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Hamilton County Board of Education  
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Dear Hamilton County School Board members:

Attached you will find a report of the Hamilton County District Attorney's Office joint investigation with the Hamilton County Sheriff's Office into allegations of ongoing assaults, hazing and bullying among members of Ooltewah High School's varsity boys basketball team.

The delay of this report is due almost entirely to the continual stream of complaints regarding HCDE matters being reported to our office.

This report does not include each and every complaint that has been lodged. However, we did include a variety of complaints to demonstrate both the volume of complaints we received and the serious nature of those complaints.

In the section of this report that covers our findings regarding the December 2015 rapes of four freshman basketball players, we will not address the actual acts as those crimes were not prosecuted by this office.

If you want to discuss these findings or have any questions about this report, please don't hesitate to call my office.

Sincerely,

Neal Pinkston  
District Attorney General

# Investigation into Allegations of Ongoing Bullying, Hazing and Assaults Among Ooltewah High School's Varsity Boys Basketball Team

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## **INTRODUCTION:**

The week of December 20, 2015, the Ooltewah High School varsity boys' basketball team traveled to Sevier County, Tennessee, to compete in the Smoky Mountain Classic basketball tournament. During the course of the trip, three upperclassmen repeatedly assaulted the team's four freshmen players by isolating each of them, beating them with pool cues, and finally, using a pool stick to rape each boy. These attacks culminated the evening of Tuesday, December 22, 2015, when one of the freshmen was critically injured. The victim required emergency surgery to repair his damaged colon and bladder.

This incident was not made public until the following week, when the former step-father of the physically injured teen contacted news media. Through the media, family members of the OHS freshmen basketball players accused older teammates of an ongoing pattern of assaults allegedly committed under the guise of "hazing".

## **MAIN OBJECTIVES:**

On January 4, 2016, District Attorney General Neal Pinkston announced his office would lead an investigation to determine if any Ooltewah High School basketball players were assaulted in Hamilton County on December 19, 2015, as the team began its trip to Sevierville for the Great Smoky Mountain Christmas Classic tournament.

General Pinkston also asked the Hamilton County Sheriff's Office to work with his investigators to determine if allegations of an ongoing pattern (or culture) of violence among OHS athletes that had been reported by anonymous sources in the wake of the December 22, 2016, rape of a freshman player in Sevier County, Tennessee, could be substantiated, and if so, to determine the proper jurisdiction for prosecution.

Additionally, the original scope of the ongoing investigation included whether coaches and/or other school administrators hold criminal responsibility for failure to supervise students and/or failure as mandatory reporters to report suspected child physical or sexual abuse.

We requested the public contact our office with any information related to assaults, bullying and hazing behavior of any kind that has taken place among Ooltewah High School students.

The Knoxville office of the Tennessee Department of Children's Services was very helpful in providing background information for this investigation.

It should be noted Ooltewah High School's administration was less than helpful to our investigators throughout this process, resulting in the District Attorney being forced to involve the School Board's attorney to gain access to requested documents and make people available for interviews.

### **EXPANDED SCOPE:**

Public response to this investigation was both immediate and overwhelming. In addition to the dozens of complaints made directly to our office, Roy Exum of Chattanooga.com, David Carroll of WRCB-TV, and Kendi Anderson of the Chattanooga Times Free Press forwarded dozens of anonymous complaints they received. Some of these complaints were focused on Ooltewah High but a great deal of them relate to other schools within the Hamilton County Department of Education. The number of complaints and the nature of those complaints required we expand the scope of our investigation.

While we were not able to independently verify the majority of those anonymous complaints, the sheer volume of grievances speaks to widespread, systemic problems going unaddressed at every level within Hamilton County's public schools.

Hundreds of people took the time to articulate their concerns. Almost all of those people cited specific instances of being ignored, or worse, being intentionally refused attention by school personnel across the board, from the classroom to the central office.

The District Attorney has the authority to create a task force to implement necessary changes throughout the school system if a safe environment is not provided for students. The responsibility for creating and providing a safe environment rests solely with the Hamilton County Board of Education. It is crucial that those elected to oversee the school system acknowledge the problems that currently exist and take immediate and decisive action to ensure these problems are not allowed to continue to endanger children and that school administration be held accountable for its failure to maintain transparency with parents and the public.

## **FINDINGS:**

### **1. The Trip**

#### ***1.1 The trip was not approved as is required by Board policy.***

While OHS principal James Jarvis did submit a request to the Board seeking approval for the team to attend the Smokey Mountain Basketball Classic in Sevier County, the Board did not approve the trip. Therefore, the team travelled without permission on an out of town trip lasting several days. Such did not seem to matter to school officials or HCDE administration.

On February 15, 2016, Principal James Jarvis testified under oath in Juvenile Court that he was aware the field trip application he submitted to the Central Office was denied and returned to him for modification. Parents of the victims report being required to sign what they describe as a “waiver” for their children to be allowed to make the trip. We were not given a copy of this waiver.

