2022 school year. Those statistics are set forth below:

Enrollment of students with IEPs		
Mission Hill K-8 School		
School year	#	%
2010-2011	39	24.1
2011-2012	44	26.5
2012-2013	52	24.9
2013-2014	72	30.8
2014-2015	80	34.5
2015-2016	80	35.2
2016-2017	72	33.2
2017-2018	85	35.3
2018-2019	71	32.3
2019-2020	74	33.2
2020-2021	61	26.8
2021-2022	57	25.6

Source: MA DESE. Enrollment as of October 1 of each school year.

Based on these figures, investigators find that there was an increase in the number of students with IEPs at Mission Hill after the School relocated to Jamaica Plain reaching the highest in the 2015-2016 school year with 80 students (approximately 35% of the student population). While parents and teachers both complained that Mission Hill was under resourced and staffed to serve the number of IEP students enrolled at the school, investigators reserve making any findings in this Phase I Report regarding the sufficiency or insufficiency of the support and resources Mission Hill received from BPS. Investigators will address the issue of sufficient funding, among others, in Phase II of the investigation.

Investigators raise the issue about there being a perception among some parents and staff that BPS “saddled” Mission Hill with a large number of IEPs because this narrative falls in line with Mission Hill’s general isolationist attitude and shirking of any accountability for the School’s IEP failures. As detailed above, several parents shared harrowing accounts of the ways in which Mission Hill staff failed their children in connection with IEPs and/or 504s. However, when we asked teachers about whether they were aware of any such deficiencies at Mission Hill, an overwhelming majority of the current teachers denied any such knowledge. These same teachers, however, made a point to emphasize that BPS needed to provide Mission Hill with more money and support. [REDACTED] CI [REDACTED], MH Staff 50, even went so far as to claim that there were no issues with effectuating students’ IEPs until Grace Wai and MH Admin 4, whom Mission Hill staff view as BPS transplants, asked certain special educators to lead classrooms, thereby limiting their ability to serve other IEP students. While general staffing and resource concerns may have played into some of the letdowns parents disclosed, investigators find that Mission Hill staff’s blanket denials of IEP deficiencies and transparent attempts to shift any and all blame to BPS only further demonstrates the protectionist culture that still exists at the School today.

Turning to the second perception raised in connection with IEPs, investigators heard from multiple parents and some teachers that the School, and MH Admin 3 in particular, did not like the “optics” of the “poor Black kids” being pulled and educated separately – even for a “chunk of the day.” MH Parent 43 said MH Staff 8, [REDACTED] Confidential Information [REDACTED], told [REDACTED] there was a perception at Mission Hill that most of the students who needed pullout services were Black boys. MH Parent 43 commented that MH Admin 3 was either “in over [REDACTED] head” when it came to serving IEP students or “blind” that the Mission Hill way of serving such students “was not working,” and was “actually neglecting kids educationally.” MH Parent 43 told investigators that [REDACTED] CI [REDACTED], who is a [REDACTED] Confidential [REDACTED], was in fourth grade and “completely illiterate.” MH Staff 45, [REDACTED] Confidential [REDACTED] at Mission Hill, told investigators that MH Admin 3 was “worried about labeling Black children” when it came to IEPs.

As explained below, investigators find that MH Admin 3 apparent misguided attempt to “protect” children of color from being overly diagnosed and “stigmatized” in connection with IEP services fostered a culture of noncompliance at the School to the detriment of many of the same students that MH Admin 3 and certain other Mission Hill staff were trying to protect.

E. Finding that Mission Hill Had Limited Success in Effectuating IEPs¹²⁴

We find that Mission Hill School had limited success in implementing IEPs, notwithstanding an apparent skepticism toward such plans arising out of MH Admin 3 perception that such services single out minority students. Most parents reported that the School's greatest challenge in delivering IEP services was the lack of available resources, which we note is not uncommon for a public school system. Nevertheless, children with a variety of needs, from generalized anxiety to developmental delays, to autism, received specialized services to their parents' overall satisfaction. However, in other instances we find that a culture of skepticism among the Mission Hill School leadership and teaching staff concerning specialized education led to a marked failure to detect and address serious learning needs of several students, including failures to diagnose dyslexia and address atypical illiteracy in older students. The perceived skepticism over special education services at Mission Hill reportedly stems from the historic use of special education services to single out minority students and students from disadvantaged backgrounds, a course of action MH Admin 3 was vehemently against, as explained below.

F. Finding that MH Admin 3 Flouted IEP and Other Requirements and Fostered an Environment of Noncompliance at Mission Hill

We find that MH Admin 3 flouted IEP and other requirements relating to special education services, such as ELL/ESL services and, in so doing, fostered an environment and culture of noncompliance at Mission Hill under [REDACTED] leadership. MH Staff 23, [REDACTED] Confidential Information, told investigators about a particular incident when MH Admin 3 boldly informed everyone at a business meeting that [REDACTED] had prepared rosters that were going to be submitted to the U.S. Department of Justice ("DOJ"). The rosters made it appear as if certain English Language Learner ("ELL") teachers were "in charge of kids" who were not actually assigned to their classrooms. MH Staff 23 said MH Admin 3 defended [REDACTED] actions by saying, "it's okay because they are having their services met." In other words, MH Admin 3 was fine with submitting false rosters to DOJ because the students were allegedly receiving ELL services by someone at Mission Hill.

MH Admin 3 did not agree to meet with investigators. Thus, we did not have an opportunity to explore this incident with [REDACTED]. Nevertheless, investigators' found MH Staff 23's recollection of the incident to be credible, as two other interviewees corroborated the event. In addition, MH Admin 3, [REDACTED] is on the record of intentionally engaging in deceiving and fraudulent conduct during [REDACTED] first year at Mission Hill. In particular, MH Admin 3 wrote and published an article for *Educational Courage* in August 2012 stating the following:¹²⁵

My first year as [REDACTED] CI was also the first year Mission Hill was assigned students with a special-education designation of "substantially separate." Separating

¹²⁴ Investigators are not making any finding as to whether Mission Hill satisfied or failed to satisfy any particular IEPs.

¹²⁵ MH Admin 3, *A Small Urban Public School Keeps its Course*, EDUCATIONAL COURAGE (Aug. 2012), available at <https://www.beaconbroadside.com/educationalcourage/2012/08/small-urban-public-school.html>.

children from their peers and having a classroom of students with significant special needs was not at all in line with our school beliefs about education. Two teachers and I met with the head of the special needs department about changing the composition of the substantially separate group so that all of our children were heterogeneously grouped in inclusive classrooms. **We were told that it could not be done, that it was illegal. Well, we did it anyway. Doing so meant that I could not be honest about our classroom make-ups or the number of students in classrooms. That got very sticky when folks from the Special Education Department came to visit.** I was relieved to hear that after a visiting Special Education Department staff member's car was towed [REDACTED] would not be returning. **I had no problem sleeping at night knowing that the students who were once identified as not belonging were now in the right place for learning and being part of the community. For that I kept Central Office at bay.**

Investigators heard multiple accounts from current and former parents that MH Admin 3 and other Mission Hill staff deflected and/or flatly ignored questions and concerns from parents about whether their children needed special educational services in an apparent misguided attempt to “protect” children, specifically children of color, from being overly diagnosed and “stigmatized.” However, as MH Parent 43 aptly put it, MH Admin 3 attempts at protecting these children “was not working,” but was “actually neglecting kids educationally.” Under MH Admin 3 leadership at Mission Hill, multiple children went undiagnosed for longer than reasonable or appropriate and, in some cases, until they transferred to a different school and were properly evaluated. Several families had to spend their own time and money to find outside resources that could help their child(ren) get appropriate diagnoses and services. Even then, parents faced additional pushback from Mission Hill in implementing IEP services if the IEP required pushout services that did not align with MH Admin 3 goal of having all children “heterogeneously grouped in inclusive classrooms.” While a small number of parents were satisfied with the provision of IEP services at Mission Hill, we find that MH Admin 3 flagrant disregard for BPS policy and the law, both generally and with respect to IEPs and 504 plans in particular, fostered a culture of noncompliance at Mission Hill.

VI. Findings Concerning Mission Hill's Delivery of an Academically Rigorous Education

Among concerns raised about the educational climate at Mission Hill School were concerns that Mission Hill School failed to deliver a sufficiently rigorous academic education to all its students. Investigators note that evaluating the rigor of Mission Hill School's academics requires a multi-faceted approach to address the unique expectations of Mission Hill School as a District Pilot School. As described below, notwithstanding their unique status, Pilot schools must conform to District expectations that all schools deliver a rigorous education and teach fundamental academic skills. Therefore, while we acknowledge the broad degree of curricular freedom that Mission Hill School had until SY 2020-2021, we nevertheless review the educational performance of its students and the rigor of its academic instruction to determine whether the School provided an education, including in traditional areas of academic skill instruction, commensurate with the rigor expected of all District schools.

A. Curriculum Expectations for Mission Hill School

1. District Guidance on Mission Hill School's Curriculum and Assessment

As a Pilot school, Mission Hill School enjoys complete autonomy from standard Boston Public School curriculum and assessment requirements and has the discretion to structure a curriculum that best meets its own students' learning needs. In short, Mission Hill School can "choose what content to cover, how to cover it, and when to cover it." See *2014 Autonomous Schools Manual* ("Pilot schools have freedom to structure their curriculum, instruction, and assessment practices to meet students' learning needs.")¹²⁶ While requirements for academic advancement within the School "must be comparable in rigor to the District requirements," Mission Hill School may set its own promotion criteria. This flexibility extends to development of "formative and summative assessments," which Mission Hill School, as a Pilot school, may style however it sees fit. Finally, although Mission Hill School is held accountable to federal- and state-required tests, such as the Massachusetts Comprehensive Assessment System (MCAS) and PARCC Assessment, the School has full discretion to independently determine the best methods to prepare students for federal and state mandated assessments and adopt its own school-based curricula to do so.

But autonomous schools like Mission Hill School do not operate in a vacuum. In addition to using federal and state-mandated assessment tools, such as MCAS and PARCC, Mission Hill School must make standardized testing opportunities available to students, such as the Independent Schools Entrance Examination (ISEE), PSAT, SAT, and ACT, and Test of English as a Foreign Language. The school is further required to share assessment information and results with its Governing Board. Moreover, Mission Hill School must articulate which formative assessments it intends to use to the extent it does not adopt District practices. Lastly, the School must adhere to the District's predictive assessment criteria based on the School's identification as Sustaining, Improving, and/or Transforming, and participate in the District's school accountability process by engaging in a School Quality Review as required by its classification.

B. Mission Hill School's Educational Curriculum

1. Mission Hill School's Core Educational Philosophy: "Be Kind, Work Hard"

Mission Hill School's educational philosophy and its core learning values and goals, are derived from the School's stated commitment to a democratic education. The Mission Hill School Statement of Purpose describes what the outcome of a public education should be, but does so without any reference to the specific "skills and competencies" that are required to fulfill this broad and lofty goal: "the task of public education is to help parents raise youngsters who will maintain and nurture the best habits of a democratic society – be

¹²⁶ Additionally, the 2014 *Autonomous Schools Manual* provides that "[a]utonomous schools may set their own annual school year schedules, as long as they meet the hour and school day instructional time requirements for Massachusetts' public schools."

smart, caring, strong, resilient, imaginative and thoughtful. It aims at producing youngsters who can live productive, socially useful and personally satisfying lives, while also respecting the rights of all others. . . . It requires also the skills and competencies to be well informed and persuasive—to read well, to write and speak effectively and persuasively, and to handle numbers and calculations with competence and confidence.”

Mission Hill School’s guiding principles for “nurtur[ing] the best habits of a democratic society” are captured in Mission Hill School’s dual foundational tenets – Habits of Mind and Habits of Work. The Habits of Mind underlie the School’s choice of curriculum and tools of assessment.

The Mission Hill Habits of Mind tenet refers to the foundational questions every student should ask as they approach both traditional academic disciplines of math, science, literature and history, as well interdisciplinary “stuff of ordinary life.” The five Habits of Mind include: Evidence (How do we know what is true and false?), Viewpoint (How else might this look if we stepped into others’ shoes?), Connection/Cause and Effect (Is there a pattern? What are the possible consequences?), Conjecture (Could it have been otherwise?), and Relevance (Does it matter?). The Habits of Mind are supplemented by the School’s Habits of Work: “the habit of meeting deadlines, being on time, sticking to a task, not getting frustrated quickly, hearing out what others say, and more.” The Handbook emphasizes that knowing “how-to” is no substitute for having good habits. During the investigation, Mission Hill School staff often referred to the dual Habits of Mind and Habits of Work in describing the School’s academic philosophy and curriculum.

2. Theme-Based Curriculum and Project-Based Learning

Informed by the School’s Habits of Mind and Habits of Work, Mission Hill School has historically followed a project-based and theme-based curriculum that focuses on the “whole child.” Each year, the School identified three different themes to be taught across all grade levels, with students spending approximately one-third of the year learning each theme in each academic discipline. For example, students divided their year by the study of science (such as life science and physical science), ancient culture (such as Ancient China, Ancient Greece, Ancient Egypt, and the Taino Civilization), and the struggle for racial justice. Mission Hill School teachers “threaded” each theme through all subjects throughout the year and retained considerable autonomy in deciding how to teach academic skills, such as reading, writing and math, through these themes. Students repeated the school-wide themes approximately every four years.

The progressive topics, and the interdisciplinary approach to their study, attracted many parents. Mission Hill School parent MH Parent 23 described the draw of learning traditional skills through theme-based learning as follows:

“[T]he way it worked is they would, they would use a theme for every subject. And so it was math, but the theme was the election. And so my **CI** and a friend came up with an idea of asking every single class of the school who they were going to vote for. And so MH Staff 53 gave permission to my **CI** and another student to go to every single class with the other teachers’ permissions to come

in and interview the students. And then like tally up who was voting for who, and then deliver a report to the school during Friday share. And it was this most amazing experience, because my [CI] didn't even realize [CI] was doing math, but [CI] was doing like harder addition than other first graders at that time."

The majority of Mission Hill School parents said that they greatly valued the School's historic use of theme-based learning. Many parents, like MH Parent 41, embraced the theme-based curriculum because it was both "engaging," and allowed peers to discuss "what excites them" academically. MH Parent 37 told investigators that parents supported the School-wide themes because they "bound the school together" in a way that a standardized curriculum, such as the one currently in place at Mission Hill School, does not. MH Parent 11, whose four children have all attended the Mission Hill School for some period of time, recalled an instance where three of [REDACTED] children, in three different grade levels at the time, discussed the School's ancient civilization theme around the dinner table one evening. MH Parent 17 said that theme-based learning was the "fun stuff" at Mission Hill School, which has since been removed from School's curriculum. Finally, parents applauded that the selection of yearly themes was clearly communicated by the School in dedicated curriculum nights and in the School newsletters.

