



Investigation into Fox Lane High School's Response to Incidents Involving Special Education Students

November 30, 2022

Prepared for
**Mr. Edward Reder, President, Bedford Central School District
Board of Education**

Status
Final Report

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1 Executive Summary

Kroll was retained by the Bedford Central School District (“BCSD”) Board of Education (“the Board”) on June 6, 2022 to conduct an investigation into the response by the Fox Lane High School (“FLHS”) administration to a report students had taken photographs and video of special education students using the boys bathroom. Kroll conducted interviews of key administration officials, deans, the teacher responsible for escalating the report of misconduct, the former Superintendent of Schools, the BCSD’s Director of Pupil Services and Dignity Act Coordinator, special education administrators, members of the Board of Education, and members of the Bedford Police Department, among other key witnesses.¹ Kroll also reviewed the email and cell phone accounts of BCSD staff; a redacted version of the Bedford Police Department case file; BCSD policies and procedures on discrimination, harassment, and parental notification; and the policies and procedures implemented in other neighboring school districts.²

Kroll determined the FLHS special education staff promptly took steps after receiving the report of misconduct on March 11, 2022 to strengthen the protocols around the supervision of special education students in the boys bathroom to ensure similar acts affecting their security and privacy would not recur. The special education staff responded to the report of misconduct promptly, thoughtfully, and comprehensively. Kroll did not uncover any evidence the FLHS administration had received notice or knew of the misconduct prior to March 11, 2022.

The FLHS administration’s investigation into who was responsible for engaging in the misconduct, however, was deficient in multiple respects, as was the administration’s communication of its findings to the Superintendent, the Board, the Police Department, and the FLHS special education community. We also identified gaps in the BCSD’s policies and procedures, particularly regarding parental notification, that contributed to the administration’s missteps. The deficiencies in the administration’s investigation include the following:

- No one in the FLHS administration took charge of the investigation into the reported misconduct and no one took responsibility for ensuring key constituencies including the Superintendent, the

¹ See Exhibit 1 for a full list of witnesses interviewed by Kroll.

² Kroll also extended an invitation to meet with FLHS parents whose children were victims of the misconduct, but the invitation was respectfully declined through counsel.

Board, and the FLHS special education community were provided timely and accurate information on the status of the investigation.

- Administration officials failed to create contemporaneous notes and records of key investigative steps that directly contributed to investigative misjudgments, and a collective inability to explain and provide support for administration decisions.
- The administration distributed incomplete and inaccurate information to key constituencies throughout the investigation.
- The BCSD lacks a formal policy for when the school administration must notify parents of students who have been identified as the accused or a potential victim of misconduct, and the informal policy followed by the administration is contrary to the prevailing policy followed by other neighboring school districts.

This report will present a detailed summary of Kroll's investigation into the FLHS administration's response to the March 11th report of misconduct, as well as our findings and recommendations.

2 Statement of Facts

2.1 The Whistleblower Complaint

Special Education Teacher Mary Downes (“Downes”) told Kroll that on Friday, March 11, 2022, her male special needs students used the boys bathroom during the break between Downes’ 8th and 9th Period classes, which occurred at approximately 1:40 pm. Downes said she had five students in her 8th and 9th period classes.

After the break, one of her students (“the Whistleblower”) shared the following information with her confidentially. He said, “[REDACTED]” Magdalena Gomez (“Gomez”), a special education Teacher’s Aide who was in Downes’ classroom, remembers overhearing the Whistleblower telling Downes, “[REDACTED]” Downes then took the Whistleblower into the hallway where he told Downes certain students had been taking pictures of special education students #1 and #2 (“SE Student #1 and SE Student #2”) in the boys bathroom. Downes asked what kind of pictures, and the Whistleblower replied, “[REDACTED]” Downes sought to clarify further by asking exactly what was shown in the pictures, “buns, franks, or beans”? The Whistleblower replied, “[REDACTED]” The Whistleblower said “[REDACTED]” The impression Downes had was the Whistleblower had seen the photos and video that day and in the past, but she was not sure. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Downes told the Whistleblower they were going to have to discuss it with the dean. She then brought the Whistleblower to see Dean Keith Alleyne (“Alleyne”), whose office was next door to Downes’ classroom. The Whistleblower repeated the same story to Alleyne. After the Whistleblower told Alleyne what he had seen, Downes and the Whistleblower returned to class. Downes said the Whistleblower’s story was consistent each time he told it and she believed him.

Downes recalled Alleyne advised her “not to worry” and to “take care of the kids.” He said, “the administration would take care of the rest.” Downes understood this to include contacting the parents and investigating the matter.

Shortly thereafter, Alleyne went to Downes’ class and advised Downes he had spoken with Assistant Principal Jason Spector (“Spector”) and they “needed to get a name” of the student or students who took the photos or video. Alleyne further told Downes that in his conversation with Spector they discussed that “it could be pornography.”

Downes’ statement to Kroll is consistent with her written statement provided to the FLHS Administration.³ In her written statement to the FLHS Administration, Downes wrote:

On Friday March 11:

During period 9 STUDENT came into A214 and shared that they had to share something that was happening to two students in my period 8 course.

The STUDENT shared that in the boys bathroom there were kids taking photos and video of [SE Student #2] front and back side and [SE Student #1] backside while they were in the bathroom. The STUDENT shared that it wasn't okay because [SE Student #2] and [SE Student #1] had a hard time in bathroom and were being taken advantage of. Around 1:45pm I asked the STUDENT to come with me to talk to Dean Alleyne — the STUDENT agreed and shared the story to Dean Alleyne. The STUDENT was very clear and shared that they saw the video on the phone of the kid who took it.

The STUDENT and I left the office and Dean Alleyne said he was contacting Jason Spector. Around 2:00pm Dean Alleyne knocked on the door of A214 and asked me to come out. He shared that he spoke to Jason Spector and he shared this could be considered pornography and we discussed if the STUDENT would share the name of the boy that showed them the video of [SE Student #2] and photos of [SE Student #1]. I shared I was not sure, but we can ask again.

We asked the STUDENT to join us in Dean Alleyne's office and the STUDENT shared that giving names is not something they could do and shared that this was something that had been going

³ Downes drafted this statement sometime before March 21, 2022, when email records reviewed by Kroll show that Spector scanned the statement on an FLHS copy machine. Bedford Police Department records show that the Bedford Police Department received a copy of Downes’ statement the following day on March 22nd.

on most of the winter and this was not the first time. After speaking to the STUDENT, it was almost 2:15pm and created a limited time left in the day.

Dean Alleyne shared that further investigation would be handled by administration when we returned on Monday.

Alleyne told Kroll he met with Downes and the Whistleblower on March 11th. Alleyne added that the Whistleblower said the activity (pictures being taken) had started sometime after he "[REDACTED]" [REDACTED]. According to Alleyne, the Whistleblower did not mention the activity had taken place on March 11th. Alleyne could not recall if the Whistleblower named the special education students, SE Student #1 and SE Student #2.

Alleyne also confirmed he called Spector on March 11th and told him of the situation. Alleyne told Kroll he recounted to Spector the information he had received from the Whistleblower. Alleyne could not recall if the word "pornography" had been mentioned during his conversation with Spector. According to Alleyne, Spector said they would address the matter the following week. Alleyne said he did not take any notes concerning the Whistleblower allegations or of the investigation that followed.

Spector told Kroll Alleyne contacted him on March 11th, and relayed the Whistleblower's allegation that unnamed students were taking pictures of special education students in the boys bathroom. During his interview with Kroll, Spector was inconsistent in his account of whether Alleyne told him on March 11th that SE Student #1 and SE Student #2 were named by the Whistleblower, initially telling Kroll the special education students were named on March 11th, and later in the interview saying they were not. Spector's recollection of the Whistleblower's March 11th allegations also differed from that of Downes and Alleyne in that Spector said he had been told the Whistleblower had specifically witnessed this activity on March 11th. Spector acknowledged he had discussed with Alleyne that the reported activity "could have involved pornographic images." Spector also told Kroll he notified the School Resource Officer, Christopher Colello ("Officer Colello"), during the week of March 14th that they were investigating a matter that may have occurred in the boys bathroom. Officer Colello told Kroll he received that notification from Spector on Wednesday, March 16th.

On Sunday night, March 13th, Downes texted Deana Longden ("Longden"), the Special Education Coordinator for the BCSD, and Diana Binger, the social worker assigned to both SE Student #1 and SE

Student #2, and advised them of what had happened on Friday. She also described the next steps she thought they should take on Monday regarding new bathroom procedures to protect her special education students. Longden told Kroll she had received the text message from Downes over the weekend and explained the steps she, Downes, and the special education staff took starting Monday March 14th to implement procedures to ensure special education students were safe and protected when they used the FLHS bathrooms. Longden told Kroll that in the weeks that followed the staff adjusted and strengthened those procedures further in consultation with the parents of special education students.

Downes told Kroll that on Monday and Tuesday, March 14th and 15th, she “checked in with the deans,” referring to Deans Alleyne and Daniel Mulvey (“Mulvey”). Downes said she briefed Mulvey concerning the March 11th Whistleblower report, and Mulvey showed Downes where cameras were located in the hallway near the boys bathroom. They then discussed that they “didn’t know when it happened.” Downes suggested they check the cameras on March 11th between Periods 8 and 9. Downes said Dean Mulvey later told her the video showed who the Whistleblower was talking to on March 11th, and Mulvey spoke with that student, but “didn’t learn anything.”

Mulvey told Kroll that on Tuesday March 15th or Wednesday March 16th Downes came to the deans’ office and informed Mulvey of the Whistleblower report. Mulvey told Kroll he did not take any notes that day or throughout the investigation of this matter. Mulvey could not recall if Downes mentioned that the Whistleblower specifically named SE Student #1 and SE Student #2 as victims, but he did eventually learn that those special education students were potential victims. Mulvey could not recall if Downes said the activity took place on March 11th. He recalled discussing with Downes when her students typically go to the bathroom, and then went to Spector to obtain the video covering that time frame on March 11th.

Edward Escobar (“Escobar”), Director of Pupil Services at Bedford Central School District and the BCSD’s Dignity Act Coordinator, told Kroll he was informed of the matter on approximately Thursday March 17th. Joel Adelberg, the Superintendent for the BCSD at that time, called Escobar that day and asked him to “drop everything” and go to Fox Lane High School for a meeting. Escobar said he and Adelberg received a “high level summary” of the Whistleblower allegations that day from the FLHS administration. He was told a student Whistleblower had reported to his teacher that students were taking pictures of special education students in the bathroom. Alleyne had confronted the student for names, but the Whistleblower refused to provide names. Escobar explained he received a high-level briefing only, and it was not necessary for him to receive details such as whether the Whistleblower had provided the

names of the potential victims. He advised Kroll his role at the meeting was to explain procedures, protocols, and practices that should be followed. He said his role did not involve learning the names of the potential victims or other specifics of the allegations. Escobar also told Kroll he did not take notes that day and had no notes concerning the investigation. He said, “I don’t operate that way.”