It is unclear to what extent central office staff were involved in the decision to allow the trip to take place without Board approval. Regardless, it is clear the school did not follow Board policy. OHS staff had more than adequate foreknowledge of the Smoky Mountain Christmas Classic. 2015 marked the 20th anniversary of the tournament. Failure to make the trip without following the rules is unacceptable and the team should not have traveled.

#### ***1.2 No transportation plan was filed.***

As part of the field trip application, the principal is required to submit to the School Board a transportation plan. In this instance, the application submitted to the Board did not include any transportation plan. Instead, that section of the application was left blank. While giving sworn testimony in Juvenile Court on Monday, February 15, 2016, Ooltewah High School Principal James Jarvis could not remember how the team travelled to Sevier County, other than to say they did not take a bus or a van.

It is our understanding that Head Coach Andre Montgomery and volunteer coach Karl Williams drove most of the team members to Gatlinburg in their personal vehicles. However, we were told 12 players made the trip and thus we assume some players either drove themselves or rode with their parents to the tournament.

### ***1.3 Little or no adult supervision allowed ample opportunity for attacks.***

From the interviews we conducted with players, parents, and school officials, it appears there were no male chaperones to supervise the players other than the two coaches. Head coach Andre Montgomery, whose personnel file showed his teaching certificate expired in 2002, brought along his wife and 12-year old daughter.

The players recall being left alone for an extended period of time, for several hours, while the adults “went grocery shopping.” This left the older players with free reign to assault the freshmen. All four freshmen were tossed fully clothed into the cabin’s hot tub. Despite the freshmen players’ physical attempts to resist being carried, the older players overpowered them.

Throughout December 20th, 21st, and 22nd, the four freshmen were beaten with pool cues in separate attacks. And all four were raped with pool cues in separate assaults. We believe it is important to emphasize these attacks were not simultaneous. They did not happen all at once or within a small window of time. They were separate incidents that took place over a three-day period and at least one victim warned a coach they were happening.

The lack of supervision continued even after the coaches were aware of the seriousness of the attacks. According to the Gatlinburg police report, when the most seriously injured victim needed medical attention, both coaches took him to the hospital. In effect, the three attackers were left alone with their other three victims, as well as a 12-year old girl and the remaining five players. The only adult in the cabin during this time was Coach Montgomery’s wife.

### ***1.4 The coach and his wife attempted to cover up the crimes, failed to preserve evidence and told players to not discuss the incident with their parents.***

While the most seriously injured victim was at the hospital, Coach Montgomery’s wife tossed out the teen’s soiled clothing. The physical evidence of rape had to be recovered by the lead detective from a garbage can. Additionally, Mrs. Montgomery apparently cleaned the area where the attack took place, essentially erasing evidence of the crime.

The players we interviewed said Coach Montgomery told them all to keep quiet about the incident, to not even discuss what had happened with their parents. We can think of no acceptable reason for anyone associated with HCDE to ever actively encourage children to deliberately withhold information from their parents.

### ***1.5 The coach attempted to grossly minimize the situation.***

It appears Coach Montgomery initially intended to return the victim to the cabin and allow him to stay and continue to play in the tournament. Mr. Montgomery did contact the victim's mother but because he downplayed the situation she did not realize the serious nature of what had happened to her son and gave consent for her son to stay with the team. An assistant prosecutor from the Sevier County District Attorney's Office determined the player should be taken home immediately. As the victim was gathering his belongings to leave he passed out, requiring emergency transport back to Leconte Medical Center where he was transferred for emergency surgery at UT Medical Center.

Although there is no prescribed way for each victim of sexual assault to react, it is common for teenage male victims to conceal what happened to them. A large volume of national research shows boys who are subjected to sexual violence often minimize their attacks. In this case, each of the four freshmen downplayed the seriousness of what had happened to them. The coaches were not properly trained to recognize the symptoms of sexual assault, in particular how male victims often respond to sexual assault, and as a result did not recognize the gravity of the situation, thus failing to take an aggressive stance to protect the victims or ensure they received proper care.

## **2. Mandatory Reporting Failures**

### ***2.1 No school employees followed state law or HCDE policy regarding mandatory reporting of child abuse and child sexual abuse.***

Everyone in Tennessee is a mandated reporter of suspected or actual child abuse and child sexual abuse. At no time did Coach Montgomery follow the legal reporting requirements, despite having been previously employed by the Tennessee Department of Children's Services as a foster parent. Nor did volunteer coach Karl Williams or Assistant Principal Jesse Nayadley, who was in Gatlinburg for the tournament and took over supervision of the team while Coach Montgomery stayed with the injured victim. All three men were subsequently charged with Failure to Report Child Sexual Abuse.

A staff member at Leconte Medical Center called the Gatlinburg Police Department. At no point did anyone with Ooltewah High School or the Hamilton County school system notify the police, Juvenile Court, or the state Department of Children's Services, as is required by law. Yet during a January press conference, Superintendent Rick Smith told reporters that no adults did anything wrong.



***2.2 There is a glaring lack of training by HCDE regarding the duty to report suspected or actual child abuse and child sexual abuse.***

It is apparent from our interviews with all involved that the school system's noted lack of emphasis on the importance of child abuse and child sexual abuse reporting duties are at the foundation of the failure to report.

