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March 29, 2022

Superintendent Reid Newey
Davis School District
45 E. State Street
P.O. Box 588
Farmington, UT 84025-0588
VIA HAND DELIVERY

Re: Independent Investigation Regarding Isabella Tichenor

Dear Superintendent Newey and the Superintendency of the Davis School District:

The members of the Investigation Team, Abigail Dizon-Maughan (“**Ms. Dizon-Maughan**”), Brian Garlock (“**Mr. Garlock**”), and Michelle Love-Day (“**Mrs. Love-Day**”) (collectively, the “**Investigation Team**” or “**Team**”) submit this Executive Summary (“**Executive Summary**”) of the Final Investigation Report (“**Report**”) to the Superintendent. This Executive Summary is consistent with the Memorandum of Understanding (“**MOU**”) between Davis School District (“**District**”), Ms. Dizon-Maughan, Mr. Garlock, and Mrs. Love-Day and the Team’s Plan for Investigation Regarding Allegations of Harassment, Bullying and Discrimination Against Isabella Tichenor (“**Investigation Plan**”).

The Executive Summary summarizes the Team’s Report and will be made available to the public at the District’s discretion. The Report is annotated and contains voluminous exhibits, the majority of which are protected under the Government Records Access and Management Act, the Health Insurance Portability and Accountability Act, and/or the Family Education Rights and Privacy Act. To comply with these laws, the Executive Summary does not specifically identify students (other than Izzy), educators, administrators, or District employees. This Executive Summary does not contain any exhibits or specifically identify witnesses or documents, other than those documents the District previously disclosed or are publicly available.

ALLEGATIONS¹

The District retained the Investigation Team to investigate two allegations that Brittany Tichenor-Cox (“**Mrs. Tichenor-Cox**”), Isabella Tichenor’s (“**Izzy**”) mother, made: (1) Izzy was

¹ The District asked the Investigation Team to “review the specific allegations that Isabella Tichenor was bullied on the basis of her race and/or disability by students and staff.” To understand Mrs. Tichenor-Cox’s allegations, the Team reviewed certain articles, which are attached. We note that Mrs. Tichenor-Cox, family members, and Tyler Ayres, the family’s attorney, alleged that Izzy was bullied because she was Black and/or autistic, and for her hygiene.

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bullied on the basis of her race and/or disability by students and staff at Foxboro Elementary School (“**Foxboro**”); and (2) Foxboro and/or District officials knew of the bullying and failed to respond.

During the course of the investigation, the Team learned that Mrs. Tichenor-Cox had reported to Foxboro that Izzy was bullied because of her hygiene. Due to the limited scope of the MOU, the Team did not investigate these allegations, and thus does not reach findings in that regard. The MOU, however, did authorize the Team to review Foxboro’s current processes and practices for receiving and responding to allegations of bullying and invited the Team to make recommendations. Accordingly, the Team will address Mrs. Tichenor-Cox’s reports of bullying on the basis of hygiene and provide its recommendations below.

SUMMARY OF FINDINGS

The Investigation Team finds: (1) there is no direct evidence to support allegations that Izzy was bullied on the basis of race and/or disability; (2) Foxboro knew of allegations that Izzy’s sibling was the target of racial slurs and Foxboro investigated those allegations and responded; (3) the educators, administrators, and staff interviewed during the investigation did not demonstrate actual knowledge of the District’s definition of “bullying”; and (4) Foxboro failed to timely document or record reports of bullying, administrator or educator interventions, and/or communications with the Tichenor family.

says she was bullied at school, Deseret News, Nov. 10, 2021; Shirin Ali, 10-year-old Black girl committed suicide after being repeatedly bullied and alerting school officials of problems, The Hill, Nov. 11, 2021; Elizabeth Joseph, 10-year-old Utah Black and autistic student dies by suicide weeks after scathing DOJ report on school district, CNN, Nov. 13, 2021.)

On or about November 11, 2021, Tyler Ayres emailed Benjamin Onofrio, General Counsel for the District, and made a nonspecific allegation that Foxboro and/or the District was “deliberate[ly] indifferen[t] to reports of bullying made by Izzy and her family.” Mr. Ayres did not allege that Izzy was bullied on the basis of race and/or disability. Additionally, on November 12, 2021, Paula Harris, Izzy’s grandmother, called Foxboro and also made nonspecific allegations that Izzy had been bullied and that her teacher had permitted it to continue. She, too, did not allege that Izzy was bullied on the basis of race and/or disability.