Embedded in the theme-based curriculum was a focus on project-based, rather than direct teacher-led, learning. Many parents said that they embraced Mission Hill School's emphasis on project-based learning, at least in concept. MH Parent 23 told investigators [REDACTED] ranked the School first in the school lottery because [REDACTED] valued the project-based learning model, which [REDACTED] equated with a "deeper" learning, as well as the School's independence from the BPS curriculum. MH Parent 16 said that [REDACTED] selected Mission Hill School in large part because the project-based learning focus allowed students to move around and not be confined to their desks completing worksheets. MH Parent 3 and 4 told investigators that they did not want their children stuck behind a desk all day and therefore they valued the School's "play-based project-based" focus because it suited their goals and their [CI], MH Student 5's, active personality. Several other parents, such as MH Parent 32, said that the project-based learning allowed students to exercise a lot of choice in what they learned.

As it pertains to a written curriculum that reflects the above-mentioned ideals and approaches, the School expected teachers to design their own curriculum. However, such freedom of choice in curriculum was not unlimited. MH Staff 24 recalled requesting that the School adopt a core reading program to strengthen literary instruction. According to MH Staff 24, at a group meeting held to discuss MH Staff 24 proposal "MH Admin 3 [MH Admin 3] said that [REDACTED] just felt like the literature in the books that we had wasn't representing children of color enough, and that was the end of that discussion."

While most Mission Hill School teachers embraced a traditional, theme-based curriculum, not all teachers blindly supported the model. MH Staff 45 stated that the School succeeded in promoting community and project-based, hands-on learning, but for "[s]ome kids, that's not what they need." MH Staff 27, a vocal proponent of the theme-based and autonomous curriculum, touted how project-based learning promoted "deeper thinking" and a greater focus on democratic ideals, but in doing so, acknowledged that part of the benefits to students is the opportunity to "express that learning in many different ways," i.e. that the

theme-based model was that it provided *alternatives* for children to demonstrate their talent: “writing [is] challenging [and] not [a] preferred activity but if you give them Legos [or] paper mache, [students] can show so much [of] what they have.”

Beyond the inherent challenges of teaching core skills, Mission Hill School’s reliance on the teacher-led/theme-based model presented practical challenges for staff. MH Staff 45 noted that teachers experienced a significant strain because they had to create three separate teacher-created curricula each year. MH Staff 24 told investigators that the School expected teachers to develop their own curriculum with little direction.

MH Staff 1 informed investigators of another challenge. ■ recalled that over time, School-wide curricular autonomy had led to great discrepancies in curriculum from one teacher to the next. MH Staff 1 told investigators that the lack of standardization across grade levels was a substantial weakness of the model. Moreover, according to MH Staff 21, without skill-based focus, IEP assessments – i.e. to determine whether a child’s disability or learning needs interfered with the child’s grade-level progression – became much more difficult. Theme-based curricula tended to show skills, not in traditional literacy or math, but in articulating their understanding verbally or in producing creative content, which was not easily translated into an IEP assessment.

3. Mission Hill School’s Focus on Democracy, Self-Help and Social-Emotional Learning

Numerous parents said that attending Mission Hill School meant that students and their families often sacrificed academic goals in order to experience inclusion, diversity, and a democratically-led education. As a parent of three Mission Hill School students, MH Parent 39, informed investigators that children at Mission Hill School “learned how to learn” and developed self-help and self-education skills. However, self-help and self-guided educational opportunities were not the only purported strength of Mission Hill School. Other parents touted the social-emotional education and supports that Mission Hill School allegedly offered students as an important reason why they chose to remain at the School. This was true for MH Parent 10, whose ■ had already learned how to read, who said that Mission Hill School’s emphasis on social-emotional education paid dividends for ■. MH Parent 11 shared a similar sentiment, stating that, typically, learning students are often forced to “slow down and learn how to deal with students who aren’t able to learn” but that, in doing so, those students gain a social-emotional education. MH Parent 40 echoed this sentiment and openly acknowledged that traditional academic skills were not ■ top priority, stating that “I don’t want to have everyone at the same level. If I needed to do home school with ■ I could do it. Other families couldn’t. So I can handle ■ getting less support.” ■ said that the School’s curriculum is probably skewed toward Black and Brown families because “they need it more” and said ■ did not believe that “fairness” required that the educational component apply equally to all racial and socioeconomic groups, as fairness is not “an even line, it needs to be adjusted.”

Mission Hill School did not shy away from addressing these academic trade-offs with parents. MH Parent 38 recalled that, upon enrolling ■ child at the School, MH Staff 2 explained to ■ that attending Mission Hill School “is a leap of faith” because MH Parent 38’s

child – [Confidential Information] – would not be “at the center of everything.” For MH Parent 38, for whom an education in diversity was equally important as academic skills, the leap of faith worked out. MH Parent 38 said [CI], MH Student 62, “got what [] needed to achieve academically” and learned how to be open to people of “all walks of life.” MH Parent 25 and 26’s told investigators that their [CI], MH Student 7, [CI Confidential Information], but was challenged to “work[] on social, emotional skills,” with which the School supported []

Parents like MH Parent 45 said that while Mission Hill School may not be focused on advanced work, academic excellence “is not the mission” of the School. [] told investigators that [] felt current criticisms that the School did not serve high-achievers were unfair since “people get what they need.” According to MH Parent 45, Mission Hill School offered a richer experience than just learning fundamental reading and writing, as it included deep learning about community and character.

Several parents, including many of privilege or who had a background or training in education, said that they were willing and/or able to provide supplemental instruction to make up for any deficit in their children’s academic course. MH Parent 37 said that [] had “longstanding concerns with how kids do in math” at Mission Hill School but was nevertheless willing to provide supplemental math support for [] child if this became an issue, so [] remained at the School. MH Parent 22, [Confidential Information] said that [] family began at Mission Hill School with a “very inclusive view on education” which placed value in addressing educational exclusions. MH Parent 22 said that [] “appreciates that [] may [think] differently” about academic rigor because [] own children [CI Confidential Information]. MH Parent 22 further said that [] valued the School’s teaching around social justice and “how you treat people,” which allowed [CI] children to understand and discuss racism at an early age. MH Parent 35 said that the curriculum does not challenge students in the older grades, and [] regularly seeks out “more elevated work” for [] children to do at home.

Mission Hill School teachers shared diverging views on the School’s relative success in delivering a social emotional education. Former Mission Hill School staff member, MH Staff 23, said that the School could have improved delivery of social emotional development if it used a traditional approach or trained staff in these areas. [] relayed that Mission Hill School teachers often felt a responsibility to—because they had to—“do all social-emotional behavioral stuff” without the support of trained social workers or other external partners and while balancing academic needs. By contrast, longtime Mission Hill School teachers MH Staff 6 and MH Staff 20 shared their view that the School was a pioneer in the District in providing social-emotional support and, per MH Staff 20, focusing on “instilling a sense of self-worth” in an academic setting long before the concept became mainstream in public schools.

At the heart of Mission Hill School’s focus on the “whole self” is the School’s larger commitment “to supporting those who are most marginalized.” As summarized in a September 18, 2017 email from MH Staff 31 to Mission Hill School staff, and captured in the Governing Board meeting minutes from October 12, 2017, the School long embraced an instructional focus that “continue[d] to focus on boys of color and the application of reading through the use of

Mission Hill Habits of Mind and Habits of Work.” This included “building their skills to verbally debate, write persuasively, compare text content to build factual knowledge for the basis of establishing an opinion, and the use [of] content vocabulary in their delivery.” The Governing Board purportedly approved this focus.

4. Transition to BPS Curriculum in SY 20-21

In SY 20-21, Boston Public Schools classified Mission Hill School as a “Transformation School,” a designation that was applied to the lowest-performing 10 percent of schools statewide. In a Mission Hill School Newsletter dated December 13, 2019, School leadership stated that during the prior year, “with district support, we wrote our Transformation Plan and submitted it to DESE (The Massachusetts Department of Elementary and Secondary Education).” As a result of its newly-designated status, in SY 20-21, the District ended the School’s curricular autonomy and assigned a new, District-approved curriculum to the School. In the spring of 2020, the District selected a “Wit & Wisdom” curriculum for Mission Hill School for the upcoming school year. According to MH Staff 1, then a Co-Teacher Leader, the Mission Hill School staff attended a professional development training on the new curriculum prior to the start of the school year. MH Staff 1 described the present curriculum as “horrificing.” MH Staff 1 told investigators that the staff (including MH Staff 1) felt that the Euro-centric curriculum diminished Black voices. [REDACTED] said that the staff quickly observed that the Board responsible for the Wit & Wisdom curriculum did not include any members of color. MH Staff 6 was one of several staff members who “pushed back” on the new curriculum and wrote a letter advocating to change it. In response, the District assigned a new curriculum. Mission Hill School newsletters from the fall of 2020 notified parents that “our themes are now determined by our BPS-approved standards-aligned curriculums: Focus in Kindergarten-2nd, Expeditionary Learning in 3rd-6th grade, and StudySync in 7th/8th.” Some parents and teachers supported the change. MH Staff 34, who joined the School after the transition to a District-led curriculum said it was a “good move,” as the MCAS has become a greater focus. MH Parent 37 said that [REDACTED] and “lots of teachers” recognized a need for more structure in the curriculum to achieve greater academic success and that not every educator at the School was against the District-based curriculum. However, MH Parent 37 and other parents expressed a concern that fully adopting the District curriculum may remove all autonomy from teachers, including the ability to do “special things.”

The District-assigned curriculum purported to address the need for greater standardization across the School but was met with mixed reactions from staff. MH Staff 38 described the District-assigned curriculum as more “rigorous” and inclusive of “more activities and programs than [REDACTED] would plan for [REDACTED] in a year.” However, not everyone in the Mission Hill School community viewed the shift positively. The curriculum shifted away from Habits of Mind and Habits of Work, which was noted as a weakness by MH Staff 27. Many parents have similarly resisted the shift toward District-led standards. Since first implemented in 2020, several parents have complained to the Boston School Committee and to Mission Hill School leadership about the District-imposed curriculum and advocated for a return to the theme-based curriculum. MH Parent 39 said that the District curriculum weakened the School’s historic focus on learning about the world from a non-white perspective. Others parents reported

that the curriculum was too rigid for the wide range of needs presented by the School's student base.

C. Assessment Tools

1. Internal Educational Assessment Tools

Since its founding, Mission Hill School has consistently resisted standardized methods of assessment and evaluation. A foundation Q&A states that student progress will be tracked by "[t]he staff, with feedback from the parent body and others" who have "developed a plan that leads children from where they are to a diploma from Mission Hill." While no specific tools or grade-level assessments are described, the document provides that "habits of mind" will be translated into "understandable and tangible performance [] [e]ach [] shaped [] by children's own particular needs, strengths and interest." The only concrete check-point described in this early document is that each child will work with a staff "advisor" to plan the final stages of their K-8 experience.

As pertinent to our Report, the School continued to vocalize its position in the early 2010s in the face of District pressure for mandatory testing. On September 26, 2013, the Mission Hill School Governance Board wrote a letter to Superintendent McDonough and the Boston School Committee requesting that the School Committee exempt Mission Hill School from "district-mandated standardized tests" moving forward. The Board cited in support both the high number (96.2%) of Mission Hill graduates who had entered college as well as the School's track record of "Rethinking" assessments to measure student achievement. The Board underscored that Mission Hill School's "Descriptive Review" reflects a more comprehensive approach to student evaluation. Moreover, the Board emphasized that the School's foundational ideals—the Habits of Mind—are incompatible with the "right or wrong" nature of multiple-choice, standardized tests. Finally, the Board highlighted that more than one-fourth of Mission Hill School students receive special education services, which calls into question the effectiveness of such testing. Consistent with its mission statement, the Board articulated that the School provides a broader education not limited to academic skills, but "also how to fully participate in American society."

Shortly thereafter, MH Admin 3 discussed district-mandated assessments at a December 5, 2013 Governing Board meeting. The notes reflect that in the absence of "harassing phone calls" MH Admin 3 believed the September 26, 2013 letter "has worked well." MH Admin 3 reports that the Mission Hill School had been referred to as "the alternative school" and not expected to produce data from district assessments. MH Admin 3 further opined that "in order to meet state guidelines [Mission Hill School] will have to adopt a common performance assessment, which may not be a bad thing." However, investigators did not find evidence that confirms the School thereafter adopted a common performance assessment consistent with District expectations.

It was not clear to investigators, what, if any, internal assessments Mission Hill School implemented from 2012 until the time it entered Transformation Status in the SY 2020-2021. MH Staff 38 said that the School used a Baseline Assessment System (BAS), but have shifted to

a Measures of Academic Progress (MAP) assessment with the change in curriculum and status. MH Staff 8 told investigators that the School had “a reading assessment tool” but they would never use it. When [REDACTED] joined the School in 2012, MH Staff 8 said that the School did not monitor reading levels, in large part because teachers did not use a standard curriculum that provided for literary instruction. MH Staff 8 said that [REDACTED] encouraged academic assessments and, upon joining the staff in 2012, shared several tools [REDACTED] had used at [REDACTED] Confidential [REDACTED], such as BAS for reading and traditional beginning of the year (and end of the year) mathematics assessments but [REDACTED] understood that the School discontinued those assessments when [REDACTED] left in 2016. MH Staff 21, who has been assigned to Mission Hill School [REDACTED] Confidential [REDACTED] Confidential Information [REDACTED], said that the School kept records of academic progress but only “in theory.” MH Staff 21 identified a single assessment tool—MAP assessments for reading and math. MH Staff 27 similarly said that the School applied beginning of the year and year-end math assessments on a regular basis since [REDACTED] joined the School in or about SY 2014-2015.¹²⁷

The experience reported by parents did not differ significantly from the staff’s account of piecemeal testing. Mission Hill School parents, for the most part, said the School focused on “alternative assessments” to show that children were learning outside of traditional testing rather than “cookie cutter standards.” Some parents referred investigators to the Friday Shares or community breakfasts where students displayed their work prior to compiling a portfolio for graduation in eighth grade. MH Parent 23 reasoned that, “because the learning looked different” at Mission Hill School, the School had to adopt different types of academic assessments, which could prove to be ineffective in identifying children who were not learning well. MH Parent 23 did not specify what, if any, “different” tools were actually applied. Indeed, MH Parent 11 said that it was only through an outside tutor that [REDACTED] learned that [REDACTED] Confidential Information [REDACTED] and that [REDACTED] “fell through the cracks” due to the School’s “non-standardized method of assessing children.”

The investigative record reflects that the School made a more robust effort to evaluate its evaluators than it did the students. Consistent with the School’s democratic model, Mission Hill School leadership periodically conducted surveys and solicited peer review from staff about the educational structure. MH Staff 3, [REDACTED] Confidential Information [REDACTED], told investigators that [REDACTED] was evaluated three times at Mission Hill School under what is called a “peer review model of teacher evaluations” where each teacher had an evaluation “team” composed of the teacher, the principal and an educator of the teacher’s choice. A summary of School Quality Review Reports from 2001, 2005 and 2010 revealed that BPS’s School Quality Review teams recommended that the School reevaluate its peer evaluation system and clarify the supervision and evaluation procedures.¹²⁸ Under the Co-Teacher Leaders, a Google form entitled “Effective Collaborative Structures at Mission Hill School Check-In” solicited staff views on the effectiveness of various meeting structures, including Grade Band Meetings, Business Meetings, Professional Development, ILT/Seal, and Mission Hill Action Team.

¹²⁷ [REDACTED] Confidential Information [REDACTED]
[REDACTED]
[REDACTED]

¹²⁸ See section (h) (School Quality Reviews (SQRs)) below.