Ooltewah High School Assistant Principal Jesse Nayadley told our investigators he had "no idea" what a mandatory reporter is or what the requirements are for mandatory reporting. He implied he had never heard the term "mandatory reporter" and did not remember attending any training sessions regarding the duties of mandatory reporting.

We find this unacceptable for anyone employed by HCDE, much less someone who has spent his entire career as a coach and administrator within Hamilton County schools. An educator with Mr. Nayadley's position and tenure within the system should be well versed on both how to recognize abuse and his obligation to report abuse.

Merely providing employees and volunteers with access to information on their role as mandatory reporters is a woefully inadequate way to address the serious nature of child abuse and child sexual abuse.

***2.3 Volunteers are provided no training whatsoever.***

Assistant Coach Karl Williams had worked in a volunteer coaching role with Ooltewah High School for several years. He told our investigators he had not received any HCDE training as to the legal duties of mandatory reporting. Not only was he not required to attend any training, it was not offered to him should he have wanted the training on his own initiative.

Additionally, there is no requirement by the Hamilton County Department of Education that volunteers acknowledge they are even aware of the legal obligation to report abuse.

**3. Response to the out of town assaults.**

***3.1 OHS and central office administrators did not immediately end the trip.***

With a freshman player undergoing emergency surgery to repair his ruptured colon and bladder, and the three players accused of intentionally causing the injuries by

rape sent home, the reasonable and prudent action would have been for the team to immediately end the trip. Instead, Ooltewah High School Assistant Principal Jesse Nayadley, who supervised the team through the duration of the trip, decided the team should play in the tournament the following morning.

The morning after the attack, Assistant Principal Nayadley contacted Principal James Jarvis. Superintendent Rick Smith, Assistant Superintendent Lee McDade, and Secondary Operations Director Steve Holmes were also informed.

Together, Assistant Principal Nayadley and Principal Jarvis decided the team would continue to play in the tournament. Principal Jarvis contacted Assistant Superintendent McDade to make him aware of their decision to stay in Gatlinburg. Instead of acting as a voice of reason, McDade merely rubber-stamped the plan to allow the team to continue in the tournament.

### ***3.2 Parents of players were not immediately informed.***

The three freshmen that did not suffer obvious physical injuries were nonetheless beaten and raped. The five players who were not involved in the attacks were also impacted by the brutality they witnessed.

Assistant Principal Jesse Nayadley did not make an effort to communicate with the players' parents. The mother of one of the freshmen players said she called the coaches the morning after the most violent attack to find out if the team had won their game. That was the first time she was given any indication her son had been victimized.

Parents entrusted these coaches with the safety of their children. When that trust was violated there was no communication with parents, further fracturing the parents' confidence in the coaches and administration.

### ***3.3 Neither OHS or central office administrators acknowledged the seriousness of the attacks.***

With one player in the hospital and three others facing rape charges, it doesn't appear the administration of Ooltewah High or the Central Office grasped the gravity of the situation or the importance of addressing the looming crisis.

In addition to allowing the team to continue playing, the vague message sent up the chain of command from Lee McDade to Superintendent Rick Smith, and what Smith then relayed to Board members, did not accurately convey the horror of the assaults or the serious nature of the crisis HCDE was facing. In fact, it took another

day for Superintendent Smith to email the Board. He referenced an “incident” during an out of town trip but provided no significant details.

The week following the trip, several media outlets contacted HCDE administrators seeking more information about the assaults. Assistant Superintendent Lee McDade wrote in response to WTVC-Newschannel 9, “I am currently out of town and will be back in the office on 1/4 and will answer you after I return.” While we can appreciate Mr. McDade’s situation and understand the difficulty in being responsive to the media that sometimes arises when traveling, Mr. McDade should have referred the media to someone who would be able to provide information. The lack of response from Smith, McDade and others within the central office fueled the public’s anger.

Even after the basic outline of events became public, school administration seemed clueless. When a mother of one of the victimized freshmen went to Ooltewah High School to withdraw him from the school, office personnel wanted to know why she was moving her child to another school.

HCDE also failed to offer psychological counseling, or support of any kind, to the victims and the other teammates who were not involved in the attacks.

### ***3.4 The Superintendent failed to take the lead.***

There is no indication Superintendent Smith took his duty to manage the crisis seriously. It is unclear why he did not immediately take action to learn the details of the attacks or take the lead in HCDE’s response to the attacks.

Mr. Smith’s testimony during a Monday, February 15, 2016, hearing in Hamilton County Juvenile Court revealed he received two text messages on December 23, 2015, the day after the most serious assault. Mr. Smith asserted on the witness stand that he chose to take a backseat, citing the need to protect the ongoing criminal investigation. We find that an unacceptable approach. While school officials should not ever interfere with a criminal investigation, it is unfathomable that HCDE’s leadership would choose to sit back without, at a minimum, taking immediate steps to review procedures to help better ensure the safety of students.