Principal Miller told Kroll he learned about the Whistleblower report “early the following week” after the report was received by Downes, Alleyne, and Spector on Friday, March 11th. He added he does not remember specifically what he was initially told about the allegations, although he remembers it involving special education students. He recalled he was told something to the effect of, “This came up, and we are looking into it.” He recalled his response being something to the effect of, “Let me know how the investigation goes; update me as you go along.”

Assistant Principal Piquero told Kroll she first heard about the Whistleblower report on Monday March 14th at a group meeting of the administration and deans. She was not involved in the investigation of the allegations, but later was responsible for managing the suspension process for the students ultimately identified as having engaged in misconduct.

Former Superintendent of the Bedford Central School District Joel Adelberg (“Adelberg”) told Kroll he was informed of the Whistleblower report by Principal Miller toward the end of the week of March 14th. He recalled being briefed on the report in Miller’s office. Also present were Escobar, the Director of Special Education, Debra Dormady (“Dormady”), and possibly the Assistant Principals. Adelberg recalled being told there was an allegation of pictures being taken of students in the boys bathroom. He said he was advised the Whistleblower “didn’t give up much” and “no one was cracking.” They didn’t know who the victims were because they didn’t have pictures yet. He said his understanding was the report “was not the buzz of the school” and most kids in the school hadn’t seen the pictures. He said, “It was so egregious – it would have turned the stomach of kids.”

2.2 The Investigation into the Whistleblower Complaint

The FLHS investigation into the Whistleblower complaint began the week of March 14th. No participant in the investigation from the FLHS administration or staff admitted to leading or taking charge of the investigation. Everyone from Principal Miller to Assistant Principal Spector, to Deans Alleyne and Mulvey, told Kroll they worked collaboratively on the investigation into the Whistleblower complaint, and no one person was in charge. None of them took contemporaneous notes of the meetings they attended, the

evidence they collected, the students they interviewed, when they interviewed the students, or what the students said.⁴

The first significant action in the investigation took place after Downes approached Mulvey sometime between Monday March 14th and Wednesday March 16th when Mulvey reviewed the March 11th surveillance video of the hallway outside the second floor boys bathroom.

2.2.1 Surveillance Video

Mulvey told Kroll he initially reviewed the surveillance video with Spector on either Tuesday March 15th or Wednesday March 16th. Mulvey documented this in an April 7, 2022 email to Miller, Spector, Piquero and Alleyne, where he described the investigation's timeline. Mulvey wrote:

Either Tuesday the 15th, or Wednesday the 16th, Mary [Downes] came in looking for Keith. . . . I went to Jason [Spector] to see if we could see something on camera (2nd floor boys bathroom). After viewing film, for quite some time, we comprised a list a few students who may have had some information. This was also toward the end of the day.⁵

Kroll also independently reviewed and analyzed the surveillance video for March 11th.⁶ The video provided depicts four different vantage points within the immediate vicinity of the second floor boys bathroom outside room A206. According to the video stamp, the video starts at approximately 1:35 pm and continues for 7 minutes and 10 seconds. Approximately 14 students, including four special education students, are seen entering and leaving the bathroom during this time.⁷ The video also depicted Teacher's Aide Gomez, who escorted the special education students to the bathroom and remained outside the bathroom, in the vicinity until the last special education student left the bathroom.

⁴ Kroll was given access to the cell phones of Miller, Spector, Piquero, and Adelberg to review any text messages relevant to the bathroom investigation. Kroll found no relevant text messages in any of the phones. Adelberg's phone, which the former Superintendent had surrendered to the district following his retirement, had already had its contents wiped.

⁵ Email Item 153467. Downes' statement indicated that Mulvey told her on March 15th that he had reviewed the surveillance footage as of that date.

⁶ This was the only surveillance footage provided to Kroll.

⁷ Although unlikely, it is theoretically possible that individuals entered the bathroom prior to the video segment provided and left after the video segment provided.

Kroll made the following notable observations:

- SE Student #1 and SE Student #2 remained in the bathroom for approximately 6 and 7 minutes, respectively. Both students were identified by the Whistleblower as victims in his initial report on March 11th.
- Student #3 entered the bathroom within 3 seconds of SE Student #1. SE Student #2 entered the bathroom within approximately 10 seconds of Student #3.⁸
- While SE Student #1, SE Student #2, and Student #3 were in the bathroom, Student #4 entered and then left the bathroom within approximately 4 seconds. Upon leaving the bathroom, Student #4 briefly spoke with Student #5 who was heading into the bathroom. Student #5 propped open the bathroom door slightly and looked in. He apparently saw something, chuckled, did not enter the bathroom, and left the vicinity.
- Approximately 2 minutes and 20 seconds after entering the bathroom, Student #3 left the bathroom *with a phone in his hand*. Student #3 immediately met up with the Whistleblower in the hallway outside the bathroom and the two students walked out of camera view with each other. SE Student #1 and SE Student #2 remained in the bathroom at this time.
- Within approximately 2 minutes of meeting up with Student #3 in the hallway, the Whistleblower returned and entered the bathroom after briefly speaking with Gomez. SE Student #1 had already left the bathroom, but SE Student #2 was still in the bathroom.

Downes told Kroll that shortly after returning to class from the bathroom on March 11th, the Whistleblower made his initial report to Downes. Downes said her impression from speaking with the Whistleblower was he had seen the photos and video that day and in the past, but she was not sure. Downes was clear the Whistleblower did not say he personally witnessed the activity in the bathroom, leaving open the possibility he had simply seen the photos and video that had been taken in the bathroom, as opposed to witnessing the taking of the photos and the recording of the video.

⁸ As explained in more detail below, Student #3 later identified two other students who ultimately admitted they took pictures of special education students in the boys bathroom.

According to the information received from the Bedford Police Department, Officer Colello had not seen the surveillance video as of March 22nd. The Detective assigned to the investigation, Thomas Keane (“Det. Keane”), was not provided the surveillance video until March 28th.

2.2.2 Students Interviewed by FLHS Staff

Spector told Kroll that every student seen on video was interviewed. He did not know who specifically had conducted those interviews or when. Concerning Student #4 and Student #5, other than knowing they provided no information, Spector did not know who had interviewed them, nor could he recall what they said or what they may have observed.

Alleyne told Kroll that he could identify Student #4, but could not recall who had interviewed him. Alleyne believed he spoke to Student #5. Alleyne could not recall Student #5’s name, had no notes concerning his interview of Student #5, and did not remember what Student #5 said other than that he hadn’t seen anything.

In their interviews with Kroll, neither Alleyne nor Spector could recall who had interviewed Student #3.

Mulvey told Kroll, however, that he had interviewed Student #3 several times. He could not recall if anyone else was with him during those interviews, could not recall the dates of the interviews, and did not have notes from the interviews. Mulvey, who had reviewed the video footage from March 11th, had suspicions about Student #3 because of the activity depicted on the video described above.

2.2.3 Parents of Special Education Students call FLHS and File Bedford Police Report

As of Friday, March 18, 2022, FLHS staff had not contacted or notified the parents of potential victims, SE Student #1 and SE Student #2, that their sons may have been the victims of having had photos or video taken of them while in the bathroom.

Downes told Kroll that on March 18th Downes was having a conference call with the parents of some of her special education students, including the parents of SE Student #1 and SE Student #2, when she discussed “safety goals” as part of their individual academic plans. She explained that it was important for the students to identify unsafe situations and respond appropriately. The parents asked, “where did this come from?” Downes responded that it was related to “the stuff that happened in the bathroom”

as an example. Downes learned that subsequent to this call, parents reached out to the administration and were told something about the bathroom incidents being under investigation.

On March 18th, a parent of SE Student #2 called Alleyne and Miller. In a voicemail to Miller, the parent of SE Student #2 said he was hearing rumors about his son, that he was very concerned, and that he was seriously considering calling the police.⁹

Alleyne, Spector, and Miller confirmed that the parent of SE Student #2 called FLHS on March 18th and told Alleyne and Miller that he had heard that photos of special education students may have been taken in the bathroom at FLHS.

Also on March 18th, the parent of SE Student #1 called the FLHS administration about the bathroom incidents.

Bedford Police Department documents indicate that a police report was first filed on March 18, 2022 at 1:43 pm by Officer Colello.

2.2.4 Parents of Special Education Student Interviewed by Bedford Police

According to Bedford Police Department documents, on Sunday March 20th the parents of SE Student #2 went to the Bedford Police Department and were interviewed regarding photos or videos being taken of their son in the FLHS boys bathroom.

Bedford Police opened an investigation and assigned Detective Keane to the case.

2.2.5 Student Written Statements

On Monday, March 21st, Mulvey interviewed Students #3, #6, and #7 and received handwritten, signed statements from them. The handwritten statements confirmed the Whistleblower's allegation that students had taken photos or video of special education students in the boys bathroom. [REDACTED]

[REDACTED]

⁹ This voicemail was recovered by Kroll (email Item 158035).

[REDACTED]

In his April 7th email to Miller, Spector, Piquero, and Alleyne, Mulvey described the interviews on March 21st that resulted in the statements:

At this point, we met with all of the student [sic] whom we felt may have had involvement. We explained that this has moved far beyond a school investigation and that it is now a Police matter. We got two of the students to admit to taking pictures. Both reported that they took one picture. One reported that he took the picture at the beginning of the 2020-21 school year and shared it in a small private group on Snap Chat. He stated that he believed members of that group may have screenshotted that image. The other student claimed he took one picture in the middle of the 2020-21 school year. He claimed it was the second day he was in the school. [REDACTED]

[REDACTED] Both student [sic] reported that the pictures were not only deleted from their phones but also not in circulation.

2.2.6 Student #3 Written Statement

In his handwritten statement, Student #3 wrote:

[REDACTED]

It appears that the handwritten statement of Student #3 purports to recount what took place in the bathroom on Friday March 11th, the day of the Whistleblower complaint. [REDACTED]

[REDACTED]

2.2.7 Student #6 Written Statement

Student #6's handwritten statement read:

[REDACTED]

2.2.8 Student #7 Written Statement

Student #7's handwritten statement read:

[REDACTED]

2.2.9 Dissemination of the Student Statements

Mulvey told Kroll that he shared the March 21st student statements with the “administration,” although he said he could not recall specifically to whom he had provided the statements. When pressed, Mulvey said he would have reported the statements to Spector or possibly Miller or Piquero. He could not say that he shared the statements on March 21st, but he could have done so “within a couple of days and probably the next day.”