2. Mission Hill School Report Cards

Consistent with the School's focus on the "whole child" as opposed to specific academic skills, the School adopted narrative report cards that confused many parents who struggled to understand their child's progress. MH Staff 23 told investigators that Mission Hill School report cards were confusing and "hard to read" and that [REDACTED] could see how parents may not know that their children are struggling because it is not clear that they are not meeting benchmarks. The evaluation form used in 2012 used both quantitative standards and qualitative standards to evaluate students in the areas of literacy, mathematics, theme, and collectively in the Habits of Mind, community member, and Habits of Work. Teachers assigned students a score of 1 (not meeting expectations) to 4 (exceeds expectations) for a variety of skills along with providing written narrative comments from each trimester of the year. The comments often included a description of the students' current tasks and some, but not all, identified areas of improvement. Similarly, a 2018 third grade student report card included quantitative (scale of 1-4) measurements of a student's progress in various skills and concepts for the following categories: literacy, math, theme and the "Mission Hill Way" along with narratives and comments from instructors, including comments regarding art, music and wellness.

By contrast, under the District-led curriculum, a 2020 fifth grade student report card included measurements of a student's competency in core content subject areas, which were reading, writing, listening and speaking, and math. It also included grading of school leadership and social development. Each of these subjects were accompanied by comments from the instructors.

Beyond the structure of the report cards, parents reported concerns with the quality and timeliness of the staff's comments. MH Parent 3 and 4 said that they felt the narratives for children MH Student 4 and MH Student 5 were "vague" and did not convey their academic achievements. MH Parent 9, whose children have attended other BPS schools, told investigators that the narrative sections were "not helpful." On the other hand, MH Staff 1, who had taught at the school since inception and served as a Co-Teacher Leader [REDACTED] Conf. Inf., said families "loved" the long narratives the School provided. However, both MH Staff 1 and MH Staff 2 told investigators that they identified the process and timeliness of report cards as one area for improvement after they became Co-Teacher Leaders.

Specifically, we heard reports that one or two teachers failed to issue report cards in a timely or accurate manner. MH Parent 3 and 4 told investigators that MH Staff 6 failed to evaluate MH Student 5 for literacy in fifth grade. MH Parent 3 and 4 said that their [REDACTED] received another child's report card from MH Staff 6, a statement that MH Staff 1 later confirmed. Mission Hill School parent MH Parent 36 told investigators that MH Staff 6 did not provide a report card for [REDACTED] CI MH Parent 3. MH Staff 1's own children, [REDACTED] CI who attended Mission Hill School from approximately 2012- 2016, received identical evaluations from MH Staff 57, who, as MH Staff 1 described, simply substituted one child's name for the other on the form.

3. MCAS Performance

There is a consensus, at least among parents, that Mission Hill School's focus on individualized development – i.e. their stated goal of “meeting each child where they are”—resulted in less classroom time devoted to instruction in traditional academic skills, such as those measured on the Massachusetts Comprehensive Assessment System (“MCAS”) test and other standardized tests.

We recognize that MCAS test results are only one of several ways to measure academic achievement of a student. We are also aware of the inherent biases and limitations¹²⁹ of the MCAS testing format, particularly as it relates to students with special education needs and students from traditionally disadvantaged backgrounds. However, as a standardized test administered across the District and Massachusetts, MCAS scores provide valuable benchmarks for evaluating how academic performance at Mission Hill School compares to that of similarly-aged children across the Commonwealth. Therefore, as part of evaluating the academic rigor of Mission Hill School's curriculum, investigators closely examined the MCAS scores of Mission Hill School students.¹³⁰

For every year between 2012 and 2021,¹³¹ Mission Hill School students received lower, and in some cases dramatically lower, MCAS scores in the areas of reading, math and science and technology compared to state-wide performance. During this time period, MCAS scores compiled across all grade levels and all subjects showed that the percentage of Mission Hill School students who earned “needs improvement” and/or “failing” scores on the test was consistently higher than the state average for the same year, grade, and subject. The School generally performed worse, with a significantly higher percentage of students failing or not meeting expectations than the Massachusetts average, in the areas of math and science and technology than in reading.

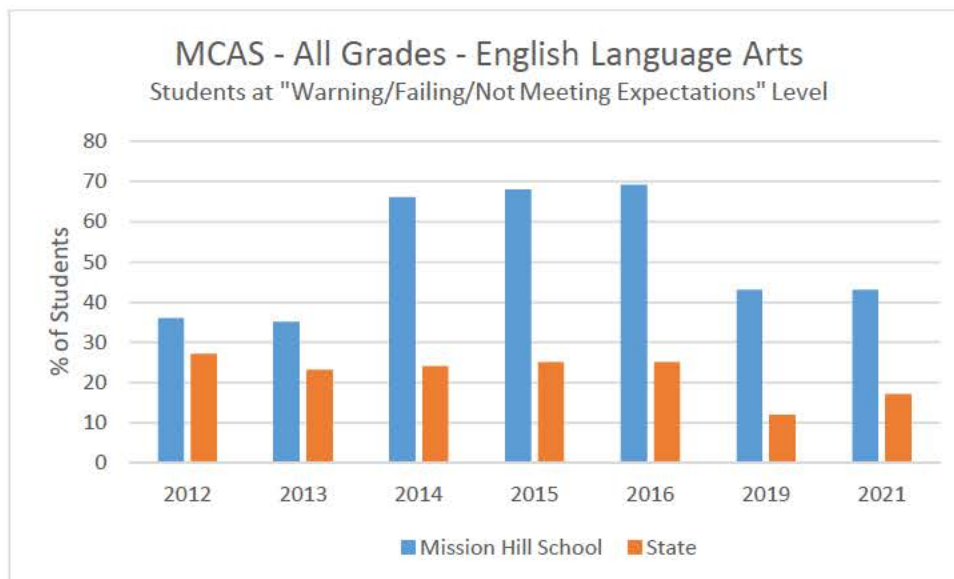
Although not steady, the gap between Mission Hill School student performance and statewide performance generally increased between 2012 and 2016, reaching its highest points

¹²⁹ Several MHS teachers told investigators that MCAS testing is not an accurate measure of academic capability and that the structure of the test inherently favors white, middle-class students. *See also* Brennan, Robert & Kim, James & Wenz-Gross, Melodie & SIPERSTEIN, GARY (2001). The Relative Equitability of High-Stakes Testing versus Teacher-Assigned Grades: An Analysis of the Massachusetts Comprehensive Assessment System (MCAS). Harvard educational review. 71. 173-216. 10.17763/haer.71.2.v51n6503372t4578 (where the authors examine the question of whether high-stakes tests will mitigate or exacerbate inequities between racial and ethnic minority students and White students, and between female and male students, finding that “relying exclusively or heavily on high-stakes tests, such as the MCAS, to make critical academic decisions, such as the granting of a high school diploma, might dramatically set back girls and students of color.”).

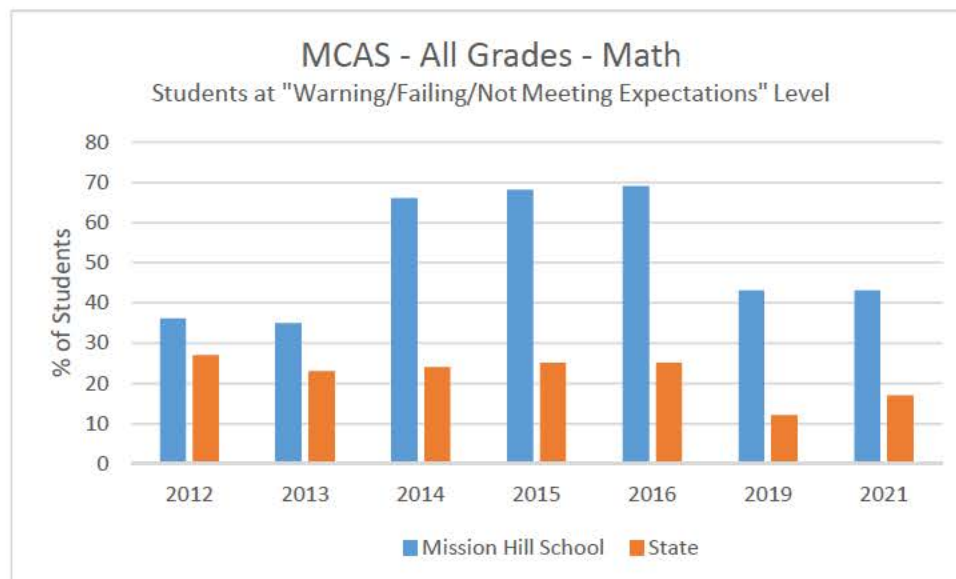
¹³⁰ To best evaluate the entire school's academic performance, investigators focused primarily on the data for all grades. Within the all-grades category, investigators focused on the percentages of students whose test scores “met expectations” versus students whose scores either “needed improvement/partially met expectations” or constituted “failing/did not meet expectations,” and how those statistics compared to the state average, in each subject.

¹³¹ Only a portion of students in grades 3-8 participated in 2015 MCAS in English Language Arts and Mathematics. Spring 2016 state-level achievement and growth results in grades 3-8 English Language Arts and Mathematics are not reported because most students in Massachusetts participated in the PARCC test. The 2017 and 2018 Science and Technology MCAS results were not reported.

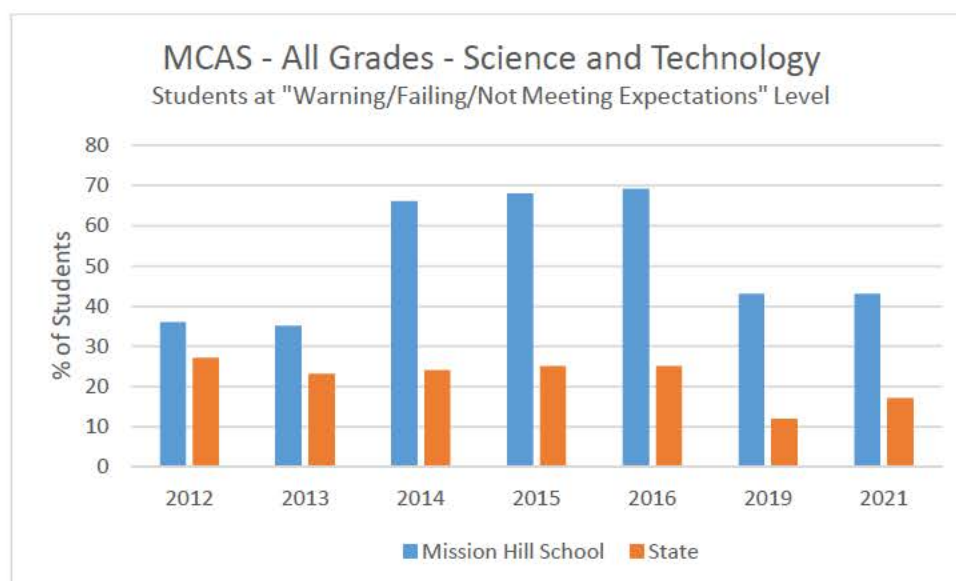
between 2016 and 2018. For example, the difference in the proportion of students who received deficient MCAS reading scores that were “Warning,” “Failing” or “Not Meeting Expectations” was highest in 2018, when 37% of Mission Hill School students received non-proficient reading marks as compared to just 11% of students statewide. In 2012, 18% of Mission Hill School reading scores failed to meet expectations and/or failed compared to 13% of students statewide. And in 2021, 34% of Mission Hill School students received deficient reading scores compared to 16% of students statewide. The data reveals that the performance gap between Mission Hill School and the state-wide benchmarks began to close in or about 2018 through 2021.



The difference in the proportion of students who received MCAS math scores that were “Warning,” “Failing” or “Not Meeting Expectations” was also highest in 2018, when 48% of Mission Hill School students received such math scores compared to just a 12% deficient average score statewide. In 2012, 34% of Mission Hill School students received such math scores compared to 21% of students statewide. And in 2021, 41% of Mission Hill School students received those math scores compared to 22% of students statewide.



The difference in the proportion of students who received MCAS deficient science and technology scores that were “Warning,” “Failing” or “Not Meeting Expectations” was highest in 2016, when 69% of Mission Hill School students received such science and technology scores compared to just 25% of students statewide. In 2012, 36% of Mission Hill School students received such science and technology scores compared to 27% of students statewide. And in 2021, 43% of Mission Hill School students received those science and technology scores compared to 17% of students statewide.



Although the Mission Hill School and its founders have had a vocal history of being critical of standardized testing, the school’s MCAS performance in 2012 was generally consistent with statewide performance. Since then, the general trends in the school’s MCAS performance coincide with a theory that Mission Hill School’s academic performance decreased after the School’s move from Mission Hill to Jamaica Plain in 2012, in part due to changes in the

size, experience and overall make-up of the school's staff. The school's transformation into being an inclusion school also increased the number of children with significant needs over time.

D. Adequacy of Mission Hill School Curriculum and Complaints About Academic Rigor

1. Complaints about the Curriculum

MH Staff 8 told investigators that the curricula developed by teachers was “not developed well, shoddy work” and “not rigorous.” MH Staff 8 said that the School did not meet the basic needs of students who “[m]ust be able to read and write.” MH Staff 23 told investigators that, in [REDACTED] observation, the “[e]xpectations [were] different on curriculum based on [the] teacher’s tenure,” as the School expected newer teachers to develop robust curricula and share these with the staff who had been there “forever.”

MH Staff 23 told investigators that students with supportive families and/or no needs tended to “thrive” in project-based learning, while atypically-learning children struggled.

Typically-learning students who required no additional learning supports experienced the most success under the project-based learning. MH Staff 23 told investigators that Mission Hill School’s autonomy, and specifically its project-based and student-led learning, “look[ed] great on paper” but, in reality, the teachers could not adequately educate their students.

Parent critiques around the limitations of the school-wide model sheds some light on why teachers struggled to provide basic skill instruction. A significant obstacle was the failure to differentiate students by skill, and in some cases grade level, as needed to provide appropriate instruction. MH Parent 25 and 26’s told investigators that in their [REDACTED] Conf. Inf. grade there was “much more stratification of where kids were academically.” Similarly, in response to the school climate survey for SY 2020-21, another parent wrote that they “would love to see 2 focuses: k-3. And 4-8 . . . [t]he learning and developmental needs and content of the kids in these age groups are so different.

The record shows that MH Admin 3 condemned such academic differentiation as biased academic “tracking.” In an April 8, 2014 email to a cohort of staff members, referred to by MH Admin 3 as “literacy and math facilitators,” MH Admin 3 writes that [REDACTED] has “noticed a new trend in our school of grouping students by ability.” MH Admin 3 writes that, while [REDACTED] has no objection to “truly flexible” groupings, [REDACTED] has observed “a system of tracking taking root in [the] school” and surrounding discussions “shifting to reflect the level of students.” MH Admin 3 does not hide [REDACTED] feelings as [REDACTED] writes that: **“I don’t think I need to explain how this makes me feel. I assume you know.”**

2. Complaints about the Adequacy of Academic Instruction

Several parents shared that, while the use of School-wide themes and project-based learning attracted them to the School on a philosophical level, the actual curricular model did not always teach students the core academic skills they needed in each discipline.