Further, Mr. Smith failed to make a sincere effort to contact any of the parents of the victims or other players on the trip. He also failed to create and foster an open line of communication with the family of the hospitalized player. These are among the most basic responsibilities of a leader during a time of crisis and it is unacceptable that the man at the helm of Tennessee’s fourth largest public school system failed in these fundamental duties.

### ***3.5 The Superintendent failed to communicate with the Board and with the public.***

It is understandable that details of an ongoing criminal investigation should remain confidential. Yet it is impossible to understand why HCDE Board members, the parents of the more than 40,000 children who are entrusted to the school system's care, and the taxpayers of Hamilton County who provide millions of dollars for the school system's operation were not given answers to basic questions. During the first week of January 2016, WTVC Newschannel 9 sent the Superintendent a list of questions that included:

- Who were the chaperones in charge whenever the incident took place?
- Were there other assaults or attempted assaults?
- What other misbehavior was reported?

They received no answers from the Superintendent or anyone at HCDE.

It is also disturbing that the Superintendent failed to offer the public any meaningful assurance that school administrators would aggressively address the crisis and double their efforts to make student safety their number one priority.

It is our belief that had the main victim not suffered injuries, the incidents would never have been reported to the School Board or revealed to the public.

Once the full gravity of the situation did become known, Mr. Smith still remained largely silent. With the public left in the dark, people perceived HCDE employees who were involved as, at best, inept and at worst, criminally negligent. Due to the lack of communication, the public's confusion quickly turned to anger and as a result the negative impact to HCDE's reputation was far more severe than had the Superintendent communicated effectively.

## **4. Climate at OHS**

### ***4.1 Freshmen on the OHS varsity basketball team were subjected to repeated assaults under the guise of "hazing".***

Victims of basketball hazing assaults during the fall of 2015 talked of a history of such behavior. One incident was corroborated by the Gatlinburg investigation, the other instances are based upon hearsay. However, the students we interviewed told consistent stories detailing ongoing bullying and attacks by older players with little to no intervention from coaches.

The alleged hazing rituals, which are actually criminal assaults, include the “Freshmen Rack” which routinely happens in the locker room. With the lights off, older players pummel the freshmen with their fists.

Coach Montgomery has repeatedly described these assaults as “horseplay”. However, he denies having knowledge of any criminal activity. We find it incredulous that he did not know the extent and seriousness of the assaults. The coach’s office is adjacent to the locker room where most of the attacks took place. Players told us he would frequently hear screaming and enter the locker room to find the lights out and Coach Montgomery admits making players run as punishment for “excessive horseplay”.

Coach Montgomery was also responsible for supervising an after school study hall for players before the team’s practice. The freshman player who was most seriously injured during the Gatlinburg rapes recounted one afternoon prior to the Gatlinburg trip when his rapist began punching him during the study hall period. When the victim hit back, he was told freshmen are supposed to take the abuse without retaliating. We have been unable to determine if Coach Montgomery was actually in the room when this attack happened and if he was, why he did not intervene and report the incident to administration to have the attacker suspended from school.

#### ***4.2 OHS was notified by several parents in October 2015 of hazing going on within the basketball team.***

We spoke with parents who echoed accusations of ongoing assaults and detailed futile attempts to raise their concerns with school administrators. The parents of one prospective player in particular reported their son had been subjected to ongoing beatings as he participated in team tryouts. They took their concerns directly to Assistant Principal Jesse Nayadley, however, nothing was done to address the assaults.

We asked Assistant Principal Jesse Nayadley about these allegations. On two separate occasions during an interview with our investigators, he denied receiving any prior complaints of hazing or assaultive behavior (telling investigators “No, never” and “Never ever”). Yet that same afternoon he faxed us his own handwritten notes detailing parents’ complaints of hazing assaults.

#### ***4.3 OHS athletes continue to display bullying and threatening behavior.***

The pervasive predatory attitude among athletes at Ooltewah High School still exists. One of the victims of the January assaults, now a sophomore at a private

school, recently attended an OHS home football game with friends. During halftime, a group of OHS athletes threatened to attack him after the game. The boy became so worried for his safety that he called his mom to leave the game early.

While the decision to remove Principal Jarvis, Assistant Principal Nayadley, boys basketball head coach Montgomery and volunteer coach Williams from Ooltewah High was necessary, it was also reactive. However, with the information we've been provided, there is no evidence that the school or the central office have made any significant effort to educate athletes on the harmfulness of hazing or to change the culture that has allowed the hazing, harassment and bullying to remain an intrinsic part of Ooltewah High School's environment.

#### ***4.4 There is a history of hazing and assaults within the OHS basketball team.***

The main suspect in the Gatlinburg attacks testified under oath in Sevier County Juvenile Court that a similar assault happened to him when he was a freshman at a basketball tournament in Hilton Head, South Carolina, four years prior.

A former student athlete who attended OHS during the 2009-2012 school years, described the abusive behavior towards freshmen as an embedded part of the team's culture. So much so, none of the kids realized what was happening to them was illegal. At that time, Jesse Nayadley was the head coach, Andre Montgomery was assistant coach and this man asserts both coaches "were fully aware of what was going on and in some ways encouraged what was happening."