Kroll's email review sheds light on the likely timeline. On March 21st at 12:47 pm, Mulvey emailed a colleague saying, “I am leaving for the day,” indicating that he had already taken the three student statements before 12:47 pm. A few minutes earlier, at 12:36 pm, Miller left a message for Escobar from Spector's office phone number, “Hey Ed, this is Brett again. I left a couple of messages with Maryann, I'll

try again. I want to talk about a couple of cases, thanks, bye.”¹⁰ At 2:03 pm that day, Spector scanned copies of the three handwritten student statements taken earlier that day by Mulvey.¹¹

Kroll shared these details from the email review with Miller and Spector during second interviews of each. Both Miller and Spector then acknowledged that Mulvey shared the students statements with them on March 21st. Spector admitted that the three of them discussed the statements and designated Mulvey to telephone the parents of Student #6 and Student #7 to advise them of the admissions their sons’ had made.¹² Miller acknowledged he called Escobar, but said he could not remember if he spoke with Escobar or specifically what they might have discussed. Escobar told Kroll that he learned of the March 21st statements “around March 21st” from Miller or Spector, but he did not recall sharing that information with Adelberg.

Both Miller and Spector said that the admissions made by Student #6 and Student #7 provided a sufficient basis to suspend them, but they decided not to do so to continue gathering evidence. Miller commented that they “were not in a rush.” Both students remained in school until March 31st as described in more detail below.

On March 21st at 2:10 pm, Adelberg emailed Miller, “I just realized I didn't include Chris on the invite for tomorrow's 2:00 meeting. If you think Chris should be there please invite him.” We believe “Chris” refers to Officer Colello. Miller responded to Adelberg, “Yes – will do, he is out today.”¹³

On March 21st at 4:14 pm, Alleyne emailed Spector, Mulvey, and Piquero with the subject line “Tomorrow.” Alleyne wrote, “Top Issues? Am I missing anything?” Number three on a list of five items was “Bathroom issue,”¹⁴ indicating that one of the topics to be discussed at the meeting the next day with Superintendent Adelberg was the bathroom investigation.

On March 22nd a meeting was held at FLHS. The invitation to the meeting included Miller, Adelberg, Spector, Piquero, Dormady, Escobar, Colello, and David Gee, BCSD’s Director of Technology. Kroll has been able to confirm that Miller, Adelberg, Colello, Escobar, and possibly Spector attended the

¹⁰ Email Item 128347. The email reads: “Message from Spector, Jason (6054).”

¹¹ Email Item 1195271. The email item reads: “Scan from FLHS Attendance Copier/Fax.”

¹² On March 21st at 3:09 pm, Student #7’s mother telephoned Mulvey and left a message that she was “giving you a call back” and that Mulvey could reach her at her telephone number. This callback corroborates Spector’s statement to Kroll that Mulvey called the parents of the students who made admissions on March 21st.

¹³ Email Item 329719.

¹⁴ Email Item 1190623.

meeting.¹⁵ Miller said he recalled the meeting and they discussed two matters including the bathroom investigation. He did not recall, however, discussing at the meeting that two students had admitted the day before to taking photos of special education students in the boys bathroom. Escobar said he attended the meeting, it included a high-level discussion of the timeline in the bathroom investigation, but it did not include a discussion of the student admissions taken on March 21st. Spector said he was not sure he had attended the meeting because of a medical issue and could not describe what was discussed at the meeting.¹⁶ He said, however, the purpose of the meeting was to discuss developments in the bathroom investigation, and the student admissions on March 21st were a major development in the investigation – a “big deal” as he described them – and he assumed they were a topic of discussion at the March 22nd meeting.¹⁷ Escobar said Spector was not at the meeting.

Adelberg told Kroll he did not remember being shown or told about the March 21st handwritten student statements during the March 22nd meeting, or at any other time, until Kroll showed him the statements. Dormady could not recall if she had attended that specific meeting, but responded “Wow!” when Kroll showed her the handwritten student statements. She said it was the first time she had seen the statements, and as the Director of Special Education she “should have known everything.”

Escobar told Kroll he learned of the March 21st handwritten student statements “around March 21st.” He did not recall, however, having a conversation with Adelberg about the handwritten student statements, and when asked if Dormady was told about the March 21st statements, he said, “Not to [his] knowledge.”¹⁸ Escobar added it would have been Miller’s responsibility as the school principal to advise Dormady of the statements.

Officer Colello did not have a specific recollection of the March 22nd meeting, but he told Kroll he did not remember anyone in the FLHS administration ever *telling* him two students had confessed to taking photos of special education students in the boys bathroom. He said, “No. I don’t remember anyone saying anything about that.” He also said he was never handed a copy of the handwritten student

¹⁵ Escobar had declined the email invitation to the March 22nd meeting on March 21st, saying he was unable to attend, but told Kroll he had attended the meeting.

¹⁶ Spector was on medical leave from FLHS starting March 23rd until April 23rd.

¹⁷ Piquero did not have a specific recollection about the March 22nd meeting or if she had attended it, and could not recall if she was ever told two students had confessed to taking photos of special education students in the boys bathroom. She said at some point she saw the handwritten student statements in a Google drive folder the administration used to store records pertaining to the investigation, discussed in more detail below.

¹⁸ Escobar initially told Kroll he received the March 21st statements on March 28th and was under the impression the statements had been taken on March 28th, not March 21st. Indeed, he told Kroll he thought the statements were dated incorrectly. In a subsequent interview, Escobar acknowledged he learned of the March 21st statements “around March 21st.”

statements, and he never learned written statements existed before photos were produced on March 31st, as discussed in more detail below.

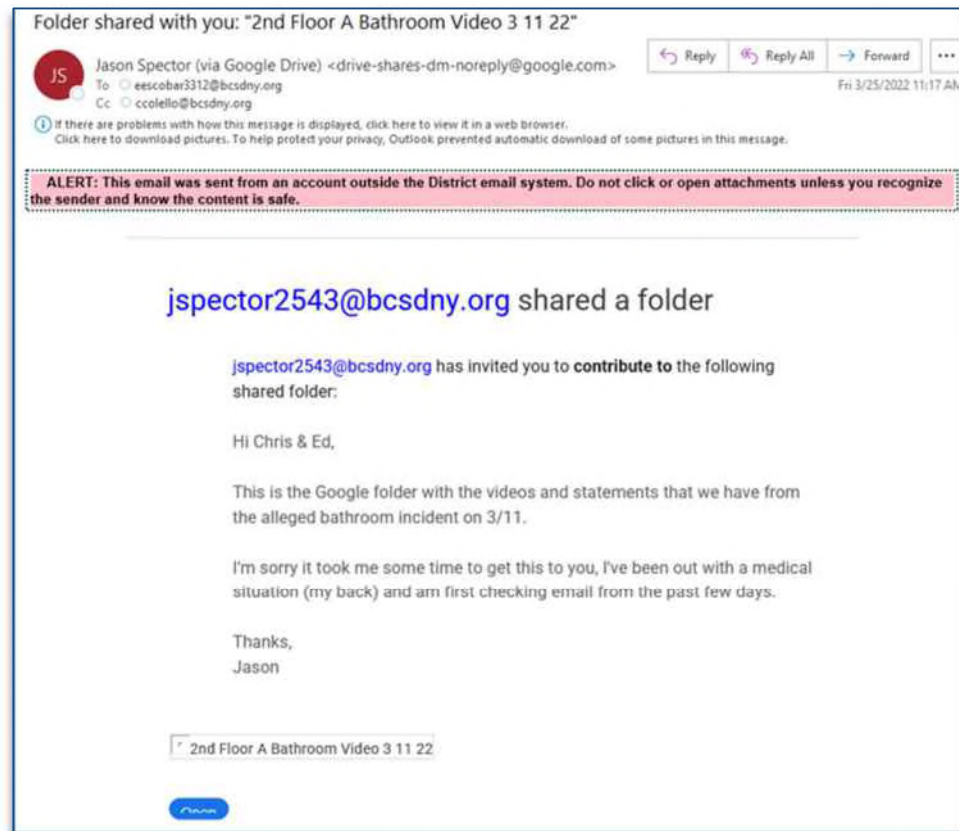
After returning to the Police Precinct from FLHS on March 22nd, Officer Colello met with Det. Keane and provided Det. Keane with a copy of Mary Downes' written statement of her recollection of the Whistleblower's report on March 11th and her brief involvement in the initial investigation the following week. Kroll has determined from its email review that Spector had scanned Mary Downes' statement at 12:16 pm on March 21st, indicating someone from FLHS provided Downes' statement to Colello sometime after that.¹⁹ After he met with Officer Colello on March 22nd, Det. Keane made note of his receipt of Downes' statement in his police report.

Neither Officer Colello nor Det. Keane, however, received the March 21st handwritten student statements on March 22nd, and there is no reference to those statements anywhere in Det. Keane's police report. Indeed, Det. Keane said he "definitely" had never seen the statements before Kroll showed the statements to him.²⁰

Although neither Miller nor Spector could recall *telling* Adelberg or Colello about the March 21st handwritten student statements, they both were adamant the Superintendent's office and the police department "definitively" *received copies* of those statements on March 25th when Spector shared with Escobar and Colello a link to a Google drive folder Spector had created to host the evidence the administration was collecting in the investigation. Kroll confirmed this Google drive link was sent on Friday, March 25th to the BCSD email accounts of Escobar and Colello. Spector introduced the link as follows:

¹⁹ Spector told Kroll that he did not hand Colello a copy of Downes' statement and did not know who did.

²⁰ Mulvey told Kroll that he believed the March 21st student statements were shared "at some point" with Officer Colello, although he could not recall if he was the one to first share them with Officer Colello. Mulvey said that "at some point" he had discussions with Officer Colello about the statements, but he couldn't remember when that was.



The Google drive log reflects that on March 28th Spector provided access to the Google drive to Officer Colello's Bedford Police Department email account. Neither Miller nor Spector could say whether Escobar actually provided the March 21st handwritten student statements to Adelberg, or whether Officer Colello provided those statements to Det. Keane. Escobar told Kroll he did not recall having a conversation with Adelberg about the March 21st student statements and did not recall giving Adelberg access to the Google drive folder. As reported above, both Adelberg and Keane denied ever receiving or being told about the statements. Det. Keane recorded in his police report he received a copy of the 2nd Floor bathroom video on March 28th, but he told Kroll he was not given access to a school Google drive and did not remember how he received access to the video.