Teachers and parents both expressed concerns about the rigor of Mission Hill School’s academic instruction. Those same individuals have claimed that, as a result of substandard instruction, a significant cohort of students did not have their academic needs met. This included both high achievers “bored” with the curriculum and low achievers “frustrated” and without technical skills. MH Staff 8 said that students who did not develop the skill set were often left behind academically despite advancing to the next grade level.

The Mission Hill School parents who participated in the investigation identified weaknesses in just about every academic discipline taught at the school. One area of particular concern was literacy. MH Staff 21 and MH Staff 8 said that teachers taught reading through “osmosis,” rather than instructing on phonics and basic skills. MH Parent 17 said that “literacy is a real problem” at Mission Hill School and that the school does not teach phonics in kindergarten. In the school climate survey in SY 2016-17, one parent stated that “[f]amilies who’ve left and went to another school have said their children are behind in reading . . . I’m thankful for the learning environment and freedom to learn through play and activities . . . [b]ut sometimes I think more structure and accountability is needed.” MH Parent 30 told investigators that both of [REDACTED] children were more than a full year behind grade-level reading expectations when they were finally assessed for literacy upon withdrawing from the School.

Some parents associated the low literacy with the project-based learning approach.

MH Parent 11 recounted that, while theme-based learning was “cool” and “vibrant,” [REDACTED] CI [REDACTED] Conf. Inf. [REDACTED]. Similarly, MH Parent 16 said that, while [REDACTED] CI [REDACTED] MH Student 18 could complete the assigned projects, MH Student 18 [REDACTED] Conf. Inf. [REDACTED] Confidential Information [REDACTED]. According to MH Parent 16, Mission Hill School did not—or lacked the tools to—identify MH Student 18’s [REDACTED] CI [REDACTED] Conf. Inf. [REDACTED] MH Student 18 [REDACTED] Conf. Inf. [REDACTED] MH Student 18 [REDACTED] Confidential Information [REDACTED]

The quality of math instruction concerned many parents as well. MH Parent 39 said [REDACTED] child, who attended Mission Hill School from kindergarten until eighth grade, [REDACTED] Conf. Inf. [REDACTED]. Likewise, MH Parent 16 said [REDACTED] child did not [REDACTED] Conf. Inf. [REDACTED]. MH Parent 5 said that “in the way they teach math,” “it seems like an overly complicated way of getting to the same result,” and [REDACTED] did not “understand the method.” Parents have also described their concerns in comments included in school climate surveys conducted over the years. Another parent recalled in a School climate survey that their “5th grade experience at The Mission Hill School has been disappointing, to say the least . . . [o]ur child has not been prepared well to advance within BPS . . . particularly as it relates to mathematics . . . [t]he teacher has never approached us with educational issues, leaving us to identify problems and seek to remediate learning that should be happening in the classroom.” As MH Parent 32 stated, “[i]f you want your kid to excel at math, probably pick another school.”

These complaints must be balanced against positive academic experiences. As discussed above, two parents of students with autism told investigators that they were satisfied with the quality of the instruction that their children received at the Mission Hill School. MH Parent 6

said that [REDACTED] Conf. Inf. MH Student 54 [REDACTED] Confidential Information [REDACTED]. MH Parent 7 told investigators that [REDACTED] had “no complaints with curriculum” for [REDACTED] child MH Student 52, [REDACTED] Confidential Information [REDACTED]. MH Parent 21, whose [REDACTED] MH Student 55 [REDACTED] Conf. Inf. [REDACTED] Conf. Inf. [REDACTED], said that [REDACTED] felt “looked after in a way” when it came to [REDACTED] CI [REDACTED] education at Mission Hill School.

Many parents said that Mission Hill School’s progressive style and theme-based curriculum did not provide sufficient structure for all children to learn. MH Parent 39 said that [REDACTED] Confidential Information [REDACTED] and said [REDACTED] CI [REDACTED] Confidential Information [REDACTED]

3. Complaints about Adequacy of Social-Emotional Education and Effects on Students from Marginalized Populations

On paper, the school touted itself as an institution where social-emotional growth and educational equity took precedent over high test scores. However, a critical part of equity is in delivering an equally robust education to students from diverse backgrounds. While the School did not prioritize academic instruction over more holistic approaches, as a public school that focused on supporting students from marginalized populations, the school had a responsibility to adequately educate all of its students and provide them the foundational elements of a K-8 education.

The investigation revealed a reality that differed greatly from the school’s lofty ideals. At least one former teacher, MH Staff 24, stated that many of the school’s students from marginalized backgrounds did not receive adequate instruction. [REDACTED] said that the school never tried to reconcile its “larger vision” and commitment to democratic ideals and social justice to “see what’s not working.” During the investigation, several parents shared a similar opinion that Mission Hill School’s commitment to social-emotional education and lifting a community up as a whole, however laudable, blinded the school to the fact that countless kids had been neglected educationally. MH Parent 43 expressed this sentiment and said that [REDACTED] knew of fourth grade students and one eighth grade student who were “completely illiterate.” MH Parent 43 said that the school did not even know that [REDACTED] Confidential Information [REDACTED]. MH Parent 41 told investigators that there were structural issues at the School and that “the children who get left behind are predominately underprivileged.” MH Staff 1 said that, to deliver on MH Admin 3’s model of focusing on “what [the] kid could do,” students need tools around reading and math.

Parents of students with high needs reported mixed opinions of the School’s social-emotional focus. MH Parent 9 acknowledged that, given the severity of [REDACTED] Conf. Inf. [REDACTED] as other parents. MH Parent 9 told investigators, however, that the School had failed to deliver on its commitment to provide students like MH Student 9, [REDACTED] Confidential Information [REDACTED], adequate social-emotional support.

4. School Quality Reviews (SQRs)

The School Quality Review visit is an important tool used by the District to maintain accountability for District Pilot Schools. As described in the Center for Collaborative Education's (CCE's) 2008 Draft School Quality Review Guide: Boston Pilot Schools, historically, the purpose of the SQR visit is to "complement the school's internal Self-Study with an external perspective on the school's progress." The SQR includes two central components: 1. Review of the school portfolio and other materials by the SQR team and 2. A three-day visit to the school by the SQR team. The SQR produces a written evaluation shared with the School. Schools then address in writing the actions they will take to address the findings in the SQR report.

As described in the District's 2014 Autonomous Schools Manual, the SQR process includes the following steps:

1. A School Self Study leading to the development of a School Portfolio
2. A School Quality Review (two to three days) conducted by an external team based on a set of rubrics that identify the criteria of a high performing school
3. A School Response and Action Plan based on the SQR report
4. Review and Action by the Superintendent and Chief Academic Officer based on the SQR report recommendations
5. Report is shared with the School Committee

Both School Self-Study and SQR assessment follow a six-part rubric to review the School "holistically" and assess school progress:

1. Vision and Mission
2. Curriculum, Instruction, and Assessment
3. Professional Development and Improvement
4. Family and Community Engagement
5. Student Support
6. Leadership and Governance

The three, sequential SQRs show an increasing level of criticism of Mission Hill School's ability to adequately educate all its students. The 2001 SQR report is overwhelmingly positive, with 40 out of 41 scores ranging from 3.0 (performing well) to 4.0 (exemplary performance). While still very positive, the 2004 SQR report provided more critical feedback with scores ranging from 2.0 (substantial room for improvement) to 4.0. While all scores fell within the 3.0 to 4.0 range on average, teaching and learning received a 3.1 score with academic rigor and assessment receiving scores of 2.6 and 2.8, respectively. Specifically, the 2004 SQR report notes that while parents have multiple forums to address educational issues, several parents indicated they are often met with a "brick wall" when they bring up issues or practices that are contrary to existing practices at the school, citing math expectations, writing, and preparation for external assessments as three areas of resistance. The SQR concluded that such academic issues "should not be ignored by the school," and queried who was "[w]atching out" for other students whose families do not have the means or expertise to look out for their education in the same way. The

SQR report applauded the use of student portfolios but found “little evidence” that the school uses achievement data generated through internal or external assessments to monitor student achievement and identified that assessments be implemented to ensure the school is responsive to all students and ensures that all students are achieving. The SQR report raised concerns about the effectiveness of teacher instruction, inconsistent enforcement of rules, and a lack of common vocabulary around the quality of work.

The 2010 SQR report also provided scores ranging from 2.0 (substantial room for improvement) to 4.0. While the average scores, again, fell within the 3.0 to 4.0 range, curriculum, instruction and assessment received a 3.1 score. Specifically, the 2010 SQR report notes that “the SQR Team has questions about the application of consistent academic rigor across all grade levels.” The 2010 SQR report also notes that “staff at the middle school level lack the necessary planning time and maybe professional development to adequately and collaboratively plan units that reflect the school’s progressive education vision” and “the school may want to consider an observation program to support teachers less skilled at classroom differentiation.” While the SQR report applauded the “remarkable number of community partnerships at Mission Hill that provide enriching, experiential learning opportunities for students” and the “countless examples of compassionate teaching, and providing time for students to articulate fears, concerns or observations,” the report also observed that “some classrooms lacked evidence of planned and well thought-through daily curriculum and objectives.” The SQR report stated that “the middle school program could particularly benefit from dedicated shared planning time focused on balancing curriculum and instruction so that all students are challenged to accomplish grade level work across all core curriculum areas.”

Most recently, the District retained SchoolWorks to conduct a School Quality Emergency Review at Mission Hill School in November 2021 (“2021 Emergency Review”). The 2021 Emergency Review found that marginalized groups (including African American, Hispanic, students with disabilities and English learners) in grades three through eight performed significantly worse than white students. The report “did not reflect high quality implementation of common core standards in literacy or mathematics” and “the large majority of observed instruction did not reflect the presence of effective in-class assessment strategies and feedback to students.” In fact, a “large majority of observed classrooms did not reflect effective implementation of behavioral standards, a structured learning environment, or a supportive learning environment” and, as a result, the 2021 Emergency Review concluded that the School “does not provide a physically or emotionally safe” environment. Regarding the School’s leadership and governance, the report stated that “the school and its leaders do not ensure effective and inclusive, transparent decision-making across the organization” and that the “Mission Hill Board has acted in an advisory capacity but has not effectively fulfilled their role in overseeing the effectiveness of the school’s academic program, ensuring the school’s organizational viability, or serving as fiduciaries of the school.”

E. Governing Board Oversight of Mission Hill School Curriculum

The Governing Board minutes record periodic discussions with school leadership and staff about the School’s educational goals and instruction. Topics, such as District-wide testing and MCAS, were raised more often than the quality of academics. However, there is evidence

that leadership, and specifically MH Admin 3, discussed with the Board the School's heavy focus on building strong community through Habits of Mind. The minutes of the October 12, 2017 meeting of the Governing Board included discussion regarding the Mission Hill School's "instructional focus," stating that "BPS requires all schools to have their instructional focus be connected to supporting those who are most marginalized" and that Mission Hill School's "instructional focus for 2017-2018 is: We will continue to focus on boys of color and the application of reading through the use of Mission Hill Habits of Mind and Habits of Work. Specifically, building their skills to verbally debate, write persuasively, compare text content to build factual knowledge for the basis of establishing an opinion, and use content vocabulary in their delivery (in writing or speech)."

Minutes from the December 14, 2017 Governing Board meeting indicated that Board members received a copy of the school's MCAS data and included some discussion among the Governing Board regarding the MCAS results, reporting that "after the abysmal scores last year, the school asked families to have their students take the test, and focused on literacy school wide," "as a staff, they analyzed math questions and results" and "they realized that students needed instruction around answering the open response questions." While the topic was raised, the Board minutes do not reflect that the Board reached a consensus on how to provide such "needed instruction."

F. Findings Regarding the Adequacy of Mission Hill School's Academic Instruction

We find that Mission Hill School has consistently failed to deliver an educational platform that provides rigorous academic instruction in core areas – math, writing, literacy and science – consistent with the rigor expected from a BPS school. While the school has been afforded great latitude to craft its own curriculum for the better part of the last decade, we find that the School's historic use of theme-based learning units inspired by the foundational concepts embedded in the School's Habits of Mind did not ensure that all its students developed foundational skills, such as those tested by MCAS. We further find that while the School's instructional focus on promoting literacy among students from marginalized backgrounds was sound and appropriate, the School's social missions often obscured the School's own recognition that students from a variety of backgrounds struggled to perform basic academic skills.

Specifically, we find that the Mission Hill School's general reliance on central tenets of Habits of Work and "holistic" education did not provide an adequate foundation upon which to build individual curriculum. The School's decision not to adopt a uniform curriculum, even as written by the School to address the School's unique population, led to educational chaos in which the ability of a student to learn depended on the teacher's individual election of what skills mattered, which varied greatly among individual teachers.

Moreover, we find that Mission Hill School's heavy reliance on esoteric concepts, such as building inquisitive and community-centered habits, over "how-to" instruction in core areas, put students at a significant disadvantage compared to their state-wide and District-wide peers. While we find that the School did provide some support in the area of emotional intelligence and credit the unique ability of many of the School's educators in doing so with great compassion

and empathy, we find the School's rationalization that providing a space for social-emotional learning lessened the need for basic academic instruction to be troubling and not in line with the general expectation that the School had to deliver a rigorous academic curriculum.

Furthermore, recognizing that Mission Hill School had a great degree of flexibility in forming its own assessment tools, we find that the school failed to consistently and adequately evaluate students' academic progress in foundational areas of instruction, which obscured any ability to monitor and improve poor academic progress. While some Mission Hill School teachers applied standard assessment tools in reading and math, there is no evidence that teachers applied the assessments uniformly across grade levels or on a consistent basis to better serve the students. Moreover, based on the alarming number of students who have reportedly failed to achieve grade-level literacy, we find that, to the extent teachers and staff used standardized assessment tools, the tools were ineffective in identifying significant weaknesses in the educational model.

We note that the School's deep-seeded belief that its Pilot school status entitled it to "rethink" evaluative tools aligns with the mission of a Pilot school. The District has articulated the theory behind providing this great degree of autonomy as follows: "[w]hen schools have autonomy in the area of curriculum, instruction, and assessment, they have more flexibility to select their own curriculum, undertake a unique approach to instruction, and employ alternative forms of assessments to track and monitor student learning." Notwithstanding the ability to use alternative measures of success, we find that Mission Hill School did not effectively track or monitor student learning at all. In fact, MH Admin 3 intense criticism in 2014 that the school had begun efforts to track students reflects a deliberate effort not to monitor student learning in the core academic areas.

Furthermore, we find that Mission Hill School's disregard for standardized MCAS tests and the "abysmal" results that its students earned over time ran contrary to District expectations for a Pilot school. While the school had the freedom to prepare students, the school was obligated to ensure students prepared and sat for the exam. However, the weight of parent and teacher testimony reflected that neither parents nor teachers took MCAS seriously or taught test preparation, which further contributed to Mission Hill School students greatly underperforming on the tests when compared to their counterparts.