All those who contacted us described the abuse as routine. As such, 13 and 14 year old freshmen mistakenly assume this is normal behavior and that they are required to tolerate it. They describe the "freshman rack" as a rite of passage.

Each instance of assault that was reported to us and substantiated is time barred from prosecution by statute of limitations. In other instances, past misconduct could not be prosecuted because witnesses are unwilling to cooperate with law enforcement.

#### ***4.5 There is a history of hazing and assaultive behavior by students throughout the school's athletic teams and extracurricular groups.***

Once our investigation was publicly announced, our office received dozens of phone calls and emails detailing present and past instances of similar behavior at OHS. Many of these complaints were anonymous in nature.

- *Football*

Some called just to remind us of previous assaults involving Ooltewah High athletes that captured headlines, cases that have been prosecuted in regional courts.

The totality of these incidents does indicate a culture within Ooltewah High that is, at the very least, lax towards athletes who break the rules, and at most, offers an environment that fosters violent behavior.

One former student reported a 2010 incident during which the football coach watched as older students punched a freshman. The coach turned around and walked out of the room, allowing the assault to continue.

A man who attended OHS during the period 2009-2012 “vividly remembers seeing football players stuff their bags with cleats and strike freshmen on the team.” He recalls a freshman brought a taser to school for personal protection and was then punished after telling school administrators about the ongoing abuse he had endured.

- *Athletes threatened to rape a female student*

One woman reported problems that date back more than a decade ago involving football and basketball players. She was repeatedly bullied by team members who threatened to rape her. She was knocked down the stairs, cornered and groped in a supply closet. She reported at least one incident to former principal Ed Foster, who told her to dry her face and return to class. She said she asked to call her mom and he refused to let her.

- *Raider Team*

Students also report hazing within the JROTC’s Raider team. Beyond what would be considered acceptable testing to ensure a student possesses the mental and physical qualifications for participation, one student reported watching upperclassmen rub a rag on an applicant’s bare crotch. The Raiders Team Captain then “forced” the applicant to carry the rag with him for a week. (It’s unclear how the boy came to be naked in front of other team members.)

That same applicant was tied to a pole on the school campus during a team practice one chilly winter afternoon. To further the humiliation to the student, video of the incident was distributed to others via the social media app Snapchat.

When school administration became aware of what was happening, no action was taken, the humiliation continued and ultimately the student was told he would not be allowed to join the team.

#### ***4.6 There is a history of sexual abuse and other inappropriate behavior by teachers towards students.***

- *Stan Evans*

HCDE, Ooltewah High and Ooltewah Middle Schools have failed to protect students for decades. More than a dozen men stated in court documents that former Ooltewah Middle School teacher and Ooltewah High School coach Stan Evans molested them without consequence throughout the 1980s and 1990s. More than two dozen other men have claimed Evans also assaulted them. In 1998, Evans abruptly resigned, ending a 20 year career with HCDE. His resignation came shortly after a former student, who had graduated five years prior, filed a criminal complaint against Evans. By that time, the statute of limitations for prosecution had expired, so the young man and another alleged victim filed suit against HCDE for failing to protect them and failing to hold Evans accountable for molesting boys. At the time Evans resigned, Rick Smith was HCDE's Director of Middle Schools. He was accused then, as he was accused this year, of trying to sweep the problem under the rug.

- *Jason Hamrick*

In 2014, OHS former coach Jason Hamrick was allowed to resign following a Central Office inquiry into allegations a male student spent the night with Hamrick on at least 20 occasions. Complaints about Hamrick began thirteen years earlier, in 2001, during his first year with HCDE and continued throughout his tenure. He amassed repeated reprimands for sharing hotel rooms with students on school trips, having students sleep over at his house, and inappropriate sexual conversations with students. Yet HCDE continued to allow him access to children for 14 years.

## **5. Other Schools**

As noted at the beginning of this report, the scope of our investigation widened based on the volume of calls and emails we received from teachers and parents asking us to investigate incidents at other schools.



In many instances, people just wanted to be heard because they believe no one from HCDE is willing to take time to listen or to make a reasonable effort to address their concerns. A few of these stories involve unethical and/or potentially criminal behavior and those are being reviewed. However, most of these reported events do not rise to the level of criminal activity and simply illustrate a general lack of common sense and compassion.

For example, a student with cerebral palsy was suspended for striking another student with a ball during a game of dodge ball. No one within HCDE could articulate to his parents (A) why following the rules of dodge ball would lead to a suspension or (B) why their son would be put in such a physically challenging situation in the first place. They were given no recourse.

We will not list every complaint received but do want to document some of the most serious allegations to give the Board a better understanding of the types of incidents teachers and students are routinely facing.

### ***5.1 Orchard Knob Middle School teacher drugged by students.***

On January 19, 2016, an 8th grade teacher became seriously ill after being drugged by his students. He left his water bottle on his desk as he monitored students changing classes in the hallway. During this time, someone dropped pills into the bottle. As of this writing, the Central Office has refused to pay for any of his emergency medical expenses, despite this happening while he was on the job for HCDE. He maintains that Konnie Smithers, HCDE's Executive Consultant for Risk Management, laughed at him when denying his request for help. Further, it appears Orchard Knob Middle School administration has treated him as a criminal who must clear his own name instead of making a concerted effort to find and appropriately adjudicate the students responsible for endangering his life.