The Team did not speak to Mrs. Tichenor-Cox and could not determine if she believed that Izzy was bullied on the basis of race, disability, or for other reasons, or what evidence she might have to support her beliefs. The Investigation Team made several requests to Mr. Ayres for an interview with Mrs. Tichenor-Cox. The Team’s intent was to understand Mrs. Tichenor-Cox’s specific allegations of misconduct against Izzy’s educators, administrators, and the staff at Foxboro Elementary School. Mr. Ayres did not allow the Team to speak with Mrs. Tichenor-Cox, citing an anticipated suit against the District. The Investigation Team proposed several accommodations, which included allowing Mr. Ayres to accompany Mrs. Tichenor-Cox during her interview. Mr. Ayres declined the repeated invitations.

SUMMARY OF RECOMMENDATIONS

Based on its observations, The Investigation Team recommends: (1) the District provide training to its administrators and educators on how to identify and address bullying; (2) the District provide diversity and equity training to its administrators and educators; (3) the District provide trauma-informed, poverty training to its administrators and educators; and (4) Foxboro establish clear protocols for record keeping and reporting.

SCOPE

The District separately retained Ms. Dizon-Maughan, Mr. Garlock, and Mrs. Love-Day to “review the specific allegations that Isabella Tichenor was bullied on the basis of her race and/or disability by students and staff and the school and/or District officials knew and failed to respond.”² The District also asked the Team to review “current processes and practices for receiving and responding to allegations of bullying at Foxboro Elementary School.”³ The Team and District agreed that the Investigation Team may make recommendations regarding such processes and practices.

As noted above, the District authorized the Investigation Team to examine whether there was race or disability-based bullying. The Team was not authorized to investigate Mrs. Tichenor-Cox’s allegations that Izzy may have been bullied on any ground that was not race or disability. Nor was the Team authorized to investigate specific complaints against certain individuals at Foxboro. However, during the course of the investigation, the Team learned that Mrs. Tichenor-Cox complained to Foxboro that Izzy was bullied for her hygiene. The Team also heard, observed, and learned of acts that created an environment in which bullying, on any ground, could go underreported, uninvestigated, and unaddressed.

Although the District limited the scope of the investigation, the District was forbidden to “hinder, interfere with, or direct the outcome of the Investigation.”⁴ If the Team perceived that any of the District’s “personnel, attorneys, or agents attempt[ed] to direct or hinder the investigation, or otherwise act in a way that impede[d] [the Team’s] ability to proceed independent of [Foxboro Elementary School] or the District, [Ms. Dizon-Maughan] may withdraw.”⁵

The members of the Investigation Team confirm that the District did not attempt to hinder, interfere with, direct, or impede the investigation. The Team also confirms that neither the District

² MOU, p. 1 (Ex. A).

³ *Id.*

⁴ Engagement Agreement, p. 2 (Ex. B).

⁵ *Id.*

nor any of its personnel, attorneys, or agents, acted in a way to compromise the independence of the investigation. Foxboro and the District provided the Team with any and all documents it requested and, to the extent possible, assisted the Team with facilitating and scheduling interviews.

The Team likewise confirms that the District did not attempt to hinder, interfere with, direct, or impede the Team's Report. All three members of the Team join in the findings and recommendations contained herein, which were reached after many hours of deliberation.

SUMMARY OF THE INVESTIGATION PROCESS

The Team divided the investigation into three phases: Pre-Investigation, Investigation, and Report Writing.

A. Pre-Investigation

1. Investigation Team Selection

Through its own internal process, the District identified and selected the individual team members. No team member participated in the selection process. The Team is Abigail M. Dizon-Maughan, Brian Garlock, and Michelle Love-Day.

The District separately retained Ms. Dizon-Maughan, Mr. Garlock, and Mrs. Love-Day. Each Team member is independent of the others and had the same opportunity to participate in the investigation as she or he deemed appropriate and necessary to achieve the objectives of the Investigation as defined in the MOU and the Investigation Plan.

The Team notes that, although the MOU states that the District would hire a "person with expertise in autism" and would "make that person available to the Review Team for consultation," the Team is not aware of the District hiring any such individual.

2. Plan for Investigation Regarding Allegations of Harassment, Bullying, and Discrimination Against Isabella "Izzy" Tichenor

The Team created a Plan for Investigation Regarding Allegations of Harassment, Bullying, and Discrimination Against Isabella "Izzy" Tichenor ("**Investigation Plan**")⁶. Through the Investigation Plan, the Team created a process that would permit the Team to reach objective and verifiable findings. This Investigation Plan defined Pre-Interview Protocols, Interview Protocols, and Post-Interview Protocols. The Team conducted the investigation and drafted this Executive Summary consistent with that Investigation Plan.