Finally, we find that the District and the school's Governing Board were informed and had transparency, though not full transparency, into the school's consistent failure to deliver a rigorous academic experience. The fact that, in place of skills-based focus, the School relied on abstruse educational principles, such as Habits of Work, which prompted criticism from SQR teams beginning as early as the mid-2000s, was frequently communicated to the Board and made known to outside evaluators. Moreover, the Governing Board had not only been informed by leadership of the school's institutional reluctance to adopt formal assessment measures but championed this effort to exempt the school from independent measures of academic achievement. We note that the lack of a technical instructional focus at Mission Hill School was identified as early as 2004 and the school made no documented efforts to address this serious concern.

G. Concerns Relating to Mission Hill School's Delivery of FAPE

1. Legal Requirements under FAPE

Section 504 of the Rehabilitation Act of 1973¹³² guarantees all qualified persons with disabilities within the jurisdiction of a school district the right to a free appropriate public education, or FAPE.¹³³ An appropriate education must: (i) meet the individual educational needs of the student with disabilities consistent with the services provided to nondisabled students; (ii) ensure students with disabilities are educated alongside nondisabled students to the maximum extent appropriate; and (iii) include transparent placement and due process procedures that guard against misclassification and/or inappropriate placement of students and allow parents/guardians to review their child's records and challenge placement decisions. For a School to meet its obligations under FAPE, "a student must benefit meaningfully from the support services ■■■ is offered, which is equivalent to some educational benefit that provides a basic floor of opportunity consistent with . . . equal access."¹³⁴ Individual needs are often met with an IEP but do not have to warrant such a plan.

2. Mission Hill School's Practice of Reassigning Students from Assigned Classrooms

During the investigation, investigators heard from several Mission Hill School parents that the School frequently reassigned students to other, sometimes non-grade level, classrooms in response to staffing shortages or to accommodate a disruptive student. MH Parent 3 and 4 explained that the practice of moving children into other classrooms was normalized at Mission Hill School. They told investigators that if a student acted violently or hurt a fellow student, the School's typical response would be to send the aggressor to another classroom without a specific academic plan. This practice was also followed when students became dysregulated or had a hard time learning in their assigned room. MH Parent 3 and 4 recalled that MH Staff 6, MH Student 5's fifth grade teacher, often sent ■■■ to MH Staff 2's lower grade classroom if MH Student 5, ■■■ Conf. Inf. ■■■, was "just being antsy." Another student, MH Student 39, was moved around frequently due to ■■■ tendency to get involved in physical altercations.

¹³² FAPE applies equally to autonomous schools like Mission Hill School, as Mission Hill School has at all times committed to abiding by pertinent federal, state, and municipal regulations.

¹³³ Section 504 defines a person with a disability as "any person who: (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment." In general, all school-age children who are individuals with disabilities as defined by Section 504 and IDEA are entitled to FAPE. We note that, in the case of MH Student 1, MH Student 1 did not have

Conf. Inf. ■■■ while enrolled at Mission Hill School. However, in October 2016, MH Student 1 ■■■ Confidential Information ■■■

■■■ MH Student 1's ■■■ Conf. Inf. ■■■

■■■

■■■ MH Parent 1, MH Student 1's ■■■ Confidential Information ■■■

■■■

¹³⁴ *Murphy v. Glendale Unified Sch. Dist.*, No. 2:16-CV-04742-SVW-AS, 2017 WL 11632966, at *4 (C.D. Cal. June 14, 2017)

The School took a similar approach in January 2015, when MH Admin 3 transferred MH Student 1 to MH Staff 2's first/second grade classroom for the remainder of the school year. While MH Student 1's assigned teacher, MH Staff 3, recalled that the original conversation was that MH Staff 2 would "take [MH Student 1] for a couple weeks" to "fix [redacted] or fix the situation," the placement lasted until the end of the school year. MH Staff 3 was not in regular communication with MH Staff 2, which we find was by design of the School and not MH Staff 3, though [redacted] "occasionally went upstairs to the classroom and visited with [MH Student 1]" because [redacted] "didn't want [redacted] to think [redacted] was like excommunicated." MH Staff 2 told investigators that MH Admin 3 reassigned MH Student 1 to [redacted] classroom, in part, because MH Staff 2 was "good with ... classroom discipline" and would "be able to keep a better eye on [redacted] and help [redacted] work through whatever [was] happening." MH Staff 22 recalled that this practice of "push[ing] around [students] to other classroom" was not unique to MH Student 1, and happened to other Mission Hill students who demonstrated persistent sexualized or violent behaviors.

Not all parents were critical of the School's practice of shifting students into other classrooms, at least on a short-term basis. When a teacher planned to be absent for all or a portion of the day, the School did not hire short-term substitute teachers. Instead, the School reassigned the absent teacher's students to other classrooms and teachers on a temporary basis. Many parents applauded this practice. MH Parent 23, [redacted] Conf. Inf. [redacted] said that [redacted] child "love[d]" to see other rooms and get to know other teachers, both of which fostered a sense of community. MH Parent 37 noted that these "shifts" to new classrooms were done in a thoughtful way that took into consideration a student's familiarity with new teachers as well as whether the reassigned student had any siblings who attended the School. For MH Parent 37, this was "far more valuable" than a traditional substitute coming in for the day. MH Parent 14, [redacted] Conf. Inf. [redacted], agreed that the so-called "mix it up days" were generally well received by [redacted] children when planned in advance because they provided an opportunity for students to connect across grade levels. However, MH Parent 14 reported that [redacted] children [redacted] Conf. Inf. [redacted]

3. Findings Regarding Mission Hill School's Ability to Deliver FAPE

Mission Hill School's longtime practice of moving children into non-grade level classrooms, for any reason or duration of time, calls into question whether Mission Hill School has consistently delivered a FAPE to those who are entitled to such an education. As noted in this Report, during the pertinent time period as many as 35% of Mission Hill School students had disabilities addressed through IEPs. Although FAPE applies only to students with disabilities, given the significant percentage of students at Mission Hill School who had documented disabilities at any given time, and the fact that the reassignment of students to other classrooms was School-wide, we find the School's ability to deliver a FAPE is informative to our assessment of whether Mission Hill School delivered an adequate, and appropriately rigorous, curriculum to all its students.

Mission Hill School's regular practice of shifting students, often students with known disabilities, in and out of their assigned classrooms without a designated academic plan makes it unlikely that the School delivered an appropriate education to those students who had known disabilities. Particularly where teachers and parents alike told investigators that it was frequently those students with high emotional/behavioral and learning needs who tended to act out in "explosive" ways and necessitated reassignment, the School's practice of removing disruptive children for what was effectively babysitting in another room is troubling. We find it highly unlikely that the reassigned students reaped any educational benefit, much less a "meaningful" educational benefit, for those days and/or weeks they were reassigned. The concern is particularly apt where students, like MH Student 5, were reassigned to younger grade classrooms.

This same barriers to delivering an appropriate education exist when it comes to Mission Hill School's practice of "mixing up" classrooms when teachers were absent. Even if only on a short-term basis, those students with disabilities and/or IEPs required consistent instruction and support. Again, while we make no specific findings, we note that it is unlikely and largely untenable for the School to expect that students reassigned to another teacher—whether or not of the same grade level or qualified in special education—already tasked with educating a full classroom of diverse needs, would receive an appropriate education. Moreover, several parents shared that "mix it up" days were not a rare occurrence and that inconsistency in their child's classroom schedule was a problem.

Specifically, we find that MH Admin 3 reassignment of MH Student 1 to MH Staff 2' first/second grade classroom in January 2015 ran afoul of MH Student 1's right to receive FAPE. During this time period, MH Student 1 presented [Confidential Information]

[Confidential Information]

Thus, for all intents and purposes, MH Student 1 had a right to FAPE and to appropriate and individualized educational instruction.

Mission Hill School disregarded MH Student 1's right to an appropriate education when MH Admin 3 reassigned MH Student 1, [Conf. Inf.], to a first/second classroom for more than half of [redacted] first school year. MH Staff 3 stated that [redacted] was not a regular part of MH Student 1's education and rarely communicated with MH Staff 2 at all, much less about MH Student 1's educational needs. Moreover, MH Staff 2 [redacted] acknowledged that MH Admin 3 had selected MH Staff 2 as MH Student 1's new teacher so [redacted] could "keep eyes" on [redacted], not to educate [redacted]. While MH Staff 2 has previously described that [redacted] would provide appropriate grade-level work for MH Student 1 when [redacted] was in [redacted] classroom, we could not corroborate that MH Student 1 received a grade-level education on par with the educational services provided to nondisabled students in K1. Although MH Staff 2 was certified in special education and relatively attuned to MH Student 1's [Conf. Inf.], as the lead teacher for a first/second grade classroom, MH Staff 2' part-time attention to MH Student 1 can hardly suffice for the necessary support services to which MH Student 1 was entitled to ensure [redacted] could learn alongside [redacted] classmates.

VII. Findings Concerning Mission Hill’s Adherence to BPS’s Mission of Equity

A. Mission Hill Culture and Policy Implementation Surrounding Transgender/Gender-Nonconforming Students

Since 2010, Boston Public Schools have enacted a number of policies designed to foster an inclusive atmosphere free of bias or harassment, including biased behavior targeted against transgender and gender-nonconforming students. As early as 2010, Boston Public Schools implemented EQT-4, then-entitled “Non-Discrimination and Zero Tolerance Policy,” which “reaffirm[ed] the commitment of the Boston Public Schools to maintaining an educational environment where bigotry and intolerance ... have no place.” Although the policy did not specifically reference forms of discrimination based on gender identity, EQT-4 established a “zero tolerance for any form of discrimination.” In 2013, Boston Public Schools specifically addressed discrimination based on gender identity through a revision to its Code of Conduct. The newly implemented provision stated that “no student shall be excluded from or discriminated against in admission to any Boston public school, or in obtaining the advantages, privileges and courses of study of such public school (including the right to participate fully in classroom instruction and extracurricular activities) on the basis of ... gender identity.” The Code further stated that students have the right to “[u]se the restrooms, locker rooms, and other facilities consistent with their gender identity, or to use gender neutral facilities if the student prefers.” One year later, in September 2014, the Boston Public Schools revised EQT-4 to specifically prohibit discrimination based on “gender identity or expression.”

Beginning in 2017, Boston Public Schools further expanded its antidiscrimination policies to afford transgender and gender-nonconforming students the right to a safe and supportive learning environment free from bias, as well as to set forth a procedure for resolving any incidents of purported bias that arise. That year, the Office of Equity and the Superintendent adopted the current version of EQT-1 “Nondiscrimination Policy,” which sets forth Boston Public Schools’ “no tolerance” policy for “discriminatory behavior, including intimidation, threats, or harassment” towards its students, including discrimination based on gender identity. Also in 2017, the Office of Equity similarly rewrote EQT-4, now entitled “Transgender and Gender-nonconforming Students – Nondiscrimination on the Basis of Gender Identity,” to specifically discuss gender-nonconforming students. Finally, in 2017 Boston Public Schools implemented EQT-2 in substantially the same form as it exists today, currently entitled “Bias-Based Conduct Toward Students, Families, or other Third Parties,” which dictates the proper procedure for reporting and investigating bias-based incidents.

Although Boston Public Schools implemented these policies in phases over the past decade, with heightened protections based on gender identity increasing over time, the District maintained an expectation, at all times, that BPS schools protect gender-nonconforming students and create a safe and inclusive learning environment for that student population in particular. Moreover, while the specific provisions shifted over time, we find EQT-4 and EQT-2 informative insofar as they provide a framework, the spirit of which Mission Hill School was obligated to comply with, even if it was not the black letter law at all pertinent times. Given this expectation, and in light of concerns raised by several Mission Hill School parents interviewed during the investigation that the School did not protect gender-nonconforming students as

required under the applicable guidance, we turn to analyze Mission Hill School's institutional and cultural protections for gender-nonconforming students as well as the their practical implementation of District policies.

B. Mission Hill School's Culture Toward Gender-Nonconforming Students

1. EQT-4's Obligation to Maintain a Safe and Supported Environment

Taken together, District policies lay the groundwork for a culture of acceptance, safety and inclusion for gender-nonconforming students. As set forth in the current EQT-4 guidance, implemented in 2017 (described in more detail below), Boston Public Schools must be "free from bias and discrimination on the basis of sex, sexual orientation, and gender identity." Under this policy, BPS schools must create a culture where "transgender and gender-nonconforming students feel safe, supported, and fully included, and to meet each school's obligation to provide educational opportunities for all students." Despite this broad mandate, several Mission Hill School families described an educational culture that ran antithetical to this guidance and lacked full inclusion.

C. Reports of Mission Hill School's Failure to Maintain a Safe and Supportive Environment for Gender-Nonconforming Students

Numerous parents and Mission Hill School teachers explained that, in their view, the School did not promote acceptance, safety or inclusion for gender-nonconforming students. Three parents who identified as having gender divergent students stated that the school did not address their children's needs or safety issues. Rather, MH Parent 26 described to investigators that Mission Hill School allowed a culture to form where there was a "pattern of transgender kids ... getting jumped by gangs of boys in the bathroom and the crap beaten out of them" and which, either through neglect or design, repeatedly allowed gender-nonconforming students to be victims of bias by students. MH Parent 12 and 13, said that they now feel naïve to have trusted the teachers to know how to appropriately handle these situations.

Several Mission Hill School parents and teachers told investigators that Mission Hill School, and specifically MH Admin 3, did not take gender nonconformity seriously. For example, former school employee MH Staff 23 said that, oftentimes, no safety plan was adopted to respond to safety concerns specifically involving gender-nonconforming children, and that when a plan was developed, it was not actually implemented. One Mission Hill teacher, MH Staff 6, said that while advocating for protection of gender-nonconforming students aligned with the School's philosophical mission, the School generally did a "poor job overall" ensuring the safety and protection of this student population and did not always follow up with proper paperwork to document violations. Similarly, MH Staff 24 explained that Mission Hill School did not always "step[] back" and consider the safety of all children. ■ specifically recalled speaking to MH Admin 3 to advocate for MH Parent 12 and 13's child MH Student 46, a student who was experiencing bullying and had a problem finding an appropriate bathroom space. ■ said that MH Admin 3 did not take the concerns seriously and even rolled ■ eyes during the discussion with MH Student 46's family. This is consistent with the recollection of a Mission Hill School parent, MH Parent 22, who told investigators that although MH Admin 3 was adept

at handling issues of race, ■ did not always appropriately handle problems relating to transgender students, in ■ opinion.