### ***5.2 East Ridge High School teacher accused of statutory rape kept teaching.***

In early 2016, our office was made aware East Ridge police were investigating allegations of a sexual relationship between a male East Ridge High School teacher and a female student. The allegations were reported to police by the school's principal, which confirms the administration was aware of the investigation. Despite HCDE having full knowledge of the statutory rape allegations, **the teacher remained in the classroom.** Ultimately, the teacher was not formally charged, not because the allegations are untrue, but because the victim would not cooperate with prosecution.

### ***5.3 Hixson Middle School student broke teacher's jaw.***

In January 2014, a teacher was punched in the face by a student at Hixson Middle School. As a result of her serious injuries, the teacher was required to undergo extensive dental work to repair the physical damage. Not only did the teacher suffer physically but emotionally as well. She required treatment for Post Traumatic Stress Disorder to deal with the significant mental and emotional ramifications of the attack against her. Instead of supporting this nationally board certified teacher and actually assisting her recovery in a meaningful way, HCDE refused to pay for the counseling she needed to be able to become productive again.

### ***5.4 Signal Mountain Middle/High students wearing GPS ankle monitors.***

The parent of a Signal Mountain Middle School student wanted us to know her 6th grader is in the cafeteria each day with high school students who wear court ordered GPS tracking devices on their ankles. Her daughter was disturbed by the older students' obscene language so she asked her teacher to tell them to be quiet. The teacher refused to act but instead pointed to the ankle monitors and expressed a fear of disciplining the boys. When a teacher is scared to stop students from yelling obscenities across the cafeteria, what message does that send to other students, particularly much younger students, about their own safety?

When this parent tried to discuss her concerns with school leaders, she was ignored. We understand the strict confidentiality requirements that prevent HCDE from providing personal information about students, however, when school leaders refuse to release information to a parent, what does the parent assume? He or she assumes the other student is being protected at the expense of their own child. It is imperative parents be given enough information to understand the circumstances and be reassured their children are in an emotionally and physically safe environment.

### ***5.5 Complaints about Hixson High coaches ignored.***

We received complaints about a law enforcement officer appointed to voluntarily coach girls' soccer at Hixson High School. He is known for making inappropriate remarks and frequently using profanity in front of students. On at least one occasion he turned on water sprinklers while the girls were wearing only white sports bras. The ensuing banter between players and coach referenced a wet t-shirt contest.

In another instance, a student repeatedly asked to be assigned a gym locker but did not receive any response from the Physical Education coach. Eventually the girl

told her mother, who also emailed the coach. When the mother did not receive a response, she contacted school administration. Later, the coach called the student a “snitch”. When the girl cried, her mom requested a parent/teacher conference, during which the principal questioned the girl’s hearing. The mother doesn’t believe the principal took any measures to make sure the coach would improve his communication efforts with parents.

### ***5.6 Ooltewah Middle School bullying problems largely ignored.***

An Ooltewah Middle School bully attacked another student, resulting in the victim being given a concussion. The assault happened before the Christmas break of the 2015-16 school year. When students returned to classes after the holidays, the victim was dismayed to see his attacker once again sitting in a class they shared. By the end of January, the bully was once again threatening and taunting the victim. Understandably, the parents of the victim believe their son was not adequately protected from his abuser and that the school failed to take appropriate measures to ensure their son would not be subjected to a threatening environment.

In an unrelated situation, another Ooltewah Middle School student was jumped and beaten on a school bus. School administration immediately suspended the victim, for reasons we do not understand, but then allowed him to ride the bus home at the end of the school day. The child’s mother was not contacted. There was no effort made by the school to inform her about the circumstances surrounding her son’s suspension. Once the boy returned to school following the suspension, he was attacked again. This time his nose was broken. Once again, no teachers or administrators called the victim’s mother. The victim was not taken immediately to an emergency room to see a doctor. His mother learned of the attack when he arrived home at the end of the school day.

Due to the lack of communication from school administrators and the apparent lack of concern for her son’s well being, this parent has moved her children to another county’s school system. When she received her son’s record to take to the new school system, she learned Ooltewah Middle School administrators had documented her son as the instigator of both assaults. She contacted the school to find out why the record did not accurately reflect that her son was the victim of two unprovoked attacks by the same bully. She was told this was done “so he didn’t get made fun of for getting jumped.”

## **6. Across the system, no accountability**

### ***6.1 No public reporting of safety issues.***

Almost none of the incidents at other schools that have been reported to us have been made public. The Board of Education has not been informed of most of these incidents and only a couple of them received media coverage. We are disturbed by the degree to which the school system has withheld information from its own Board and from parents and taxpayers. The public should not have to make any effort to discover what is happening within it's own school system. HCDE has a duty to keep the public informed of every aspect of its operations, particularly whenever safety of students or personnel is jeopardized or violated.