2.3 Parental Notifications Concerning the Allegations

It does not appear that the parents of SE Student #1 or SE Student #2 – the two potential victims who had been identified – were told two students had confessed on March 21st to taking photos of special

education students in the boys bathroom. Indeed, Kroll's email review confirms the potential victims' parents were told the administration had no evidence of the alleged misconduct occurring.

On March 23, 2022, the parent of SE Student #2 emailed Adelberg, Dormady, Miller, Spector, and Escobar, attaching a Bullying/Harassment complaint form. In his email he wrote:

On Monday (March 21st) and Tuesday (March 22nd) we called the school again each day to find out what was going on with discovering the video and *they said they interviewed 13 students but had no corroborating stories to say there was an actual video*. The principal and vice principal shared that they would communicate with us daily since our son could not tell us what was going on. We were additionally told that members of the BCSD administration team and Bedford police had a meeting to discuss this matter (emphasis added).²¹

Escobar replied to all on this email as follows:

I am truly sorry for your experience. As the DASA District coordinator, I will work with Mr. Spector at the High School on the investigation. *Once the investigation is complete, we will notify you of the findings*. Please note, it is our obligation to create a safe environment for our children. I am sorry that your son was involved in this horrible situation (emphasis added).²²

Adelberg also replied to all on the parent's email as follows:

I appreciate your reaching out to Ms. Dormady and to me to express your outrage and disappointment at the handling of this very disturbing incident. The high school and the police have been keeping us informed and I know that they are meeting with you tomorrow morning. I know that the high school has already put into place additional supervision for [SE Student #2] and that this has been implemented this week. Dr. Escobar will follow up with you on your formal Harassment and Bullying Complaint. Ms. Dormady will follow up with you on your request for a CSE to discuss [SE Student #2]'s current and possible future placement. *Please know that I have asked the high school administration and all of those on this email to make sure that I am kept informed. I am equally anxious for a resolution and the identification of any students responsible*. We take [SE Student #2]'s safety seriously (emphasis added).²³

²¹ Email Item 162170.

²² Email Item 249150.

²³ Email Item 14155.

Despite Superintendent Adelberg's having advised the FLHS administration he should be kept informed of "the identification of any students responsible" for the misconduct in the boys bathroom, Adelberg told Kroll he *was not informed by anyone in the administration* that on March 21st two students had confessed to taking photos of special education students in the boys bathroom. Adelberg's March 23rd email response to the father of SE Student #2 corroborates his statement to Kroll that he was not told about the March 21st student statements.

On March 25th the parent of SE Student #1 also submitted a Bullying/Harassment complaint form in an email to Adelberg, Dormady, and Escobar. In it she wrote:

Parent was notified that pictures and/or videos' were taken of her son using the bathroom by other FLHS male student(s) in a 2nd floor "A" wing boys bathroom and likely shared with other students via text, email or social media during class changes (period 8 to 9) on Friday 3/11/22. Son is a Special Ed student with Autism and had limited ability to understand and explain the incident. I reached out to High School administration on March 18, 2022 to discuss the incident and have had several conversations since then. *It was also revealed that a prior incident, similar in nature has occurred previously in Dec 2021 involving another special Ed student (emphasis added).*²⁴

This complaint made clear the allegations of misconduct in the boys bathroom were not limited to an isolated incident on March 11, 2022, but instead potentially extended back to 2021.

Escobar advised Kroll the allegation by the Whistleblower and the admissions by the two students on March 21st were not enough to warrant notifying the parents of the potential victims that the school had confirmed the alleged misconduct had occurred. In Escobar's judgment, as he wrote in his email response to the parent of SE Student #2, the school would notify parents when the investigation was completed. Escobar further explained to Kroll that the March 21st admissions did not identify the victims (other than that they were special needs students) and therefore it was not known as of March 21st if the victims referenced in the March 21st statements were the same victims referenced in the Whistleblower report. Escobar also advised Kroll his conclusion was not altered because the potential victims were non-verbal special education students. When asked if there was a district policy spelling out how much evidence would be sufficient to notify parents their children were potential victims of student misconduct, Escobar said there was no such policy. Miller, Spector, and Piquero, concurred with Escobar's judgment that the parents of potential victims should not be notified until it was confirmed

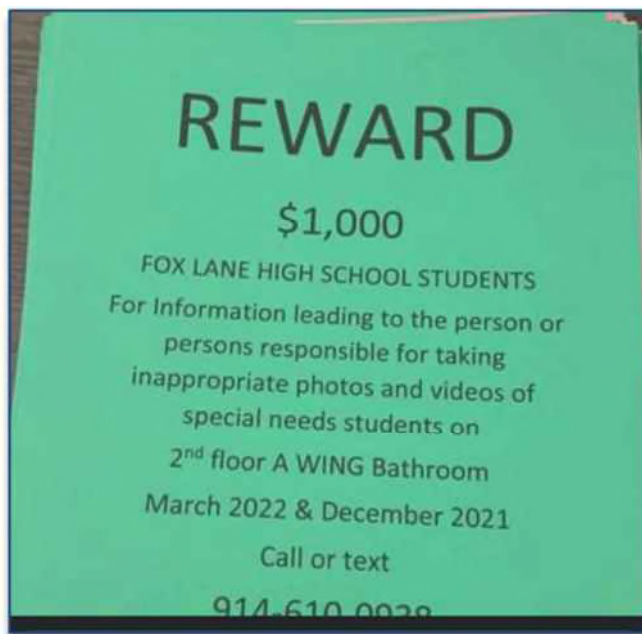
²⁴ Email Item 563485.

their children were victims of the misconduct. All three expressed a concern about not wanting to alarm parents prematurely or unnecessarily.

2.4 A Reward is Offered and Photographs Produced

2.4.1 Parents Publish Reward Flyer on Social Media

Sometime after learning of the allegations, a parent of one of the special education student victims prepared a flyer offering a \$1,000 reward “for information leading to the person or persons responsible



for taking inappropriate photos and videos of special needs students on 2nd floor A WING Bathroom March 2022 & December 2021.”

Kroll has been told this parent purchased a “burner phone” and provided the number to that phone on the flyer.²⁵

It is unclear when the flyer was created and first distributed, but by Wednesday March 30th the flyer had been published to social media platforms and seen by FLHS families.

On March 30th, at 9:10 pm, an FLHS parent emailed Dormady with the subject “alleged incident at the HS” referencing the flyer:

I am writing to enquire if the following is a real incident? This is extremely concerning to me and should be to all. If this is not a hoax, all parents should have been notified by the district. Regardless of this being in the HS. This is a huge concern and safety risk for our kids. Please advise as to the authenticity of this incident.²⁶

²⁵ A burner phone is an inexpensive mobile phone designed for temporary use, after which it may be discarded. Burner phones are purchased with prepaid minutes and without a contract. No name or subscriber information is associated with the phone.

²⁶ Email Item 763529.

The email contained the picture of the flyer. Dormady forwarded this email to Miller, Adelberg, and Escobar.

Adelberg responded to Dormady, Miller, and Escobar, at 9:26 pm:

I discussed this with the Board this evening. . . . Where is the local police in their investigation?
Do we even know? Are they still investigating? Do they have any leads or is this a cold case?²⁷

This email again corroborates Adelberg's statement to Kroll that he still did not know as of March 30th two students had already confessed on March 21st to taking photos of special education students in the boys bathroom.

Adelberg responded a second time at 9:35 pm on March 30th to Dormady, Miller, and Escobar:

It's now on the Katonah FB page as well. It's firing up and there are accusations that we have been "hiding" this from the community.²⁸

Miller responded to Adelberg early the following morning, March 31st, at 6:10 am: "I will speak to Chris and call in am. I'm not sure what response should be," and then again at 6:16 am:

Chris is aware. When Deb, Chris and I met with parents last week [the parent] shared that he had posted a reward for \$1000. As of yesterday, my understanding is that 4/5 students have been questioned by police to no avail. *This is still no evidence of who might have done [sic] and if it exists (emphasis added).*²⁹

When Kroll questioned Miller about this response to Adelberg, he responded by saying his email reply on the morning of March 31st was referring only to the incident being investigated on March 11th and not to incidents that may have occurred earlier.

²⁷ Email Item 13240.

²⁸ Email Item 9831.

²⁹ Email Item 9831.

2.4.2 Board of Education Questions the Administration

On March 30, 2022, at the end of that evening's executive session of the Board, a Board member asked Superintendent Adelberg about the bathroom incidents because the Board member had been told of the incidents by a member of the public. Prior to this Board member's question, neither the Superintendent nor the administration had informed the Board about the incidents under investigation in the FLHS boys bathroom.³⁰

2.4.3 Photos and Video Provided to the Police

According to the Bedford Police Report, on March 31, 2022 at 8:30 am, the parent who had distributed the flyer requesting information about the misconduct in the boys bathroom at FLHS, met at the precinct with Det. Keane and turned over the photographs and videos that had been provided in response to the offer of a reward. Det. Keane and Officer Colello then met at FLHS with administration officials to identify the students depicted in the photos and videos.³¹ Present at the meeting were Det. Keane, Officer Colello, Miller, Piquero, Escobar, Adelberg, Dormady, and Mulvey. Deana Longden was also called into the meeting at one point to assist in identifying a particular special education student depicted in one of the photos. During this meeting, four FLHS students were identified as having taken photos or video of special education students in the boys bathroom (including the two students who had confessed on March 21st), and four students were identified as victims who unknowingly had been photographed or captured on video. Kroll has confirmed at least three of the four victims were special education students.

2.4.4 Suspension of Students

The four students identified as having taken photos or video of special education students in the boys bathroom (Students #6, #7, #8 and #9) were immediately suspended the maximum of five days pending a Superintendent's Hearing. Superintendent's Hearings were held between April 8th and 20th.

³⁰ Email Item 154740.

³¹ As soon as the Bedford Police Department notified Superintendent Adelberg they had received videos depicting the misconduct in the boys bathroom and requested to meet with the school administration, Adelberg notified the Board of the scheduled meeting with the police.