Apart from a single uncorroborated incident reported below, the record contains no evidence that Mission Hill School teachers affirmatively discriminated against or belittled gender-nonconforming children. However, there was ample evidence that Mission Hill School teachers and leadership minimized or even ignored the needs of gender divergent students. Multiple Mission Hill School parents shared accounts of teachers not taking gender-nonconforming children's safety needs and vulnerabilities seriously, which in turn, exposed these students to greater safety risks. For example, MH Parent 13 and MH Parent 12 told investigators that when their child MH Student 46, who identifies with they/them pronouns, was in MH Staff 2' class in first grade, they spoke directly to MH Staff 2 about MH Student 46's transition and asked that MH Student 46 be able to dress how they chose. MH Staff 2 voiced no objection. However, MH Parent 13 and MH Parent 12 told reported that MH Student 46 still faced intense ridicule throughout that school year in MH Staff 2' class for not conforming to gender norms, such as painting their nails or wearing accessories, which forced MH Student 46 to constantly defend themselves from other students. MH Parent 12 and 13 said that they did not believe MH Staff 2 defended MH Student 46 in these instances. When interviewed, MH Staff 2 recalled students teasing MH Student 46 about their nail polish but did not recall any further threats or attacks. MH Staff 2 told investigators that ■ "tried to address [gender identity] issues with sincerity and passion," and tried to make gender-nonconforming students, like MH Student 46, feel safe and a part of the community. MH Staff 2 acknowledged that it did not work "100% [of the time] but most of the time." According to MH Parent 12 and 13, Mission Hill School's and MH Staff 2' commitment to ensuring equal support for children of color—and specifically its support for Black boys—took precedence over protection of MH Student 46's right to have their gender identity.¹³⁵

The evidence suggests that MH Admin 3 was not only not adept at addressing the concerns of gender divergent students, but showed an unwillingness to do so. MH Parent 12 and 13 described a meeting with Mission Hill School staff early in the 2015-2016 school year to discuss MH Student 46 and how to support their gender identity. According to MH Parent 12 and 13, MH Admin 3 asked questions and demonstrated a fundamental lack of understanding of gender identity. They recalled that MH Admin 3 even asked whether Mission Hill School would have to "deal with" pronouns to support MH Student 46, giving MH Parent 12 and 13 the distinct impression that MH Admin 3 found pronouns a nuisance and unimportant. MH Parent 12 and 13 also recalled MH Admin 3 questioning whether MH Student 46's gender divergence meant that Mission Hill School would be obligated to categorize safety incidents as "bullying," a statement MH Parent 12 and 13 interpreted as an attempt to avoid using the term "bullying" as a means to minimize the seriousness of incidents in which MH Student 46 was involved and/or ensure MH Student 46's change in gender identity did not create greater risks for the School.

¹³⁵ Former MHS parent MH Parent 4 told investigators that a young boy of color, MH Student 61, exhibited gender-nonconforming behaviors, such as dressing in a feminine way, sewing and wearing hair in a ponytail. MH Parent 4 said that other children targeted and/or picked on MH Student 61. MH Parent 4 also said that MH Staff 7 was aware of other students targeting MH Student 61, purportedly because of ■ gender-nonconforming behaviors, and did not intervene or stop them. Furthermore, MH Parent 4 told investigators that MH Staff 7 made statements to the effect that ■ would "not hav[e] that" and that gender-nonconforming behaviors were "not okay" in Black culture.

Former MHS parents MH Parent 26 and MH Parent 25 (the “MH Parent 25 and 26s”) shared a similar account about a July 9, 2015 physical altercation involving their non-binary child, MH Student 16, and fellow-student MH Student 1 at the Mission Hill School afterschool program.¹³⁶ According to MH Parent 25 and 26, as relayed to them by MH Student 16, MH Student 1 SA MH Student 16 SA Alleg. MH Student 16 SA SA MH Student 16 SA, MH Student 1 SA Alleg. MH Student 16.¹³⁷ MH Parent 25 and 26 told investigators that they repeatedly tried to report the incident to the School, including sending an email to MH Staff 25 and MH Staff 20 describing the incident as well as a prior threat from MH Student 1, but did not receive a satisfactory or timely written response. According to MH Parent 25 and 26, they needed to send multiple emails, reference the incident as a “sexual assault,” and, ultimately, approach MH Admin 3 at a Governing Board meeting in order to secure a meeting with MH Admin 3 to discuss the incident. MH Parent 3 and MH Parent 4 raised similar concerns, reporting that their child MH Student 5 was bullied about long hair and choice of clothing. MH Parent 3 and 4 told investigators that although parents tried to get the school to take issues of gender seriously, MH Admin 3 refused to do so and would minimize concerns.

Some parents of traditionally-gendered students shared their own views that gender-nonconforming students experienced a harder time. For example, MH Parent 16 told investigators that, based on knowledge (which we presume is second-hand) the accommodations Mission Hill School provided to many gender divergent students, such as access to use the staff bathroom to avoid unsafe conditions in the student bathroom, were inadequate and, in view, inconsistent with the Mission Hill School philosophy that “we are all working on something.” Similarly, MH Parent 30 recalled hearing, and crediting, that a transgender CI in the second grade had encountered serious “pushback” in having chosen pronouns acknowledged. Finally, MH Parent 43 stated that the school “didn’t do a great job” handling transitioning students, especially since teachers were unsure how to discuss the topic. However, not all experiences around gender identity during this time period were negative. Some parents reported *positive* relationships between gender-nonconforming students and the School. Current MHS parent, MH Parent 32, did not recall any concerns relating to gender-nonconforming child’s safety or experiences at Mission Hill School. MH Parent 32 told investigators that, to the contrary, child’s teachers were much attuned to their needs, and established gender-nonconforming bathroom assignments. Additionally, MH Parent 8 said that demonstrated a deep understanding of gender identity and the use of gender pronouns as early as third and fourth grade. Several MHS parents singled out MH Staff 50 as an MHS teacher who routinely addressed gender nonconformity at the school and led discussions. MH Parent 41 said that MH Staff 25 and MH Staff 58 also exhibited tolerance of gender-nonconforming students. Moreover, a number of parents reported being surprised by reports of

¹³⁶ Although this incident occurred before MH Student 16 was formally introduced to the school with their chosen name and gender identity, MH Student 16’s parents reported that MH Student 16 Conf. Inf. . Moreover, regardless of whether MH Student 16 had formally identified as gender-nonconforming at the time of the incident, Mission Hill School had an obligation to provide a safe environment for gender divergent students of all varieties, not just those that had completed or publicly-announced a gender transition.

¹³⁷ Although MH Student 16 had not been introduced to the school as gender-nonconforming as of this date, MH Student 16’s Confidential Information .

bias based on gender-identity at Mission Hill, especially given their perceptions of the school's strengths in other areas. MH Parent 22, who voiced some skepticism about how well the School addressed gender identity issues, told investigators about an incident in which classmates of MH Parent 22's traditionally-gendered child ridiculed [REDACTED] for wearing earrings to School (a gender-nonconforming practice). [REDACTED] CI teacher, MH Staff 6, wore earrings the next day to put a stop to the teasing.

Additionally, the investigation revealed that, consistent with the District's revamping of District-wide discrimination policies, including the rewriting of EQT-4 to specifically discuss gender-nonconforming students and gender identity and, more recently, changes to the BPS Student Code of Conduct, revised in 2021 to expand the rights and protections afforded to transgender and gender-nonconforming students, Mission Hill School more recently undertook efforts to improve upon the School-wide treatment of this population. During their interviews, former Co-Teacher Leaders MH Staff 1 and MH Staff 2, pointed to the school's incident reports as an area of improvement, noting that they transitioned these forms to online rather than paper documents and made a concerted effort to make sure these reports were completed in a timely manner. Moreover, MH Staff 1 stated that [REDACTED] and MH Staff 2 rewrote the incident report forms to clarify when incidents needed to be reported to the Office of Equity.

Additionally, both MH Staff 1 and MH Staff 2 pointed to the School's partnership with the bias-based bullying prevention program, Welcoming Schools, as evidence of the School's commitment to these students. Welcoming Schools is touted as the "nation's premier professional development program providing training and resources to elementary school educators to ... prevent bias-based bullying" and "support transgender and non-binary students."¹³⁸ This program was introduced during MH Admin 3 tenure as [REDACTED] CI and completed under the Co-Teacher Leaders. At least one current teacher, MH Staff 50, who began [REDACTED] career at Mission Hill School as a student teacher in January 2020, recalled receiving foundational training on issues of gender identity. MH Staff 50 said that [REDACTED] has not received any pushback from other teachers or administrators when discussing this topic, including when [REDACTED] recently raised concerns that a student was misgendering a gender divergent student in [REDACTED] classroom.¹³⁹ The student in question, MH Student 45, experienced repeated bias-based conduct over the course of several years. [REDACTED] reported [REDACTED] Bull. Alleg. [REDACTED] and stated that [REDACTED] did not feel safe in school. This student's complaint was brought to the attention of school leaders, as well as the Office of Equity, several times. However, in addition to MH Staff 50, current MHS personnel MH Staff 55 and MH Staff 46 both recalled a relatively recent incident regarding students' gender identities. While investigators could not confirm how extensive the relayed incidents of misgendering were, the fact that a current student received these types of unwelcome and non-tolerant comments is illustrative of the present environment for gender-nonconforming students.

¹³⁸ <https://welcomingschools.org/about>

¹³⁹ However, one former MHS parent did raise objections regarding MH Staff 50's discussion of transgender and gender-nonconforming individuals in [REDACTED] classroom. MH Parent 36 recalled that MH Staff 50 played videos of transgender people during class to educate students about transgender individuals and brought nail polish to class. MH Parent 36 stated that [REDACTED] asked MH Staff 50 to stop this behavior as [REDACTED] believed such education should be done by parents and not in the classroom.

D. Factual Findings

Ultimately, we find that, on balance, Mission Hill School fostered a culture that historically minimized the unique social-emotional and safety needs of gender-nonconforming students, which has allowed increased bias and discrimination toward those students based on their gender identity, in violation of the spirit and letter of EQT-4. While several Mission Hill teachers believe that the school accepts gender-nonconforming students equally, we find credible troubling reports to the contrary. In fact, multiple Mission Hill teachers and parents reported a culture wherein transgender and gender-nonconforming students were routinely bullied. While not all gender divergent students reported negative experiences, we find that Mission Hill School did not historically provide an environment in which all transgender and gender-nonconforming students felt safe, supported, and fully included, such that gender-nonconforming students were not guaranteed equal access to educational opportunities for all students. However, although bias-based conduct towards this population persists, we find that Mission Hill has taken steps, in conjunction with Boston Public Schools, to make this issue more of a priority.

E. Mission Hill's Practice Regarding Reporting and Resolving Bias-Based Conduct Against Gender-Nonconforming Students

1. BPS Policies and Protocols for Reporting Bias-Based Conduct

Beyond systemic tendencies to minimize the risks for Mission Hill School's transgender and gender-nonconforming student populations, various Mission Hill School families and teachers shared specific incidents of bias and discrimination toward gender divergent students that the School failed to properly report, investigate or resolve. Boston Public Schools first implemented specific policies documenting the protocol for handling such biased incidents in 2017. However, the Office of Equity has been in existence for the entirety of the investigatory period and is charged with supporting families, students, and BPS staff around incidents of bias as part of an effort to ensure that BPS schools are free from bias or discrimination. Thus, while the current EQT derivations may not have been effective for all the incidents described below, we find that BPS's guidance on reporting potential biased-based incidents was clear and consistent with other protocol in place at the time, which included escalating concerns to BPS administration as necessary, and that the Office of Equity's role in supporting schools in bias-based incidents was well-known. Therefore, we find that regardless of the specific requirements in place at the time of the incident, Mission Hill School had an obligation to identify and address incidents involving purported bias toward gender-nonconforming students in a manner consistent, if not compliant with, EQT-2.

Together, BPS's EQT-4 and EQT-2 circulars provide a robust framework for reporting bias-based incidents at a BPS school. In its current form, EQT-4 directs students and teachers to the policies set forth in EQT-2 to handle "[r]eports of bias, discrimination or harassment based on a person's actual or perceived gender identity or gender nonconformity." EQT-2, in turn, sets out procedures "to investigate and resolve" allegations of bias-based conduct or discrimination with the intent that "to the greatest extent possible, reports of bias-based conduct are resolved in a constructive manner."

ETQ-2 directs that reports of bias-based conduct be reported to the Office of Equity promptly and that the School work closely with Equity to carry out the subsequent response. First, “[e]mployees of the Boston Public Schools who become aware of any possible bias-based conduct toward or involving students **must** report the incident or concern to their school leader, supervisor, and/or the Office of Equity **as soon as practicable**, generally within the same school day.” (emphasis added). Upon learning of an incident, the school principal or headmaster should work with the concerned individuals to resolve the matter, as **well as to contact the Office of Equity** “to ensure that any next steps are carried out in partnership with the Office of Equity and appropriately documented.” After receiving a report, the Office of Equity is required to: (1) collect information from the reporter; (2) notify the appropriate school leader and/or the alleged perpetrator; (3) conduct a review and investigation into the incident as needed; (4) contact the reporter and subjects of the investigation regarding the completion of the investigation and determine an appropriate approach to resolve the dispute; and (5) maintain records of such reports. The Office of Equity is encouraged to take seriously all concerns, take any necessary steps to end and prevent conduct that contradicts the policy, and to refer individuals to appropriate disciplinary action or training.

F. Incidents involving MH Student 46

1. Reports of Bias-Based Conduct

MH Parent 12 and 13 that Mission Hill School did not follow the above process when it came to responding to incidents involving their child MH Student 46. For example, MH Parent 12 and 13 recalled that MH Student 46 endured escalating physical and verbal harm from Pre-K through second grade. Specifically, MH Parent 12 and 13 described a violent incident in which MH Student 46 [REDACTED] **Alleged Bullying** [REDACTED].

According to MH Parent 12 and 13, during this incident, [REDACTED] **Bull. Alleg.** [REDACTED] MH Student 46, [REDACTED] **Bull. Alleg.** [REDACTED] MH Student 63, [REDACTED] **Bull. Alleg.** [REDACTED]. MH Student 63’s [REDACTED] **CI** [REDACTED], MH Parent 18, shared a similar account with investigators, stating that [REDACTED] **Alleged Bullying** [REDACTED] MH Student 46 [REDACTED] **Bull. Alleg.** [REDACTED].

MH Parent 12 and 13 said that they received a phone call from MH Admin 3 regarding this incident, but that the phone call was the extent of any communications regarding the incident. The record contained no evidence that the School contacted its Operational Leader or the Office of Equity in response to learning of the incident.

MH Parent 12 and 13 also told investigators that they routinely reported that MH Student 46 **BA** [REDACTED]

[REDACTED] **Alleged Bullying** [REDACTED] MH Student 46 [REDACTED] **Bull. Alleg.** [REDACTED]. MH Parent 12 and 13 stated that they reported numerous, but not all, incidents to MH Student 46’s teachers, and, in turn, had “dozens” of conversations and meetings. Nevertheless, contemporaneous emails indicate that MH Parent 12 and 13’s requests for assistance were met with limited degrees of responsiveness and at no time were elevated beyond Mission Hill School. For example, on October 17, 2013, MH Parent 13 emailed teachers MH Staff 25 and MH Staff 20, writing that MH Student 46 “won’t wear dresses or [their] rainbow pants to school anymore because [they’ve] been teased about them.” MH Staff 20 replied that that [REDACTED] is “happy, eager to help” and that [REDACTED] will respond in more detail in a few days. However, investigators were not able to locate other school responses to this incident. Investigators did not locate evidence that the school [REDACTED] **CI** [REDACTED] MH Admin 3, was

notified nor that the incidents or concerns were shared with the Office of Equity. Moreover, there is no record of MH Staff 20 or MH Staff 25 investigating the incident or making a record of MH Parent 12 and 13's concerns beyond responding to their emails.