### ***6.2 No tracking of complaints for bullying.***

It is equally troubling to learn HCDE either does not have a system in place (or does not wish to confirm to us there is a system in place) to track bullying complaints made against students. Currently, a bully can be moved perpetually from school to school without a cumulative record that shows the nature and number of previous problems. If current psychological theories are accurate, a bully becomes increasingly violent and more dangerous the longer (s)he is allowed to victimize others. We believe a "bullying history" should be documented and should be shared with other schools as allowed by federal law.

### ***6.3 Limited ability to report bullying.***

Until the attacks against the OHS freshmen basketball players last December, HCDE had made no meaningful efforts to ensure bullying is adequately addressed or that students and parents are able to report bullying when complaints are not appropriately addressed at school level or whenever students want to make confidential reports. Once public outrage over the Gatlinburg attacks reached a groundswell, HCDE hurriedly announced a confidential bullying hotline that had been previously planned would be immediately activated. Obviously, the emotional and physical safety of students should be the number one priority of everyone affiliated with HCDE. It should not have taken four sexual assaults to prompt the activation of a confidential bullying phone line. And HCDE should do much more to eradicate bullying behavior within its schools.

#### ***6.4 Parents complaints go ignored.***

Many of the complaints we received did not involve crimes or in any way relate to student safety issues. These parents simply needed help and guidance. It is apparent from the volume of those calls and the similarity of the stories that complaints made to the central office often go ignored. We recognize there are 40,000-plus students and it is impossible for central office staff to personally communicate with each and every parent on an individual basis. However, these complaints portray a school system with a culture of poor communication and administrators who ignore concerns. It appears parents who do have valid complaints have an extremely difficult time trying to find a school employee who is willing to listen. Further, these complaints are easily lost in the maze of telephone numbers parents must call and the number of offices they're told they must contact. It is not uncommon for parents with grievances to give up in frustration. As a result, there is a silent, but sizeable, group of parents who are fed up with the entire system. While we realize it's impossible to please everyone, it is clear these parents do not believe school administrators have their children's best interests at heart.

#### ***6.5 Refusal to adequately address the significant truancy problem.***

Our efforts to better understand the root causes of the school system's communication and accountability failings shed light on a separate issue which must be addressed in its own right. HCDE is failing in its duty to ensure enrolled students remain in school.

HCDE does participate in a Juvenile Court truancy task force but it is evident the school system's efforts are more talk than action. HCDE has a long-standing habit of delaying truancy reports until the end of the school year, instead of promptly addressing truancy as it occurs. This allows HCDE to receive federal money for students who are not actually being educated by the system because they've fallen truant. This approach could be considered fraudulent and while it provides a financial benefit to the system, it does not serve the best interests of the students the system is supposed to educate. HCDE's current protocol results in truancy hearings being scheduled during summer break, when the employees who researched a student's case are not working. We strongly believe that no student should be allowed to miss an entire year of school and that school administrators have a duty to aggressively address truancy as soon as it occurs.

## **SUMMARY:**

The brutal attacks against four Ooltewah High School freshmen during an out of town tournament trip have revealed fundamental flaws in HCDE's approach to supervising employees, and ultimately, students.

From the moment the basketball coaches drove the team out of town without Board approval, the system failed. There was failure to adequately supervise the students, failure to recognize the significance of the horrific injuries suffered during a rape, failure to notify the victims' parents, failure to provide a swift and appropriate response to the attacks, and failure to assure the public that proactive measures would be taken to address the root causes of these failures.

It is apparent a culture of bullying and hazing is ingrained as the norm among Ooltewah High School athletes. This culture has been primarily fostered by permissive coaches and an apathetic administration that has looked the other way for more than a decade, perhaps much longer.

The lackadaisical mindset is not limited to OHS leadership. Each of the legitimate concerns about our public schools that was reported to the DA's office should have been resolved by HCDE leaders without the need for this office to intervene. It should not have taken the rape of a freshman basketball player to convince HCDE to take a more proactive approach against bullying.

It is clear HCDE leaders have been unwilling and/or unable to adequately train its employees and volunteers on their duty to ensure the safety of every student. It is also clear HCDE leaders have been unwilling and/or unable to adequately communicate with the community it serves. This has created a widespread perception that those at the helm are uninterested and/or unwilling to do the work necessary to cultivate a climate that fosters safety and educational success for every student.

## **RECOMMENDATIONS:**

### ***Strengthen policies and penalties.***

Earlier this year, the School Board voted to revise its policy on field trips. While the new version is an improvement, it is still not nearly as strong as it needs to be to ensure the safety of the 40,000-plus children who attend public schools in Hamilton County. All related Board policies should include specific language to ensure higher expectations from coaches/teachers, administration and students concerning hazing, bullying, chaperone/supervision rules, transportation rules, and appreciable penalties for failing to follow Board policies. We asked the Children's Advocacy Center to provide feedback on the recent BOE policy changes. Their assessment is included as an addendum to this report.