2.4.5 Notifications to the BCSD and FLHS Communities

On March 31, 2022, Adelberg, Miller and Dormady distributed a letter first to the BCSD special education community, and then to the entire BCSD community, addressing the developments in the FLHS bathroom investigation, including the identification earlier that day of “a number of perpetrators.”³² On April 4, 2022, Adelberg distributed another letter to the BCSD community further addressing issues surrounding the FLHS bathroom investigation.³³ Miller distributed a letter discussing these issues to the FLHS community on April 7, 2022.³⁴

2.4.6 Administration Timeline

On April 7, 2022, at 12:22 pm, Adelberg informed Miller the Board of Education had scheduled an Executive Session meeting for April 8th. Adelberg requested Miller attend the meeting with Adelberg so Miller could “speak to the timeline” of the events associated with the bathroom investigation. At 12:32 pm on April 7th Miller forwarded Adelberg’s email to Spector and wrote, “I really need a timeline for the first week by tomorrow.” At 2:22 pm that afternoon, Spector emailed Miller, “Here is the timeline and notes that I am still working on. My detailed notes are in my office, so I am doing my best from afar.” Spector provided Miller with links to a Google drive “that has all the information – videos, statements, complaints and now this timeline.”³⁵

In Spector’s timeline, under the heading “Week of March 21” he noted, among other activities: “Investigation continued” and “Additional statements were collected.” Spector did not note in the timeline that two of the statements that “were collected” were admissions by two students to having taken and circulated photos of special education students in the bathroom.

Under the heading, “Week of March 28” Spector noted: “As a result of information shared from the Bedford PD with FLHS, four students were identified and suspended for 5 Days OSS + Sup’t Hearing for taking and/or sharing photos/videos of students in the bathroom.” This is the first and only entry in the

³² A copy of this letter is appended as Exhibit 2

³³ A copy of this letter is appended as Exhibit 3.

³⁴ A copy of this letter is appended as Exhibit 4.

³⁵ At the outset of the investigation, Kroll had requested all documentation prepared by the administration concerning their investigation. Kroll received access to the contents of the Google drive, however, only after we saw references to the Google drive in our email review and specifically requested access to it.

timeline on the subject of the identification of students who had taken photos and videos of special education students in the boys bathroom.

Kroll asked Spector about his obscure reference in the timeline to “additional statements taken” and the absence of any reference anywhere in the timeline stating two students had confessed on March 21st to taking photos of special education students in the boys bathroom, confessions Spector admitted to Kroll were significant pieces of evidence and “a big deal.” Spector’s response was that the March 21st statements were “Sitting next to the timeline in the [Google] folder.”

2.4.7 April 6, 2022 Board of Education Meeting

During its April 6, 2022 Board of Education Meeting, the Board accepted a resolution, in a 7-0 vote, to hire “an independent third party . . . [to] review the recent incident at the high school to determine how our current policies, procedures, practices, culture and training can be improved to align with best practices to better protect the safety and privacy of all students, with an extra focus on the safety and privacy of our special education students.”

2.4.8 April 8, 2022 Board of Education Executive Session

At the April 8th Board of Education meeting, during an executive session, Miller briefed the Board on the timeline of the administration’s investigation into the bathroom incidents. According to the Board’s notes of the session and the recollections of the members of the Board, Miller never advised the Board two students had admitted in handwritten statements on March 21st that they had taken photos of special education students in the boys bathroom. Several Board members specifically recalled Miller saying, in response to their questions, the administration had interviewed multiple students the administration thought may have been involved and “nobody cracked.” The Board’s notes of Miller’s presentation reflect Miller told the Board, “4 alleged perpetrators” were identified “by Thursday March 31st” after a parent posted a reward on social media on March 30th.³⁶

³⁶ Also on April 8th, the Board requested and received from Miller a list of additional personnel needs of the high school, including the hiring of another safety monitor. A copy of Miller’s submission to the Board is appended as Exhibit 5.

2.4.9 April 8, 2022 Superintendent's Hearings

Also on April 8th, Superintendent's Hearings were held for Students #6 and #8. Miller testified under oath for the hearing officer at both hearings.³⁷

At the hearing for Student #6, Miller testified in part:

[REDACTED]

Miller described the photograph taken by Student #6 as a selfie with Student #6 in the foreground and the special education student in the background standing at a urinal with his pants down and his buttocks exposed. [REDACTED].

Miller did not advise the hearing officer that Student #6 had admitted on March 21st, before photos were provided to the police on March 31st, he had taken a photo of a special education student in the bathroom. When Kroll asked Miller why he had not mentioned during his testimony Student #6's March 21st admission, Miller gave several reasons, including "it was not purposeful," they "had pictures," and the case was "solved" and "closed."

A Superintendent's Hearing was also held that same day for Student #8, whose involvement in taking a photograph of a special education student was not known until March 31st when the photograph he had taken was provided to the police in response to the flyer posted by one of the parents. The photograph was a selfie with Student #8 in the foreground and a special education student in the background standing at a urinal with his pants down and his buttocks exposed. Miller testified Student #8 admitted he had taken the photograph after the photograph was produced by the police. [REDACTED]

³⁷ Kroll was provided audio recordings of these two hearings, as well as the hearing for Student #7 discussed below.

2.4.10 April 20, 2022 Superintendent's Hearing

On April 20th Miller testified under oath for the hearing officer at Student #7's Superintendent's Hearing. In describing the evidence against Student #7, Miller described how Student #7 was questioned by Dean Mulvey on March 21st and had admitted [REDACTED]. [REDACTED]. Miller then described how a parent of an alleged victim had offered a reward for information on the case on March 30th, and how this resulted in photos and videos being provided to the police on March 31st. The police linked one of those videos to Student #7's snapchat account, and Miller offered a screen shot taken from that video into evidence. The screen shot depicted a special needs student standing at a urinal with his pants down around his ankles and his buttocks exposed. During his testimony, [REDACTED]

A Superintendent's Hearing has not been held to date for Student #9, whose involvement in taking a photograph of another student was not known until March 31st when the photograph he had taken was provided to the police in response to the flyer posted by one of the parents. The photograph was a selfie with Student #9 in the foreground and another student standing at a urinal in the background. Kroll has been advised Student #9 retained counsel.

3 BCSD Policies and Procedures

Kroll has reviewed the policies and procedures currently in place at BCSD and identified the following provisions as potentially relevant to the conduct associated with the Whistleblower complaint.

3.1 Dignity for All Students Act Policy

BCSD's Dignity for All Students Act ("DASA") policy, which is based on the New York State education law of the same name, states the following:

The District . . . prohibits all forms of harassment, bullying, and/or discrimination of students by employees or other students on school property, school buses, District vehicles, and at all school-sponsored or school authorized activities, programs and events, including those that take place at locations outside the district, or outside the school setting if the harassment, bullying, and/or discrimination impact the individual's education in a way that violates their legal rights, including when the harassment, bullying, and/or discrimination are done by electronic means (including on social media). The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression, sex, military status, age, marital status, pregnancy, or parental status, by employees or other students.³⁸

Potentially, the special education students who were photographed or videotaped without their knowledge in the boys bathroom were subjected to harassment, bullying and/or discrimination by other students based on their perceived disability.

Based on this potential violation, the following reporting requirements may apply:

All District employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. District employees must make an oral report promptly to the Superintendent or principal, their designee, or the DAC (Dignity Act Coordinator) not later than one school day after witnessing or receiving an oral or written report of harassment,

³⁸ The Dignity for All Students Act is a New York State statute that applies to all public elementary and secondary schools in New York State.

bullying, and/or discrimination. No later than two school days after making the oral report, the District employee must file a written report with the Superintendent or principal, their designee, or the DAC.

The Superintendent or principal, their designee or the DAC will promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination constitutes criminal conduct.

After Downes received the Whistleblower complaint on March 11th, she and the Whistleblower reported the information to Dean Alleyne, who shared the information with Assistant Principal Spector later the same day. Downes prepared a written summary of her involvement in bringing the Whistleblower's complaint to the attention of the administration, although it is not clear if it was within two days. The administration notified Officer Colello the following week.

3.2 Non-Discrimination and Anti-Harassment Policy

BCSD's Non-Discrimination and Anti-Harassment in the District policy, which is based in relevant part on Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, states the following:

[T]he District prohibits discrimination and harassment on the basis of any legally protected class including . . . Disability.

In this policy's description of "What Constitutes Discrimination and Harassment," it states the following:

Generally stated, harassment consists of subjecting an individual, on the basis of his or her membership in a legally protected class, to unwelcome verbal, written, or physical conduct which may include, but is not limited to: derogatory remarks, signs, jokes, or pranks; demeaning comments or behavior; slurs; mimicking; name calling; graffiti; innuendo; gestures; physical contact; stalking; threatening; bullying; extorting; or the display or circulation of written materials or pictures.

Potentially, the special education students who were photographed or videotaped could be considered part of a legally protected class who were subjected to unwelcome conduct that involved both demeaning behavior and the circulation of photographs and video depictions of them.

Based on this potential violation, the following reporting requirements may apply:

All District employees who witness or receive an oral or written report of discrimination and/or harassment must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination.

The BCSD's current Civil Rights Compliance Officers, or CRCOs, include Edward Escobar. The policy states the "CRCO will oversee the District's investigation of all complaints of discrimination and/or harassment." The administration did not notify Escobar, by his own account, until March 17th, nearly one week after the Whistleblower reported the complaint.

Escobar advised Kroll he followed the New York State DASA framework, and not "federal civil rights protocol," because pursuing a federal case would have been done by the parents of the victim and would have involved their "contacting the federal office in Brooklyn." Potentially, the special education students who were photographed or videotaped were subjected to discrimination or harassment as a result of their disability, in violation of their civil rights under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

3.3 Code of Conduct

BCSD's Code of Conduct states the following regarding "Student Rights":

The district is committed to safeguarding the rights given to all students under state and federal laws and district policy, including the right to due process. No student shall be subjected to discrimination and/or harassment and/or bullying by employees or students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (gender identity and gender expression) or sex.

The Code of Conduct then defines "harassment" as the following:

"Harassment" means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would

reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (gender identity and gender expression) or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

Potentially, the special education students who were photographed or videotaped were subjected to harassment on the basis of their perceived disability in a way that would unreasonably interfere with their well-being.

Based on this potential violation, the following reporting requirements may apply:

All district staff are required to orally report incidents of bullying, harassment or discrimination that they observe on school property or at school functions or that is reported to them to their supervisor, the Principal, the Principal's designee or a Dignity Act Coordinator no later than one school day after their observation or receipt of a report of harassment, bullying or discrimination. In addition, all district staff are required to file a written report of any incident of bullying, harassment or discrimination that they observe on school property or at school functions or that is reported to them to their supervisor, the Principal, the Principal's designee or a Dignity Act Coordinator no later than one school day after making the oral report.

The principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

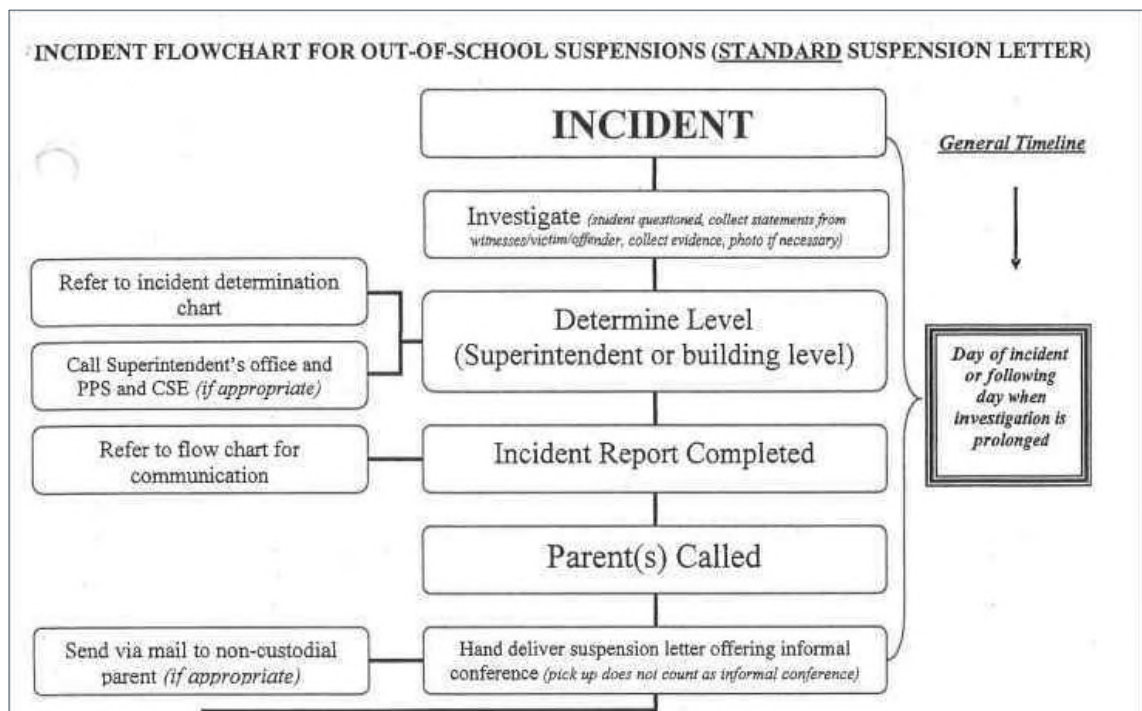
As noted above, after Downes received the complaint on March 11th, she and the Whistleblower reported the information to Dean Alleyne, who shared the information with Assistant Principal Spector later the same day. Downes prepared a written summary of her involvement in facilitating the Whistleblower's presentation of his complaint to the administration, and the administration notified Officer Colello during the following week.

3.4 Parental Notification Policy

3.4.1 Parental Notification in the BCSD

Kroll's review of the aforementioned BCSD policies identified no reference to any procedure or protocol for notifying parents when their child is named in a complaint (either as a victim or the accused) alleging a violation of DASA, the Non-Discrimination and Anti-Harassment policy, or the Code of Conduct.

Miller provided Kroll with a copy of a flowchart from the District's "Pupil Personnel Manual" or "PPS Manual," which is a physical binder of policy and procedure documents used by district administrators to address violations of the Code of Conduct. The first section of the procedural flowchart is depicted below:



Other members of the administration, including Piquero, referenced this flow chart as well.

This flow chart seems to indicate parents of a student accused of misconduct that could result in suspension should be notified by the day following an incident. As described above, the FLHS

administration and the BCSD's DASA coordinator interpreted the protocol to require notification of an accused and any victims only at the conclusion of an investigation.

3.4.2 Parental Notification in Neighboring School Districts

Kroll reviewed the policies available online for other public school districts located in Westchester County, New York and found that at least 22 school districts reference parental notifications in their policies. The following or similar language was identified in the policies of multiple school districts in Westchester County:

- a) Parents/guardians of student targets and accused students will be notified within one school day of allegations that are serious or involve repeated conduct.
- b) The parents/guardians of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
- c) If either the target or the accused is a student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law will be followed.

Kroll also found that many of these school districts maintain a Student Harassment and Bullying Prevention and Intervention policy, which includes parent notification guidance along the lines of the following³⁹:

Parents of student targets and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Based on the number of school districts that have such policies in Westchester County alone, it would be reasonable to assume the practice of notifying parents within one day of a serious allegation involving

³⁹ These school districts include: Briarcliff Manor Union Free School District, Bronxville Union Free School District, Dobbs Ferry School District, Eastchester Union Free School District, Elmsford Union Free School District, Irvington Union Free School District, Lakeland Central School District, Peekskill City School District, Port Chester Public Schools, Rye Neck Union Free School District, Somers Central School District, Tuckahoe Union Free School District, the Public Schools of the Tarrytowns, White Plains Public Schools, and Yorktown Central School District.

their child is considered standard protocol. In our research we did not identify any of the other districts requiring that the school administration obtain evidence corroborating a serious allegation prior to notifying parents of the victim and the accused.

4 Findings

4.1 The Prompt Response to the Whistleblower's Report

The FLHS special education staff took prompt steps after receiving the Whistleblower's report of misconduct to strengthen the protocols around the supervision of special education students in the boys bathroom to ensure similar acts affecting their security and privacy would not recur. Following the Whistleblower's report on Friday March 11th Mary Downes communicated over the weekend with Deana Longden, the Special Education Coordinator for the BCSD, and Diana Binger, the social worker assigned to both of the named potential victims of the misconduct, and advised them of what had happened on Friday. Downes, Longden, and Binger implemented procedures starting on Monday March 14th to ensure special education students were safe and protected when they used the FLHS bathrooms. In the weeks that followed the special education staff adjusted and strengthened those procedures further in consultation with the parents of special education students. Kroll was impressed with the dedication and commitment of the special education staff and their unwavering determination to protect their students from further harm. Kroll found no evidence the FLHS administration had received notice or knew of the misconduct prior to March 11, 2022.

4.2 The FLHS Administration's Investigation

The FLHS administration's investigation into who was responsible for engaging in the misconduct, however, was deficient in multiple respects, as was the administration's communication of its findings to the Superintendent, the Board, and the FLHS special education community.

4.2.1 Lack of Leadership over the Investigation

A major deficiency in the administration's response to the March 11th report of misconduct was the failure of anyone in the administration to acknowledge leadership and responsibility over the investigation. Everyone involved in the investigation – Principal Miller, Vice Principal Spector, and Deans Alleyne and Mulvey – told Kroll they worked collaboratively on the investigation into the Whistleblower complaint, but no one person was in charge or responsible for the decisions made. This lack of leadership adversely impacted every aspect of the investigation, including what investigative steps were taken, when they were taken, what notifications were made or not made to key constituencies, and the content

of those communications. When responsibility is shared among as many as five people, no one ends up being responsible to ensure their collective response is thorough and complete. When no one is in charge, no one ensures all key participants in the investigation receive critical information they need to carry out their responsibilities. For example, Deborah Dormady told Kroll that, as the Director of Special Education, she “should have known everything” relating to the investigation in real time, but was never told two students – one of whom was himself a special education student – had confessed to taking photos of special education students in the boys bathroom on March 21st, a full 10 days before photos of the misconduct were obtained by the police and shared with the administration. Nevertheless, the special education staff successfully took the necessary remedial actions required to protect their students, but they did so without the benefit of up to date information on the progress of the investigation. In other words, they assumed the allegation implicating the privacy and personal dignity of special education students was genuine, as opposed to a mere rumor, even though the administration already knew it was a fact.

4.2.2 Lack of Contemporaneous Notes and Records of the Investigation

Another result of the lack of leadership was the near universal practice of the administration and staff to not take notes or maintain records of the meetings they attended, the evidence they gathered, the students they interviewed, when they interviewed the students, what the students told them, and other key details. This lack of note taking and record keeping had a number of negative consequences.

First, it resulted in many members of the administration and staff claiming they could not remember key details of the investigation, including what meetings they attended and what was said at those meetings, which students they interviewed, when they interviewed those students, and what the students said in the interviews, among other important details.

Second, it resulted in the administration making material misjudgments because they did not contemporaneously record or accurately remember the content of key communications. No one at FLHS, other than Mary Downes, took notes of the content of the Whistleblower’s report. As a result, when interviewed by Kroll, everyone except Mary Downes had an incomplete and in some cases inaccurate recollection of the allegations they were investigating.⁴⁰ The Whistleblower reported on March 11th that students had taken photos and video of two named special education students in the boys bathroom

⁴⁰ No one in the administration seems to have read or credited Mary Downes’ one-page summary of the Whistleblower’s report.

and “[REDACTED].” The Whistleblower also said he had seen video on the phone of one of the students who took the video. The Whistleblower described with particularity that the photos and video displayed the two special education victims with their pants down and their buttocks and genitals exposed. Given what the Whistleblower said and when he reported it, Mary Downes reasonably concluded the activity had been going on for a long time *and may have occurred* on March 11th, although she acknowledged she was not sure about March 11th given what the Whistleblower said.

Despite the content of the Whistleblower’s statement, Miller and Spector told Kroll the allegation they were investigating was that photos and video were taken on March 11th while the Whistleblower was in the bathroom with both named victims, even though the Whistleblower said, “[REDACTED],” and he did not say he was in the bathroom with both victims when the photos and video were taken.