MH Parent 12 and 13 again reached out to Mission Hill School regarding MH Student 46's gender identity in September 2014 to relay unsafe behaviors toward MH Student 46, and again, the school did not respond. MH Parent 12 wrote to MH Student 46's teacher, MH Staff 2, that CI [MH Student 46] Confidential Information

MH Parent 12 further stated that "in the spring of K1, Alleged Bullying

" also reported that while MH Staff 25 and MH Staff 20 "have been very attuned to helping feel safe around gender exploration, some paras [professionals] in particular let a lot of teasing in this area slide." MH Staff 2 replied that the teachers were "in [MH Student 46's] corner and willing to help in any way we can," as well as mentioned a few future topics in classroom where gender may be part of the conversation. MH Staff 2 also forwarded the email to other Mission Hill employees MH Staff 59, MH Staff 60 and MH Staff 61, with a note that they would speak later. Although MH Parent 12 and 13 did not identify a pressing instance of bias-based conduct in this email, the report described a pattern of bias-based conduct toward MH Student 46 by peers that clearly had interfered with safety and ability to access education. Yet, there is no record that MH Staff 2 or the other teachers further escalated the matter to school administration or the District.

MH Parent 12 and 13 reported several additional incidents of bias-based conduct in April 2015, which appear to have been met with a more constructive response, but fell short of EQT-2's reporting structure. Contemporaneous emails show that MH Parent 12 and 13 wrote to MH Staff 2 that "[o]ver the past few months, [MH Student 46] has mentioned that [they feel they have] to filter [their] true self in order to be accepted," including when MH Student 46 chose to paint their nails and reported "a lot of negative feedback at school." MH Parent 12 further wrote that MH Student 46 "has also reported feeling afraid to go to you and many teachers when [they] need[] support around physical interactions with other kids and teasing," despite the fact that MH Parent 12 believes they had a good relationship. MH Staff 2 proposes that they find a time to discuss. Writing after the meeting, MH Parent 12 reported that "MH Student 46 is already demonstrating a huge shift." Investigators again found no record of MH Staff 2 investigating the incident or reporting MH Parent 12 and 13's concerns to MH Admin 3 or the Office of Equity.

The evidence supports MH Parent 12 and 13's recollection that gender-based biased toward MH Student 46 continued to escalate in the subsequent school year. For example, on September 23, 2015, at the start of MH Student 46's second grade year, MH Parent 12 wrote to MH Student 46's teachers MH Staff 24 and MH Staff 2, as well as to MH Admin 3, reporting "bullying around [MH Student 46's] gender expression." MH Parent 12 shared that MH Student 46 "chose to wear a dress today, with the skirt part hidden under pants" and that MH Student 46 "longs to be able to be [themselves] at school." further reported that MH Student 46 BA

Alleged Bullying In the email, MH Parent 12 requests that Safe Schools Program’s program manager, Individual 5, participate in the meeting “to support [MH Student 46] and the MHS staff going forward.” MH Staff 24 responded that bullying “is certainly not part of the Mission Hill philosophy.”

Contemporaneous email correspondence indicates that a meeting took place on or about September 29, 2015 between MH Staff 2, MH Staff 24, MH Admin 3, and MH Parent 12 and 13. MH Parent 12 and 13 recalled a series of meetings during this period, during which Mission Hill staff demonstrated a lack of understanding and support, and during which the School never suggested looping in the Office of Equity or contacting other safety partners. In particular, MH Parent 12 and 13 stated that MH Admin 3 was dismissive of chosen pronouns and purposefully avoided the term “bullying.” According to MH Parent 12 and 13, MH Staff 24 later told them that ■ didn’t feel ■ could keep MH Student 46 safe and recommended removing them from the school.¹⁴⁰ MH Parent 12 and 13 continued to report bias-based conduct to MH Staff 24 over the course of the next few months and MH Staff 24 proposed strategies to assist MH Student 46, including developing a system for MH Student 46 to report incidents and reading books regarding gender nonconformity. Additionally, MH Parent 12 and 13 again met with MH Admin 3 and MH Staff 24 in November 2015 after reporting that, in an apparent effort to keep MH Student 46 safe, MH Student 46, rather than the alleged aggressor, was moved to a different lunch and recess period.

Beyond these few meetings and strategies for class, we find no record that MH Admin 3 or MH Staff 24 investigated or documented these parents’ concerns. Nor is there evidence that MH Admin 3, as the school ■ CI ■, reported the complaint to the Office of Equity or Succeed Boston, the partner entity responsible for bullying. Similarly, while MH Parent 12 and 13 requested that the school actively involve Individual 5 from the Safe Schools Program, we find no indication that Mission Hill School cooperated or worked collaboratively with Safe Schools in addressing safety concerns regarding MH Student 46 beyond allowing Wheeler to attend this meeting. Moreover, MH Parent 12 and 13 told investigators that MH Student 46 continued to face bullying and that, because of the School’s inability to keep ■ safe, they removed MH Student 46 from Mission Hill School.

G. Factual Findings

We find that Mission Hill School’s course of conduct with regard to MH Student 46 violates the spirit of EQT-2 and EQT-4. MH Parent 12 and 13 reported multiple incidents of bias-based conduct over the course of several years. However, investigators did not find evidence that MH Student 46’s teachers appropriately escalated this conduct to school leaders and/or the Office of Equity. Indeed, based on investigators’ review of the documents, it does not appear that MH Admin 3 was involved in responding to incidents regarding MH Student 46’s gender identity until September 2015, which is consistent with MH Parent 12 and 13’s recollection. Moreover, there is no evidence that MH Student 46’s teachers contacted the Office of Equity prior to September 2015, nor that MH Admin 3 or the teachers notified the Office of Equity in response to renewed concerns reported by MH Parent 12 in fall 2015. Furthermore,

¹⁴⁰ MH Parent 12 and 13 reported hearing similar advice from MH Staff 22.

investigators found no evidence that Mission Hill School conducted a review or investigation of any of the reported incidents involving MH Student 46. In fact, MH Parent 12 and 13 told investigators that they contacted the Office of Equity to report concerns of unsafe conduct toward MH Student 46 when MH Student 46 was in second grade, and the Office of Equity confirmed to MH Parent 12 and 13 that it had no record of Mission Hill School reporting prior incidents concerning MH Student 46. Mission Hill School's failure to escalate these incidents, or to in any way respond to serious reports of unsafe and unwelcoming behavior toward a gender divergent student over the course of more than two years, at minimum violates the spirit of the BPS's policies and flies in the face of BPS's longstanding "zero tolerance" policy on bias-based discrimination.

H. Incidents Involving MH Student 16

1. Reports of Bias-Based Conduct

There is evidence that Mission Hill School similarly fumbled the response to MH Parent 25 and 26s' report of a purported sexual assault on their child MH Student 16 in June 2015. MH Parent 25 and 26s told investigators that they sent multiple emails and eventually verbally reported the assault directly to MH Admin 3 within the next few days. According to MH Parent 25 and 26s, they never received a formal Mission Hill School incident report from the School and that, in this and similar meetings, MH Admin 3 made an effort to "cover" the school by never explicitly admitting that anything inappropriate had happened or that the school had responded incorrectly. As set forth in contemporaneous email correspondence, MH Parent 25 reported the incident to teachers MH Staff 25 and MH Staff 20 on June 9, 2015. The email explicitly referenced the harm that MH Student 16 reported: "SA [MH Student 16] SA [MH Student 1], [MH Student 1] SA Alleg."

The following day, MH Staff 20 forwarded the message to MH Admin 3, MH Staff 2 and MH Staff 7 without a subject body message. After meeting with MH Staff 25, MH Parent 25 and 26s requested an additional meeting "as soon as possible" to address the pattern of "multiple sexual assaults." MH Parent 26 further noted that "[w]e're approaching a week since this all first presented itself and we started to have real concerns about how our CI was going to be safe at school." A meeting was set for the next day. Following the meeting, MH Admin 3 emailed MH Parent 25 and 26s with a document entitled "Incident Report RE: S. MH Parent 25 MH Parent 26 and MH Student 1" that included a cut-and-pasted description of MH Parent 25's initial email report of the incident, a list of attendees at the June 15, 2015 meeting, and action steps, which included "[s]trengthen [MH Student 16] and other students to speak up in threatening or uncomfortable situations," as well as prohibiting MH Student 1 and MH Student 16 from being together. MH Admin 3 also provided a referral to BPS Staff 16, and reported the incident to the Department of Children and Families.¹⁴¹

Concerns regarding MH Student 16's safety at school arose again at the beginning of the 2015-2016 school year. On September 3, 2015, MH Parent 26 wrote to MH Admin 3 and a

¹⁴¹ Shortly thereafter, MH Parent 25 informed MH Admin 3 and several Mission Hill teachers that MH Student 16 had reported an older incident with MH Student 1 during which MH Student 1 SA MH Student 16's SA. MH Admin 3 replied that has been advised to report the incident to the school police.

number of Mission Hill teachers that MH Student 16 expressed anxiety about their safety and returning to school and requested a discussion regarding arrangements for the upcoming year, as well as a conversation between MH Student 16 and MH Student 1. After receiving several emails from MH Parent 25 and 26s, MH Admin 3 met with MH Staff 48 and MH Staff 29 on September 15 to discuss the revised safety plan, which [REDACTED] forwarded to MH Parent 25 and 26 on the following day. The plan included connecting with the therapists of both children in order to facilitate a meeting with both families. A few days later MH Admin 3 reported to the group that MH Student 16 and MH Student 1 met briefly and then briefly played together and “seemed to enjoy each other’s company.”

MH Parent 25 and 26s raised similar concerns regarding the 2016-2017 safety plan. MH Parent 25 reached out to MH Admin 3 and MH Staff 48 on May 9, 2016 regarding the plan for next year. [REDACTED] followed up a few days later to report that MH Student 1 and MH Student 16 had been allowed on the playground together and stated “I need to hear back from you that this won’t happen again, including at recess today” and “please reply TODAY.”¹⁴² MH Admin 3 replied offering a time to meet and stating that [REDACTED] will speak to [REDACTED] colleagues and MH Student 1 and [REDACTED] family regarding the issue. Following the meeting, MH Parent 25 emailed MH Admin 3 and MH Staff 48 that the meeting “really helped us feel heard” and that [REDACTED] looks forward to reading the revised safety plan for the remainder of the school year.¹⁴³ This conversation continued in June when MH Admin 3 alerted MH Parent 25 and 26s that they would be contacted by the District Attorney’s Office as part of an investigation. MH Parent 25 replied that [REDACTED] had been “put in touch” with “BPS Staff 6 of BPS” who offered to assist with developing the safety plan. MH Admin 3 replied that [REDACTED] and BPS Staff 6 agreed that a plan should not be developed until closer to the next school year, which MH Parent 25 stated “makes me nervous to drop [MH Student 16] off on the first day of school.”

In the summer leading up to the SY 2016-2017, and with a meeting to discuss MH Student 16’s safety plan scheduled for September 8, 2016, MH Admin 3 emailed MH Parent 25 and 26s to connect about building a “unified team” to support MH Student 16’s overall “success and healthy social emotional growth,” rather than address MH Parent 25 and 26s’ outstanding request for an implemented safety plan. On or about August 8, 2016, MH Parent 25 responded and informed MH Admin 3 that “MH Student 16 [MH Student 16] has been going through some gender identity changes over the last few months” and that it would be “helpful that [their] safety plan already has [them] using the gender neutral bathroom.” No meeting occurred. On or about September 11, 2016, MH Parent 25 emailed MH Admin 3 about [REDACTED] intention to seek guidance from BPS Staff 1 at the Office of Equity about a safety transfer for MH Student 16 on the “gender piece.” Contemporaneous email correspondence indicates that MH Parent 25, not MH Admin 3, first reached out to BPS Staff 1 to discuss the contours of MH Student 16’s safety plan,

¹⁴² In June 2016, MH Admin 3 forwarded this email to BPS Staff 6, the School’s Operational Leader within BPS, writing that “[o]ne of our teachers broke down yesterday under the pressure that MH Parent 25 is putting on [REDACTED]” and “I put a stop to teachers trying to make a plan to keep all the kids (you know the group) apart as this parent requests.” [REDACTED] also asks BPS Staff 6 “[c]an you offer MH Parent 26[] a safety transfer again?” BPS Staff 6 replied that safety transfers can only be applied for by the parents.

¹⁴³ Shortly thereafter, MH Staff 48 reported to MH Parent 25 and 26 that MH Student 16 had said they didn’t feel like a boy or a girl. MH Parent 25 emailed that MH Student 16 had been saying similar things for over a year.

as well as to begin a discussion regarding transfer options. However, MH Admin 3 emailed BPS Staff 1 that same day asking [REDACTED] to “[g]ive [REDACTED] a call,” supporting an inference that MH Admin 3 contacted BPS Staff 1 in response to learning MH Parent 25 intended to do so first. Following these communications, a meeting was scheduled between MH Parent 25 and 26 and MH Admin 3, BPS Staff 6 and BPS Staff 1 for mid-September. During this meeting, the parties agreed that MH Student 16 would have “an individual written safety plan” that would be reviewed by the Office of Equity.

The first written report by Mission Hill School to the Office of Equity concerning MH Student 16 and their safety is, however, a September 28, 2016 email entitled “draft safety plan for SM” sent to BPS Staff 6, the School’s Operational Leader within BPS, and BPS Staff 1, in which BPS Staff 6 and BPS Staff 1 each provided feedback on the proposed safety plan. Subsequently, on November 4, 2016, MH Parent 25 and 26 formally informed MH Admin 3 and the Mission Hill School staff that MH Student 16 identified as a non-binary student, and had selected a gender-neutral name and requested to be referred to as “they” instead of “[REDACTED],” in an email blind copied to MH Admin 3 with a subject matter, “Introducing MH Student 16.”¹⁴⁴

I. Factual Findings

We find that Mission Hill School’s response to MH Parent 25 and 26 reporting of a serious safety incident and subsequent safety concerns regarding their non-binary child, MH Student 16, ran contrary to and further violated the intent of the Office of Equity’s mission as well as its zero-tolerance policy geared toward keeping gender-nonconforming students safe.¹⁴⁵ We recognize that MH Student 16 had not fully transitioned or adopted the gender-neutral name and pronouns [REDACTED] now uses at the time of the physical altercation with MH Student 1. However, taking into account all of the circumstances, and in particular, the seriousness of the incident, MH Student 16’s evolving gender status, and the prominent role the Office of Equity and Office of Safety had in addressing related matters of sexual misconduct and/or bullying, we analyze the sufficiency of Mission Hill School’s response with regard to EQT-2.

Specifically, we find that MH Admin 3 received notice of the incident, as reported by MH Parent 25, by June 10, 2015 and met with the parents on or about June 15, 2015. While email correspondence from MH Admin 3 suggests that MH Admin 3 reported the event to DCF, there is no concrete evidence that MH Admin 3 or anyone at Mission Hill School further

¹⁴⁴ Following these interactions, in December 2016, MH Admin 3 reached out to MH Parent 25 and 26 regarding “a facilitated conversation about communication and working together,” in order to support “MH Student 16 in a united way.” However, it is not clear whether this conversation ever occurred.