### ***Strengthen mandatory reporting training.***

Earlier this year, the Board revised its policy on mandatory reporting of child abuse and child sexual abuse. This is an improvement but does not do enough to ensure the physical and emotional well-being of the children entrusted to the system's care. Simply requiring personnel to provide an electronic signature acknowledging they've read the policy is not good enough. All employees *and volunteers* must receive worthwhile training on how to recognize and report child abuse and child sexual abuse. The Children's Advocacy Center is the best source for this training, which should be done on an annual basis and should be mandatory.

### ***Create a crisis plan and know how to follow it.***

The Board's current policy on crisis management, including crisis communication, is too generic, which will produce the same result as not having a crisis plan. The plan needs to be expanded to ensure it covers a wide variety of potential emergencies -- as many different scenarios as can be imagined -- and then those system-wide protocols must be custom tailored for each individual school. Beyond simply creating a policy, teachers, coaches, and staff must know these plans and be able to act upon them, which requires ongoing training and practice. While it isn't practical for each school to work with emergency responders on its own, school staff should meet the people who will respond to a crisis before one happens. This planning should be ongoing and evolve as needed. It should include defined roles and responsibilities at both the individual school and system-wide level.

***Address the assaultive culture among OHS athletes.***

Hazing and bullying among Ooltewah athletes became the norm despite the system enacting a policy against these behaviors. Therefore, creating a stricter policy will likely not prove to be effective. And although the school's administration and basketball coaching staff have been changed, that alone will not derail decades of school endorsed violence. It is necessary for the Board to ensure resources for specialized training are devoted to OHS coaching staff and student athletes. If necessary, counseling should be provided. We also encourage the athletic staff to implement positive alternatives to promote team building and to choose team leaders who are positive. These leaders should be held accountable for diffusing and preventing potential hazing.

***Address bullying & provide better support for children across the system.***

While HCDE did set up an anonymous reporting system for bullying complaints, that does not offer students a sufficient level of support. It is obvious a significant number of teachers and staff throughout the system continue to downplay the detrimental impact of bullying. There is a critical need for training to improve staff awareness, knowing what signs to look for, how to intervene instead of condone, how to provide support and how to discipline when necessary. There is need for a stronger emphasis on all aspects of student safety. HCDE should take advantage of the variety of training offered by the Children's Advocacy Center's Prevention Council to ensure all students have a safe, supportive climate in which to learn.

***Address systemic lack of accountability.***

HCDE should develop a group within the school system, similar to an internal affairs department, that has the duty to review potentially inappropriate activities of administrators, teachers, and students and then have the ability to report their findings to the superintendent and the Board without fear of retribution from others within the system. The current method to create accountability is a failure.

The public insists, rightly so, on responsiveness and positive results. HCDE must allocate resources to insure the school system and individual schools are communicating at the quick pace in which people have come to expect news and information to be shared. It is imperative to create and implement a strong, actionable communications strategy that embraces the ever-increasing forms of communication being utilized by the public.



***Do truancy reporting the right way.***

When Juvenile Court Judge Robert Philyaw took the bench in April 2013, he immediately recognized the county's overwhelming problem with truancy. He worked with HCDE to create a truancy task force to better understand the problem. The 17-member task force issued a report with recommendations in July 2014. More than two years later, several of the task force's key findings have not been adequately addressed and recommended actions have not been taken. The Board should revisit that report and ensure the appropriate actions are immediately taken. Most importantly, HCDE must do a better job of timely reporting truant students to Juvenile Court. The earlier Juvenile Court is involved, the more effectively it can ensure the child's underlying needs are addressed.

***BOE must provide more aggressive oversight.***

During Board meetings in recent years, the Board has allowed the odd practice of allowing the superintendent to sit among its members on the dais. On the surface, that does not appear consequential; however, the underlying message this sends is one in which the superintendent is equal with the board. The superintendent is **accountable** to the Board and as such should sit at the presentation table with other HCDE employees, or at least be set apart from Board members.

Further, it is the responsibility of every elected Board member to provide diligent oversight of the superintendent's operation of the school system. While we do not question the commitment or dedication of any Board member, we do recognize a need for the Board as a whole to better understand and strengthen its responsibility to hold the system, in particular the superintendent, accountable for results. This starts by asking tough questions and demanding answers, as well as creating higher expectations for the superintendent and the system.

***Partner with the Children's Advocacy Center.***

The school system is continually partnering with educational experts across the country with the goal of improving the way teachers instruct students. The same importance should be placed on keeping students safe. The Children's Advocacy Center and its violence prevention partnership offers rich resources the system should be continually utilizing.

## **CONCLUSION:**

Undoubtedly, there are those who will criticize this report for overlooking all that is good about Ooltewah High School and HCDE.

The sole purpose of this report is to convey the findings of our investigation, which was focused exclusively on determining the extent of bullying and attacks against Ooltewah High School athletes, and other problems we discovered from the complaints we received.

The recommendations we are making will undoubtedly be debated by the Board, by HCDE employees, and by the public. We are hopeful that public discourse on this report will produce other recommendations for the Board to consider.

We strongly urge everyone -- teachers, administrators, parents, the Board, other elected leaders, and taxpayers -- to make it the single priority of our community to ensure Hamilton County's public school system provides a safe and supportive environment for each and every child entrusted to its care.