⁶ Ex. C hereto, redacted.

B. Investigation

The Investigation Team spent more than 400 combined hours reviewing and analyzing documents, preparing to interview witnesses, interviewing witnesses, and discussing their individual observations and impressions.

Between November 23, 2021 and January 20, 2022, Foxboro and the District sent more than 2,600 pages of documents. Those documents included: Izzy’s educational assessments, progress reports, certain medical records, and her complete student file, which included copies of her Individualized Education Plan (“**IEP**”), attendance record, general demographic information, and student intervention records; emails between Mrs. Tichenor-Cox and Foxboro; emails between Foxboro’s administration and educators; emails between Foxboro and the District; and administrator and educator personnel files.

From December 8, 2021 through January 14, 2022, the Investigation Team interviewed 47 witnesses. The Team made every effort to speak with all relevant parties and individuals it believed could provide pertinent information. The Team invited the following to participate: all of Izzy’s classmates in her fifth-grade general education class and in the Learning Lab; Foxboro’s administrators; various educators; the school counselor; the school psychologist; the school family social worker; front office secretaries; food service employees; and the recess aide. Only one school employee and three classmates declined to be interviewed. The Team also made repeated requests for an interview to Mrs. Tichenor-Cox, through her attorney, but she declined.⁷ As a result, the Team was unable to obtain any information from Mrs. Tichenor-Cox to assist in the Investigation.

C. Report Writing

At the conclusion of the Investigation phase, the Team discussed their respective observations in person and remotely, and by telephone, text, and email. The Team also re-analyzed the most pertinent Documents and evaluated interview transcripts. After many hours of discussion and thoughtful deliberation over several months, the Team reached a consensus as to the following findings and recommendations.

⁷ See FN 1, *supra*.

GENERAL BACKGROUND⁸

A. Relevant Educational History

Isabella Tichenor was a fifth-grade student at Foxboro Elementary School. She was described by witnesses as a happy and friendly child who always had a smile on her face. She made her friends laugh and enjoyed – and was good at – four square. Despite her friendly demeanor, Izzy had been suffering personal trauma. The evidence gathered by the Team strongly suggests that, at the beginning of the 2021-2022 school year, Izzy and her family were displaced and living in the family mini-van. Foxboro was unable to confirm or verify that the Tichenor-Cox family was unsheltered.

Izzy attended both general education classes and Foxboro’s Learning Lab, which offers additional educational support for students who have an IEP. Izzy’s IEP history is well-documented. However, no records support the allegation that Izzy was autistic or that the educators or administrators at Foxboro should have known she was autistic. Mrs. Tichenor-Cox did not provide Izzy’s school with a medical diagnosis.

In the fall of 2020, Mrs. Tichenor-Cox raised her concern with Izzy’s school that Izzy may be autistic and requested an assessment. Upon receiving the request, the school asked Mrs. Tichenor-Cox to bring Izzy to the school for observation and testing. For unknown reasons, Mrs. Tichenor-Cox did not. Thus, the school could not complete the assessment process during the 2020-2021 school year.

The following school year, Mrs. Tichenor-Cox repeated her suspicion that Izzy was autistic. On or around September 10, 2021 Mrs. Tichenor-Cox called Foxboro to request an evaluation. Four days later, Foxboro sent the Prior Notice and Consent for Evaluation/Re-Evaluation form to Mrs. Tichenor-Cox, which she returned on September 17, 2021. In October 2021, Foxboro completed educator assessments and an in-class observation. Izzy passed away on November 6, 2021 – before Foxboro could complete the educational assessment.

B. Documented Reports of Bullying by Another Student

Izzy’s student record (“**Encore**”) reflected three reported confrontations between her sister and another student. On September 2, 2021, Mrs. Tichenor-Cox alleged that the other student called Izzy’s sister names. Foxboro administration asked Izzy and her sister about the allegation.

⁸ The background recited herein is based on the interviews of Izzy’s teachers, administrators, classmates, and friends, as well as documents and records provided to the Team by Foxboro and the District. The Final Report is annotated in depth. However, to preserve Izzy’s privacy, and to comply with the Government Records Access and Management Act, the Health Insurance Portability and Accountability Act, and/or the Family Education Rights and Privacy Act, the Team will not reference supporting documents herein.

Each sister told the administrator that the incident did not recently occur. The administrator then role-played with the children to teach them how to report students who are unkind to them.