¹⁴⁵ Given the nature of some of the incidents involving MH Student 16, these events also implicated EQT-3, which discusses incidents of sexual misconduct toward students. In its current form, EQT-3 directs school administrators to contact the Office of Equity, as well as to follow several steps. These include: (1) ensure that the student who discloses the misconduct is not interviewed by another employee after the initial disclosure, absent specific circumstances; (2) address the need for emergency interim safety measures; (3) report the incident to BPS Police; (4) Contact the Department of Children and Families; (5) upon the request of the Office of Equity, alert additional school leaders; (6) submit a confidential log to the Office of Safety Services/the school police; (7) notify the guardians of the reporter or alleged victim; (8) notify the subject’s guardians if they are a minor; (8) investigate and document the allegation; and (9) submit the Equity investigation summary.

investigated or reviewed the incident as reported. Rather, MH Parent 25's subsequent message in which ■ shares ■ initial report with MH Staff 29 and MH Staff 32 states that the meeting moved immediately toward putting "additional safety precautions [] now in place" regarding adult supervision of MH Student 16 and MH Student 1. Moreover, there is no evidence that MH Admin 3 or Mission Hill staff contacted the Office of Equity or BPS for support in response to the incident. The first discussions with Operational Leader BPS Staff 6 did not occur until **2016**, after which time, MH Admin 3 initiated a dialogue with BPS Staff 6 and BPS Staff 1 to implement a Safety Plan for MH Student 16. While we acknowledge that MH Student 16 had not come out as non-binary in June 2015, by the fall of 2016, MH Parent 25 and 26 had informed the entire Mission Hill School staff of MH Student 16's non-binary status. Furthermore, we find that MH Admin 3 had no intention to notify the Office of Equity prior to MH Parent 25 contacting BPS Staff 1 in early September 2016 or to contact anyone beyond a mandated filing with DCF. Indeed, the evidence suggests that MH Admin 3 intended to keep the incident in-house, including after learning of MH Student 16's identity as non-binary, and focused on "social emotional growth" rather than safety. We find that Mission Hill School's focus on social emotional growth in this instance, rather than manifest safety concerns, is representative of MH Admin 3's personal educational views and biases that pervaded Mission Hill School culture.

J. Incidents Involving MH Student 5

1. Reports of Bias-Based Conduct

Additionally, former MHS parents MH Parent 3 and MH Parent 4 told investigators that their child, MH Student 5, was bullied by students for gender-nonconforming practices, including ■ long hair and choice of clothing.¹⁴⁶ For example, on June 13, 2016, MH Parent 3 and MH Parent 4 emailed MH Admin 3 and MH Staff 48, writing that MH Student 5 ■ BA ■

■ MH Parent 3 and 4 stated that they "worry about [MH Student 5's] lack of emotional and physical safety as a result." In response, MH Admin 3 wrote that the teachers of the two children accused of bullying MH Student 5 "have addressed this with the ■ CI," and that ■ "checked in with MH Student 5 yesterday, as follow up" and learned there had not been any recurrence of teasing or hair pulling. MH Admin 3 also reported speaking to each child involved in a purported-investigation. While MH Admin 3 agreed to meet with MH Parent 3 and 4 to discuss their concerns, ■ noted in ■ response that MH Student 5 has trouble reading social cues and that "[s]tudents express upset with MH Student 5, ■ doesn't hear them or read them, then the student responds aggressively."

K. Factual Findings

We find that MH Admin 3 response to MH Parent 3 and 4 report comes closer, but still falls short, of compliance with the Office of Equity's zero-tolerance policy and directive to maintain a safe and welcoming community for all students, as set forth in EQT-4, as it existed at

¹⁴⁶ MH Student 5 did not use a gender-neutral pronoun or identify as ■ non-birth gender while at MHS. Multiple families familiar with MH Student 5 told investigators that they did not recall MH Student 5 presenting as gender-nonconforming. The investigation also revealed several instances in which MH Student 5 was accused of making bias-based comments regarding the gender identity of other students.

the time. While MH Admin 3 conducted a review and investigation into the incident by speaking with the students involved, as well as their teachers, [REDACTED] ignored the reports of gender-based bias, despite MH Parent 4's initial report indicating that MH Student 5 had been picked on for having gender-nonconforming appearance and also misgendered. Instead, MH Admin 3 noted that MH Student 5 "did not know why" the students were teasing [REDACTED] and implied that the incident was related to MH Student 5's difficulty "[r]eading social cues." Moreover, consistent with MH Admin 3 fundamental failure to acknowledge gender-based bias, there is no indication that MH Admin 3 or Mission Hill School notified or elevated the incident to the Office of Equity.

L. Incidents Involving MH Student 45

1. Reports of Bias-Based Conduct

Finally, the investigation revealed a pattern of biased conduct against student MH Student 45.¹⁴⁷ On September 30, 2021, MH Parent 33 emailed MH Staff 50, stating that "[MH Student 45 has been targeted by classmates for gender-based harassment every year [REDACTED] has attended mission hill school]" and that "it has not been a safe space for [REDACTED]." MH Student 45's parent explained that [REDACTED] had previously reported the conduct to the Office of Equity and although the student perpetrator attended civil rights training, "the training didn't change the behavior of said child" and [REDACTED] was "offered no support or follow up." MH Staff 50 responded by setting up a meeting to include the interim principal. When presented with the option to report the incident to the Office of Equity, MH Student 45's parents declined, stating that MH Student 45 had "observed a total shift" in the perpetrator. In response, MH Staff 21 reported that [REDACTED] had spoken with school leadership and "we are taking a progressive approach to the situation where we will start with education and alternative discipline policies before we would look to pursue it through a violation to the code of conduct."¹⁴⁸ However, BPS Staff 15 followed up on November 4, 2021 that [REDACTED] had not yet "received any report from the school." [REDACTED] further stated "[i]f there is a report of the bullying that was filed with Succeed Boston, please forward that to our office" and "[i]f not, please complete the investigation summary form for our records."

On October 29, 2021, MH Staff 21 emailed MH Staff 50 and MH Student 45's parents that BPS Staff 15 suggested [REDACTED] "work with MH Student 45 to develop a student support plan using resources from HRC and Gender Spectrum as a guide." Several days later, the school adopted a "support plan" to "keep MH Student 45 safe and supported in school." The plan included ensuring that MH Student 45's chosen name and pronouns are used and that MH Student 45 has "access to the gender neutral, single stall bathroom or the Girls' bathroom." However, on December 6, 2021 MH Staff 28 entered an incident report for an incident that occurred weeks previously on November 22. The report states that another student told MH Student 45 "fuck you, you're just mad[] because you're a boy." The report also stated that MH

¹⁴⁷ Unlike the other students discussed herein, MH Student 45 was brought to the attention of the Office of Equity relatively early in the process, including when [REDACTED] formally changed [REDACTED] gender marker with the Office in January 2020.

¹⁴⁸ MH Staff 50 actually connected MH Student 45's parents with BPS Staff 15, the LGBTQ+ Student Support Manager with the Office of Equity, and although MH Student 45's parents initially agreed that it would be helpful to discuss, they later reported that the incident was resolved.

Student 45 called the student transphobic and that “this always happens and no one does anything about it.” In filling out the report, MH Staff 28 stated that [REDACTED] needed support resolving the incident and that [REDACTED] wasn’t sure of the student’s consequence or action plan. That same day, MH Student 45’s parent again contacted MH Staff 50 to report, presumably, the same incident, noting that “the bullying has gotten really bad again.”

A later incident report, documenting an event from December 13, 2021, stated that MH Student 45 [REDACTED] **Alleged Bullying** [REDACTED]

[REDACTED] The Mission Hill staff member who wrote the report noted that “I also submitted a Succeed Boston report on this” and “[i]t was expressed to me that this is a pattern.” Succeed Boston staff then forwarded this report to MH Admin 4, the [REDACTED] Conf. Inf. [REDACTED], as well as members of the Office of Equity. BPS Staff 13, the Equity Assistant, wrote “[g]iven that the subject used biased-based language towards another student, we would classify this incident as an EQT-2 violation” and asked “[i]n lieu of submitting our Equity forms, please send us the Bullying Investigation Form when you complete it so we can have a record of actions taken regarding this incident.” BPS Staff 15 then reached out to MH Admin 4 to schedule a time to talk since “I know there has been at least one other incident involving this student.” [REDACTED] added that “I am working with MH Staff 21 to develop a training that we will hopefully be able to offer soon, but in the meantime I want to make sure MH Student 45 is supported.” Although this issue appears to be ongoing, as of March 10, 2022, MH Student 45’s parents were considering a safety transfer.

On March 10, 2022, investigators contacted the parents of MH Student 45 via email to request a meeting to discuss the culture and climate of the Mission Hill School. Investigators did not receive a response to their initial request. However, on April 13, 2022, MH Parent 33 responded to investigators via email, reaffirming that [REDACTED] child had been bullied for years at Mission Hill School “for being trans.” MH Parent 33 stated that “MHS administration protected bullies by withholding the seriousness of their behavior and left my child to bear the burden of keeping safe.” Indeed, MH Parent 33 met with the parents of the “main aggressor right before [they] asked for a safety transfer,” and learned that they “were never informed of the nature of the bullying” or that “their child was violating my child’s civil and human rights.” MH Parent 33 expressed [REDACTED] complete disappointment with Mission Hill School’s handling of the situation, stating:

After years of engaging with the administration and teachers, I was devastated to learn that they were never actually helping the situation and I left my child in a toxic environment with few allies for years. The outcome could have been even more devastating than it already is. I told everyone involved several times that trans children are at a higher risk of suicide than cisgender children. When The Trevor Project came out with the largest survey of LGBTQ youth, I made sure to share the results with MHS. The survey found that **more than half** of transgender youth **seriously** considered suicide in the past 12 months. Knowing what I know now, I feel like I was never taken seriously. My child was left to fend for [REDACTED] while I was screaming into a void.

(emphasis in original).¹⁴⁹

M. Factual Findings¹⁵⁰

In this relatively recent string of incidents, we find that teachers such as MH Staff 50 attempted to follow proper protocols. MH Staff 50 appropriately offered support to MH Student 45's family and looped in school leaders. The School further elevated the incident to the Office of Equity shortly thereafter. Although the Office of Equity did not undertake a further investigation due to parent request, they did ask the School to properly document the incident. However, when reports of biased-conduct continued shortly thereafter, Mission Hill failed to timely enter an Incident Report, resulting in a delay in reporting this conduct to the Office of Equity. Moreover, despite the attempted intervention on behalf of school staff, this issue does not appear to have been effectively resolved, as evidenced by MH Parent 33's April 13, 2022 email to investigators, which details Mission Hill School's failure to address MH Student 45's bullying in accordance with District policies. MH Student 45's family continued to report incidents of bias and is considering a safety transfer.

N. Other Equity-Based Nonconformance

In addition to allegations that Mission Hill School did not effectively report and resolve complaints of bias against transgender and gender-nonconforming students, the investigation also revealed a few instances of potential violations of more specific provisions of EQT-4, as it exists in its current form. First, EQT-4 mandates that in the event a student requests a name change, "school personnel should use the student's chosen name and pronouns appropriate to a student's gender identity" and that following a gender transition the school should "develop a plan for ensuring the use of the chosen name and pronouns consistent with the student's gender identity." MH Parent 12 and 13 reported that students repeatedly asked their child, MH Student 46, if they were a girl or a boy. MH Parent 12 and 13 also said that MH Student 46's teacher in kindergarten, MH Staff 25, asked students on one occasion to line up by their gender, ostensibly in an effort to see what line MH Student 46 would choose. Investigators could not independently corroborate or find additional evidence of this event. However, such instruction by a MHS teacher of a gender-nonconforming student would violate the spirit of EQT-4's requirement that educators respect a child's chosen pronouns.¹⁵¹

Additionally, EQT-4 also requires that all students have access to a restroom "consistent with the student's gender identity." In the event a student does not feel comfortable using a sex-segregated restroom, they should be "provided with a safe and adequate alternative, such as a single 'unisex' restroom or nurse's restroom if possible." However, a unisex facility may not be

¹⁴⁹ Because of Mission Hill School's failures in addressing [REDACTED] child's bullying situation, MH Parent 33 noted that the School needs to implement a "policy that requires teachers and admin to tell parents explicitly if their students violate civil and human rights of another student."

¹⁵⁰ In addition to these findings, several families stated during interviews that a [REDACTED] CI [REDACTED] in the Boston Public Schools has a transgender child who was the victim of bullying. However, investigators were not able to independently speak with this family.

¹⁵¹ This alleged practice also seemingly violated EQT-4's mandate that schools maintain only gender-based policies and practices "with a clear and sound pedagogical purpose."

the only option provided for transgender or gender-nonconforming students. MH Parent 12 and 13 told investigators that MH Student 46 experienced problems with bathroom spaces and that the single bathroom near MH Student 46's classroom was labeled a Mens' room and didn't have a lock. MH Staff 22 also recalled that there were discussions regarding a safe bathroom space for MH Student 46, particularly at one staff meeting, where it was decided that a staff and student bathroom were available and if one was occupied, MH Student 46 was also welcome to use the nurse's office bathroom. ■■■ stated that MH Student 46 did use ■■■ bathroom a couple of times. It appears that school staff attempted to provide a safe bathroom space for MH Student 46. However, in the event that unisex bathrooms, such as the nurse's room, were the only option made available to MH Student 46, this would violate EQT-4. Moreover, given MH Student 46's reported discomfort with their bathroom situation, it is possible that there was a violation of the spirit of EQT-4.

Generally, we find that Mission Hill School has historically had limited success in effectively reporting and resolving bias-based incidents regarding gender-nonconforming students, in violation of the spirit of EQT-2 and EQT-4. Our review revealed that although teachers expressed concern for and a willingness to assist transgender and gender-nonconforming students, teachers did not always elevate these concerns to school leaders. Additionally, we find that these reports were often not brought to the attention of the Office of Equity, and that in some instances parents were required to seek assistance from the Office on their own. Although a more recent incident indicates that reporting and intervention strategies may have improved, we find that Mission Hill was still unable to ensure a safe and supportive environment for this student.

CONCLUSION

In this Phase I Report, investigators have, we submit, fulfilled our investigative mandate as to critical concerns of our client the Boston Public Schools and its Superintendent and, by extension, of the public they both serve.¹⁵²

We have examined the culture and leadership of the Mission Hill School and made findings that former school leader MH Admin 3 cultivated and tolerated a culture of pervasive indifference to sexual misconduct, bullying and bias-based conduct and toward rules, regulations and policies, and created a climate of hostility and intimidation toward parents and staff who questioned or disagreed with that culture, and that all of the above undermined the safety and educational aspirations of Mission Hill students.

We have found that the Mission Hill School purported, but failed, to protect consistently and reliably the well-being of all its students in the face of substantial risks to their physical and emotional health and safety. We have further found that the Mission Hill School failed to deliver an academically-rigorous education to all students and to provide special education services, as needed, in an equitable fashion, leaving certain cohorts of students underserved and undereducated.

¹⁵² As stated at the beginning of this Report, this is an ongoing investigation, and certain areas of the investigation remain to be completed and reported on.

For many of the current and former Mission Hill parents and staff members interviewed, this has been a difficult and emotional journey, as they recounted and relived challenging and sometimes traumatic experiences, encounters and discussions involving needy and vulnerable children. We thank them deeply for their candor, patience and courage and hope that peace and resolution await them.

We commend the Superintendent for her willingness to confront the hard and painful record, much of which preceded her tenure, and the questions arising from that record. We stand ready to answer any inquiries about the investigation and its findings.