

For Immediate Release
Webster vs. Bainbridge Island School District
November 6, 2013

The Bainbridge Island School District (BISD) recently received Judge Terrence Carroll's verdict in the Webster v. Bainbridge Island School District case. The district refrained from providing a more detailed response until we had the opportunity to thoroughly review the decision with legal counsel and insurance officials. Those conversations concluded within the past few days.

In responding to the verdict, we want to reiterate that the district is deeply sorry for the events that occurred seven years ago and the impact that it had on the Webster family. We want to ensure that our schools are a safe place for every student. Sexual harassment should never be tolerated and any reports should be dealt with in a prompt and thorough manner. We also acknowledge that our investigatory procedures in 2006 were inadequate.

We have read with concern recent reports in local news media regarding this case. The district has not wanted to retry in the media a very difficult case that involved the personal information of multiple parties, and where there were significant factual disputes regarding the events in the fall of 2006. Unfortunately, the resurfacing of allegations, regardless of whether they were adopted by Judge Carroll, has made it necessary for the district to respond in greater detail.

A key area of factual dispute during the trial was the timing of the initial report of sexual harassment to school administrators. The plaintiffs claimed that they approached the high school administrators in September and October with reports of harassment toward their child, and that the district ignored their complaint. The district denies these allegations. The district acknowledges that its high school administrative team received an e-mail from a teacher on November 9, 2006 reporting the allegation. Judge Carroll concluded that there was sexual harassment prior to the district finding out, but that it was most likely that school administrators gained knowledge of the allegations by November 2006. Judge Carroll noted in his letter that, "The damage awards here are only for harm caused *after* the school district became aware of the situation and, by its own admission, failed to intervene promptly and effectively."

There were mitigating factors that do not forgive, but help explain the failure of school administrators to act promptly and effectively. The only documentary evidence notifying the district of the possibility of the harassment was the November 9th e-mail from a teacher received after school and immediately before a three-day weekend for Veterans Day. The e-mail identified one student who at the time of the email was not in school and was in custody of the juvenile detention authorities concerning another matter. That student was in school for a total of five days between November 9th and the December winter break. While the district made efforts to contact the student to investigate the allegation, Judge Carroll found the district should have done more. Judge Carroll specifically found that the district was not deliberately indifferent to the allegations, but their failure to adequately investigate the allegation was negligent.

At the trial the plaintiffs requested the court to grant them \$975,000 in damages plus attorney fees. The court provided a total judgment for \$300,000 and no attorney fees. The district does not plan to appeal the verdict. The district wants to acknowledge our mistakes from seven years ago, and move forward in our goals of educating all our students. The district is making public Judge Carroll's Special Verdict Form and Judge Carroll's supplemental letter so that the public may read Judge Carroll's decision (see attachments).

Some recent news reports were critical of specific school staff involved in this case. Some of these criticisms are misplaced and based upon allegations which were not accepted by the court. Judge Carroll did not find deliberate indifference on the part of Bainbridge High School staff, or the district. While any

individual can make a mistake, it is also important to recognize that Bainbridge High School has earned the reputation of an excellent school. An important part of school excellence is the high quality and dedication of its school staff and leaders.

It is also noteworthy that the district has already taken extensive corrective action to avoid any similar issues in the future. The district has revised its policies and procedures and provided training to its staff that specifically addresses harassment, intimidation and bullying. We are committed to providing a safe school environment for all its students. Below is a summary of the actions that Bainbridge High School and Bainbridge Island School District have taken since the 2006-2007 school year.

- Updated School District Policy 3700 (Prohibition Against Sexual Harassment) in February 2008 to meet current legal standards.
- Updated School District Policy 3706 (Prohibition of Harassment, Intimidation, and Bullying) in June 2011.
- Since 2007, yearly training of staff members.
- School officials train all students each year and throughout the year on issues related to harassment, intimidation, and bullying and how to report incidents.
- Our district website prominently displays information related to district policies, appeal processes, and information related to harassment, bullying and intimidation.
<http://www.bisd303.org/Domain/1322>
- The district has identified and posted its Harassment, Intimidation and Bullying Coordinator, and Title IX Coordinator.
- This year the District celebrated National Unity Day, and staff and students wore orange in support of wanting an end to bullying.
- The Bainbridge High School Administrative Team has updated its internal disciplinary processing and tracking procedures.
- The Bainbridge Island Police Department and Bainbridge Island School District meet monthly to review current concerns, and foster inter-agency cooperation.

After reviewing the judge's verdict, the district has also decided to provide additional training related to the investigation of student harassment allegations. The District has arranged for additional training of key staff members in this area in the near future.

As a school district, the safety of our students and staff is of paramount concern. We strive to improve the learning of our students in a safe and healthy environment. We have made substantial improvements in the area of student safety and will continue to strive toward achieving excellence in this area.