The mischaracterization of the allegation they were investigating led Miller and Spector to reach inaccurate conclusions about the credibility of the Whistleblower’s report.⁴¹ They and Mulvey concluded no misconduct had occurred on March 11th since the March 11th video of the hallway outside the 2nd floor boys bathroom showed the Whistleblower was not in the bathroom with both victims and the suspected perpetrator, Student #3, at the same time and therefore could not have witnessed Student #3 taking photos or video of SE Students #1 and #2. This conclusion was incorrect because the Whistleblower did not say he was in the bathroom with both victims while photos or video were taken. He also did not say the taking of the photos and video happened on March 11th. His statement was the activity had been [REDACTED]

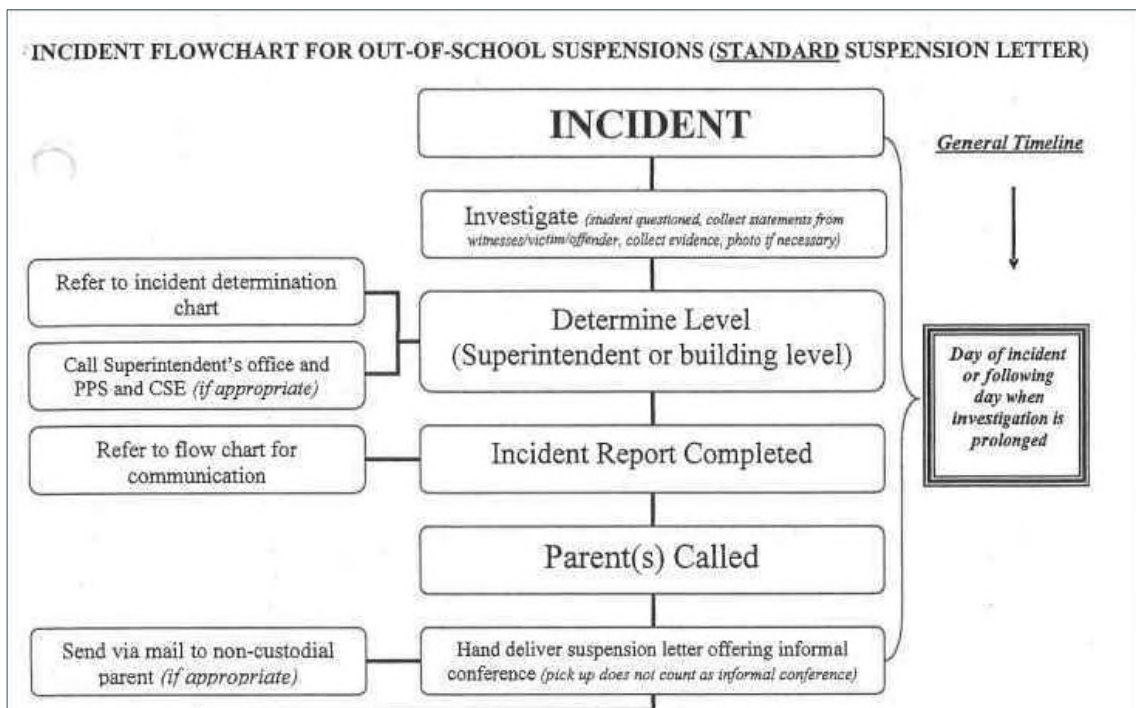
Miller also relied on his inaccurate account of the Whistleblower allegation as an explanation for his inaccurate statements to the Superintendent, the Board, and the parent of SE Student #2. He told each of these key constituencies there was no evidence of the misconduct in the boys bathroom even after he had received the March 21st student admissions. Because both students admitted on March 21st to having taken photos, not on March 11th, but in the past, and because Miller claimed he was “hyper focused on March 11th,” he told Kroll his statements that the administration had “no evidence” or “corroborating stories” that misconduct had occurred and that “nobody cracked” were referring only to March 11th, and not to any activity before March 11th. In Kroll’s judgement, Miller’s explanation for his

⁴¹ In their interviews with Kroll, Miller and Spector both mischaracterized the specificity of the Whistleblower’s report, which purported to be an eyewitness account of what he personally saw on the phones of other students. Miller referred to the Whistleblower’s account as a mere “rumor” while Spector described it as a “vague and ambiguous report.”

inaccurate statements to the Superintendent, the Board, and the parent of one of the victims cannot be justified under any reasonable interpretation of the Whistleblower's report. Nevertheless, Miller's and his staff's failure to document what they were investigating certainly contributed to his errors in judgement.

4.2.3 Lack of a Formal Policy on Parental Notification

The BCSD lacks a formal policy for when the school administration must notify parents of students who have been identified as the accused or a potential victim of misconduct involving a violation of DASA, the Non-Discrimination and Anti-Harassment policy, or the Code of Conduct. Miller provided Kroll with a copy of a flowchart from the District's "Pupil Personnel Manual" or "PPS Manual," which is a physical binder of informal policy and procedure documents used by district administrators to address violations of the Code of Conduct. The first section of the procedural flowchart is depicted below:



Other members of the administration referenced this flow chart as well.

This flow chart would seem to indicate that parents of a student *accused of misconduct* that could result in suspension should be notified by the day following an incident. The flow chart makes no mention,

however, of any obligation to notify the parents of *potential victims of misconduct* that their children may have been the target of harassment or discrimination. Every member of the FLHS administration and the BCSD's DASA coordinator interpreted this protocol to require notification of an accused and any victims *only* at the conclusion of an investigation, however long that might take.

Edward Escobar, the Director of Pupil Services at BCSD and its DASA Coordinator, told Kroll the BCSD did not have a formal district policy spelling out how much evidence would be sufficient to notify parents their children were potential victims of student misconduct. He also advised Kroll the allegation by the Whistleblower that SE Student #1 and SE Student #2 were the victims of harassment and discrimination, and the admissions by Student #6 and Student #7 that they had taken photos of special education students in the boys bathroom, were not enough to warrant notifying the parents of SE Student #1 and SE Student #2 that the school had confirmed the alleged misconduct had occurred. Escobar specifically mentioned that the Administration had not confirmed SE Student #1 and SE Student #2 were the victims of the misconduct admitted by Student #6 and Student #7. In Escobar's judgment, the school notifies parents when the school's investigation is completed. Escobar advised Kroll his conclusion in this matter was not altered because the potential victims were non-verbal special education students. Miller, Spector, and Piquero, concurred with Escobar's judgment that the parents of potential victims should not be notified until it was confirmed their children were victims of the misconduct.

Kroll reviewed the policies available online for other public school districts located in Westchester County, New York, and found the informal policy followed by the FLHS administration is contrary to the policy followed by other neighboring school districts.

At least 22 school districts reference parental notifications in their policies. Many of these school districts maintain a Student Harassment and Bullying Prevention and Intervention policy. These policies uniformly require that parents of students involved in incidents of harassment or bullying either as the victim or the accused should be notified within one school day of the allegations. Based on the number of school districts that have such policies in Westchester County alone, it would be reasonable to assume the practice of notifying parents within one day of a serious allegation involving their child is considered standard protocol. None of the other districts share the BCSD's expectation that the school administration obtain evidence corroborating a serious allegation prior to notifying parents of the victim and the accused.

During the interviews conducted by Kroll, no member of the administration provided Kroll with a persuasive or compelling rationale in support of BCSD's then current policy of not notifying parents promptly when their children are involved in serious incidents of harassment or discrimination. Every explanation provided to Kroll as to why that policy was sufficient boiled down to the administration not wanting to alarm parents prematurely or unnecessarily.

Kroll recommends the BCSD join its neighboring school districts and adopt a policy requiring prompt parental notification of serious or repeated incidents of harassment, bullying, or discrimination involving their children as victims or accused.

4.2.4 Lack of Timely and Accurate Information Sharing with Key Constituencies

The administration distributed incomplete and inaccurate information to key constituencies throughout the investigation. Principal Miller provided most of these inaccurate or misleading communications, which include the following:

- On March 22nd Miller and Escobar attended a meeting at FLHS to update Adelberg and Colello about the progress of the bathroom investigation. By the accounts from those in attendance at this meeting, Miller did not tell the attendees Student #6 and Student #7 had admitted in writing the day before to having engaged in the past, though not on March 11th, in the very conduct the school had been investigating: the taking of photos of special education students in the boys bathroom.
- On March 23, 2022, the parent of SE Student #2 emailed Adelberg, Dormady, Miller, Spector, and Escobar, attaching a Bullying/Harassment complaint form, and noted how he had spoken with the principal and vice principal on March 21st and March 22nd and was told by them "they had interviewed 13 students but had no corroborating stories to say there was an actual video."
- On March 31st, just hours before the parent of SE Student #2 delivered a burner phone to the Bedford Police with photographic evidence conclusively proving FLHS students had in fact taken compromising photos of special education students in the boys bathroom, Miller sent an email to Adelberg again repeating the statement, "As of yesterday, my understanding is that 4/5 students have been questioned by police to no avail. This is still no evidence of who might have done (sic) and if it exists."

- On April 8th, during a presentation to the Board in executive session, Miller did not mention the March 21st admissions by Students #6 and #7 in his timeline of the investigation, and again gave the impression that the first time any students were identified as having engaged in misconduct was following the disclosure of photos and video by the police on March 31st. In response to questions from the Board regarding the steps taken by the administration to identify the perpetrators, Miller said the administration had interviewed multiple students and “nobody cracked.”
- Miller did not mention the March 21st admissions by Student #6 on April 8th during his testimony at the Superintendent’s Hearing for Student #6. Testifying under oath he stated Student #6’s misconduct came to the administration’s attention on March 31st when the police produced a photo Student #6 had taken of himself and a special education student in the boys bathroom at FLHS.

Even assuming for the sake of argument the sincerity of Miller’s explanation that in each of these instances he was referring only to the absence of evidence corroborating that photos or video were taken in the boys bathroom on March 11, 2022, the wording and context of these statements were misleading. The relevance of the admissions made on March 21st was they each independently confirmed the misconduct at the heart of the Whistleblower’s report was not mere “rumor” or a “vague, ambiguous report” as Miller and Spector described it. The March 21st admissions confirmed the misconduct alleged by the Whistleblower had actually happened. Miller was in possession of evidence the students had taken compromising photos and video of special education students in the boys bathroom and circulated them to others, although not definitively on March 11th. As a result, Miller should not have been making statements to key constituencies after March 21st that the administration had no evidence misconduct had occurred in the boys bathroom.

Moreover, even after two separate interviews, Miller could not articulate a reason to Kroll for not informing Superintendent Adelberg about the March 21st student admissions when they met in person at FLHS on March 22nd, the day after the admissions were made. Miller’s failure to keep the Superintendent fully briefed in a timely manner on the major developments in the investigation hindered Adelberg in fulfilling his obligations to the Board and the FLHS community. While Spector shared with Escobar a link to a Google drive containing the statements on March 25th, Miller as a direct report to the Superintendent should have ensured the Superintendent was fully briefed with accurate and complete

information as such information became known to Miller so the Superintendent could properly discharge his duties to the Board and the FLHS community.

Both Spector and Escobar also bear some responsibility for the March 21st admissions not being shared with key constituencies, although Spector it must be said was on medical leave from March 23rd to April 23rd. Spector prepared the administration timeline Miller used to brief the Board on April 8th, and that timeline failed to mention the March 21st admissions. Under the heading “Week of March 21” Spector wrote, “Investigation continued” and “Additional statements were collected.” The only entry in the timeline on the subject of the identification of students who had taken photos and video of special education students in the boys bathroom was “As a result of information shared from the Bedford PD.”

Likewise, Escobar admitted to Kroll he was told of the March 21st admissions “around March 21st” and received access to the Google drive folder containing the admissions on March 25th, but he did not recall discussing the admissions with Superintendent Adelberg or giving him access to the Google drive folder. Escobar, as a direct report to the Superintendent, should have ensured the Superintendent was fully briefed with accurate and complete information as such information became known to Escobar so the Superintendent could properly discharge his duties to the Board and the FLHS community.

5 Conclusion

The FLHS special education staff should be applauded for the prompt steps it took after receiving the Whistleblower's report of misconduct on March 11th to strengthen the protocols around the supervision of special education students in the boys bathroom to ensure similar acts affecting their security and privacy would not recur. As described in this report, however, the FLHS administration's investigation into who was responsible for engaging in the misconduct was deficient in multiple respects, including lapses in leadership, failure to take contemporaneous notes of the investigation resulting in materially erroneous investigative judgments, and inaccurate and misleading communications with the Superintendent, the Board, and the FLHS special education community. Kroll recommends administration and staff receive training on the fundamentals of conducting effective investigations and communicating investigative findings to key constituencies. Moreover, the absence of a formal BCSD policy on parental notification contributed to the administration's missteps. Kroll therefore recommends the district adopt a notification policy more in line with the policy in neighboring school districts in Westchester County that will ensure parents receive prompt notification when their children are involved, either as a victim or accused, in serious or repeated incidents of harassment, bullying, or discrimination.

EXHIBIT 1

1. Mary Elizabeth Downes, Special Education Teacher, Fox Lane High School
 - July 26, 2022
2. Keith Alleyne, Dean, Fox Lane High School
 - July 28, 2022
3. Jason Spector, Assistant Principal, Fox Lane High School
 - August 2, 2022
 - October 4, 2022
4. Edward Escobar, Director of Pupil Services, Bedford Central School District
 - August 3, 2022
 - October 11, 2022
5. Brett Miller, Principal, Fox Lane High School
 - August 3, 2022
 - October 4, 2022
6. Daniel Mulvey, Dean, Fox Lane High School
 - August 9, 2022
7. Joel Adelberg, Former Superintendent, Bedford Central School District
 - August 10, 2022
8. Ana Piquero, Assistant Principal, Fox Lane High School
 - August 31, 2022
9. Magdalena Gomez, Special Education Teaching Assistant, Fox Lane High School
 - August 31, 2022
10. Christopher Colello, School Resource Officer, Bedford Police Department
 - September 8, 2022
 - September 13, 2022
11. Deana Longden, Coordinator of Special Class Programs, Bedford Central School District
 - September 15, 2022
12. Thomas Keane, Detective, Bedford Police Department
 - September 20, 2022
13. Deborah Dormady, Former Director of Special Education, Bedford Central School District
 - September 23, 2022
14. Members of the Board of Education



EXHIBIT 2



March 31, 2022

Below is a letter which we intend to send to the entire FLHS community today. We recognize that this is especially alarming to our Special Education community and, in respect, we wish to have you receive this first. The egregious behavior of this incident is one that our entire community needs to address.

As you may or may not be aware, we have had a very disturbing incident at Fox Lane High School which violated the privacy of some of our students. We are outraged and are actively working in concert with the Bedford Police Department regarding these allegations.

As of today, a number of perpetrators have been identified and swift disciplinary action is being taken by the district. We acknowledge how disturbing this is. The families directly impacted by this incident have been notified so that we can work with them. However, we believe that sharing this information with all is important.

We want to continue to take pride in our school community. We will continue to foster independence and inclusive opportunities for our students. We are committed to our core values. This incident serves to reaffirm the urgency in continuing to work with our entire student community on appropriate and respectful behavior and appreciation for the inclusion and safety of EVERY member of FLHS.

Our student's well-being is our top priority. We are actively reviewing procedures to ensure the safety and dignity of all of our students.

We know that you will continue to have concerns and questions. Please reach out at any time with your questions.

Sincerely,

Dr. Miller
FLHS Principal

Ms. Dormady
Director of Special Education

Dr. Adelberg
Superintendent of Schools



EXHIBIT 3



Dear BCSD Community,

The most important task of any district's leadership is to attract, hire and retain the strongest staff to support the best programming for our students. In the remaining days of my tenure in the BCSD, I will be working very closely with the incoming Superintendent of Schools, Dr. Glass, to make sure that he has the very best team of professionals to serve our students, families and staff moving forward.

I am aware that there are some members of the community, via their own social media networks, suggesting that we have a process in place that lacks integrity. I write to set the record straight and address any misinformation that might be out there. **To be very clear, I do not have a candidate in mind for this position, nor will I be the one to make the final recommendation to the Board of Education.** The facts:

- a. We have an opening for the Director of Special Education, effective July 1, 2022.
- b. The process of vetting candidates has begun. I, along with Ms. Haynsworth, our Assistant Superintendent for Human Resources, reviewed over 50 resumes. This is consistent with how we have always opened the process for the hiring of any leadership position in the BCSD.
- c. A number of candidates have been further screened by Ms. Haynsworth and have been invited to interview with a committee composed of parents and staff members. I do not know who the parents or the staff members are that will serve on this committee. I do not know who the candidates are who are moving forward to meet with this committee. I will not participate on this committee.
- d. Parent committee members were solicited from an "all-call" invitation that was sent district-wide. Ms. Haynsworth sought committee members representing all of our schools and programs.
- e. If and only if the committee deems any candidates worthy of additional consideration will they continue in the next steps of the process to conclude with an interview with Dr. Glass and with me. I have every intention of ultimately supporting Dr. Glass' recommendation as this individual will be a vitally important member of his leadership team. He will bring a candidate to the Board of Education.
- f. In the event that we do not identify the strongest possible candidate to lead our Special Education Department, Dr. Glass will determine the next step in consideration of an interim to lead the department on July 1.

I also wish to address the incident that occurred at FLHS and was shared with the community last week. As I shared, a number of FLHS students partook in an egregious act against some of their most vulnerable peers. I am aware that there are some in the community who are connecting this outrageous act to their campaign to stop the process for selection of a new Director of Special Education. I shared as much as a superintendent is able to share with the entire BCSD community



last week. **To be clear, there was no cover-up to this most disturbing act.** As we and the police were made aware of this, an investigation started immediately. Never would we knowingly risk the safety of our students. Additionally, immediate steps have been taken to address the continued safety and inclusion of all students.

I also know that there are some who want to know how justice is being served. I am not at liberty to share matters of discipline concerning individual students. We will adhere to our Code of Conduct and New York State Education law. What I can share is that we are continuing to work closely with the Bedford PD and that investigations are ongoing. Additionally, disciplinary hearings are scheduled to begin.

I have always served this district with the needs of our students, all of our students, as my guiding principle. I remain committed to the protection of all of our students. I also remain committed to ensuring Dr. Glass and all of you that we will continue to attract and attain the highest quality staff to serve our district and lead our schools.

Sincerely,

Dr. Joel Adelberg
Superintendent of Schools



EXHIBIT 4



The Fox Lane High School

P.O. Box 390 | Route 172
Bedford, NY 10506
(914) 241-6085



Dr. Brett Miller
Principal

Ms. Ana Piquero
Mr. Jason Spector
Assistant Principals

April 7, 2022

Dear Fox Lane High School Community,

I hope this email finds everyone ready for a well deserved Spring Recess next week. As we all know, this has been one of the most challenging years we have faced in public education. Fox Lane High School is an amazing place with an incredibly dynamic, caring faculty and staff, and a student body with unlimited energy and potential. As we look to the future, it is important for us to take an honest look at our school community and plan a path forward that best meets the health and safety, social-emotional and academic needs of our students.

Recently, Governor Hochul has lifted the mask-mandate in schools across New York State and in doing so a greater degree of “normalcy” has returned to our school. However, the last two years of remote learning, long periods of social isolation, canceled school events, and key rites of passage have taken their toll on us all. As I have communicated often throughout the year, we have been working through a number of difficult issues as the year has progressed. Most recently, a communication was shared last Thursday regarding a disturbing incident at Fox Lane High School which violated the privacy of some of our students. We have actively worked in concert with the Bedford Police Department to respond to these allegations. We fully realize how incidents like this and others not only need to be addressed through the BCSD Code of Conduct, but also need to be seen as an opportunity for our school community to learn and grow together towards becoming an even stronger and inclusive community.

To that end, we have been collaborating this week with student leaders, FLHSA parent leaders, teacher leaders, and administration to seize this moment and move ahead together. To accomplish our work we are planning:

- Class assemblies to address recent school issues, April 26-29
- Junior Volunteer Day, May 20, 2022
- 9th and 10th grade program on the appropriate and positive use of social media, May 20, 2022

In addition, we will continue to foster independence and inclusive opportunities for our students both organically and through awareness events. By working together, we can be the school we aspire to be.

Please be reminded that as a school we rely on the support and cooperation of everyone to keep our school healthy and safe. Please remember the following:

- If you SEE SOMETHING- SAY SOMETHING to a person at the FLHS who can help you.
- Utilize [Anonymous Alerts](#) to share information with school administration.

Events this year reaffirm the urgency in continuing to work with our entire student community on appropriate and respectful behavior, making positive decisions, and appreciation for the inclusion and safety of every student at FLHS. We are a school community that cares and looks forward to a positive and productive future!

Sincerely,

Principal, Fox Lane High School



EXHIBIT 5

FLHS Proposal of Safety Needs

1. Deans:

Reducing one section of teaching responsibilities, adding time for dean work

- Dan: .4 Teaching / .6 Dean
 - Rationale:
 - Increased presence in the building
 - Additional time needed to address student needs
 - Relief for administration
 - Opportunity for proactive conversation and intervention
- Keith: .4 Teaching / .6 Dean
 - Rationale:
 - Increased presence in the building
 - Additional time needed to address student needs
 - Relief for administration
 - Opportunity for proactive conversation and intervention

2. Safety Monitors:

Adding additional safety support to address needs at various times of the day, specifically adding support after school while maintaining the before school staffing that is currently in place

- Full Need: +1.0 FTE Safety Monitor
 - Additional safety monitor hire to work the hours of 10AM - 6PM
 - Provides additional supervision during most of the busiest and complex times of the day
 - Lunch
 - Dismissal
 - After School & Athletics
 - Should help to offset costs of athletic supervision
 - Provides backup support for Hillside in case of Mike Ritter's absence
 - Number of monitors was 9 prior to budget cuts 6+ years ago. Currently, there are 6 monitors at FLHS, 1 at Hillside.

About Kroll

Kroll is the world's premier provider of services and digital products related to governance, risk and transparency. We work with clients across diverse sectors in the areas of investigations, expert services, cyber security, valuation, corporate finance, restructuring, legal and business solutions, data analytics and regulatory compliance. Our firm has nearly 5,000 professionals in 30 countries and territories around the world. For more information, visit www.kroll.com.

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