The following day, Mrs. Tichenor-Cox complained that the same student told Izzy and her younger siblings (collectively, the “**Tichenor Children**”) he had a gun and that he threatened them with it. The Foxboro administration spoke to the Tichenor Children’s teachers, reviewed surveillance video, and (three days later) searched the student’s backpack. Foxboro did not find a gun and concluded that it could not substantiate the allegations. Foxboro informed Mrs. Tichenor-Cox of its conclusion and invited her to “reach out” to the school if the “bull[ying] issues or threated continue to happen.”

The third allegation came one week later. Mrs. Tichenor-Cox reported that the same student called Izzy’s sister the “N-word” and touched her. In response, Foxboro reviewed surveillance footage, which did not show that the student touched Izzy’s sister. Foxboro also interviewed two potential witnesses, who claimed that they did not see or hear a confrontation between the student and Izzy’s sister. Nevertheless, Foxboro concluded that, based in part on Mrs. Tichenor-Cox’s earlier complaints, “it seem[ed] more likely than not” that the student “engage[d] in the behavior he is accused of.” Thereafter, Foxboro suspended the student, made him sign a No Contact Contract, and barred him from eating breakfast in the cafeteria. Foxboro also made the Tichenor Children sign a No Contact Contract and provided them with an alternate route to leave the building after school to avoid any encounters with the offending student.

The Team could not determine whether Izzy witnessed or was aware of the alleged confrontations between her sister and the offending student.

C. Displaced Housing and Issues Regarding Hygiene

In early September 2021, Mrs. Tichenor-Cox reported to Foxboro that her family had been struggling financially, they had unstable housing, and that they needed support. In response to the family’s request, Foxboro located funding, clothing, and other supplies to donate to the Tichenor-Coxes. Foxboro also provided a hygiene pack for Izzy.

Likely due to the Tichenor family’s housing displacement, Izzy sometimes had hygiene issues. Teachers and students reported that Izzy did have an odor at times.

D. Izzy’s Death

On November 3, 2021, Izzy attempted suicide. Out of respect for the Tichenor-Cox family, the details of her attempt and death will not be discussed here. Mrs. Tichenor-Cox alleged that Izzy’s suicide followed “frequent[] bull[ying] and belittl[ing]” by “[o]ther children [who] recogniz[ed] her differences.” Mrs. Tichenor-Cox said that Izzy “was an easy target especially after a teacher joined in mocking this young lady.”

Izzy succumbed to her injuries and passed away on November 6, 2021. She was ten years old.

FINDINGS⁹

The Investigation Team notes that issues relating to race, disability, and poverty sometimes intersect and when they do, can further complicate already challenging situations. It can be very difficult to extricate one from the others. For example, and specific to incidents observed as part of this investigation, Izzy had one or more diagnosed disabilities and experienced unstable housing. Either could have contributed to the cause of her hygiene problems. When a student told Izzy she needed to wash her hair, this comment could have been borne out of racial animus, could have been an innocuous observation, or could have been a cloaked insult about poverty. Because the MOU authorized the Team to investigate a specific inquiry narrow in scope, the Team was not able to explore such issues in depth. The Team endeavored to separate Mrs. Tichenor-Cox's allegations of bullying on the basis of race and/or disability from documented complaints that Izzy was bullied for her hygiene. Due to the complexity of the issues, the Team could not always clearly bifurcate allegations that Izzy was bullied on the basis of her race and/or disability from reports that Izzy was bullied for her hygiene.

The District provides a precise definition of bullying. In short, bullying can be a single intentional act by an aggressor toward a victim. For an act to qualify as bullying, a reasonable person under the circumstances should know or foresee that the act will cause physical or emotional harm to the victim.

Fully, District Policy 5S-100, Student Conduct and Discipline, defines "bullying" as:

a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of: (i) causing physical or emotional harm to the school employee or student; (ii) causing damage to the school employee's or student's property; (iii) placing the school employee or student in reasonable fear of: (1) harm to the school employee's or student's physical or emotional well-being; or (2) damage to the school employee's or student's property; (iv) creating a hostile, threatening, or humiliating, or abusive educational environment due to: (1) the pervasiveness, persistence,

⁹ The Team's findings and recommendations are supported in full by interviews and documents received from Foxboro and the District, including Izzy's educational file. The Final Report contains specific references to interview transcripts and the record.

or severity of the actions; or (2) a power differential between the bully and the target; or (v) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits. The conduct described above constitutes bullying, regardless of whether the person against whom the contact is committed directed, consented to, or acquiesced in, the conduct.

See 5S-100, Sec. 2.6.1[b].

When interviewing witnesses, the Investigation Team did not require witnesses to strictly adhere to the District’s definition. Rather, the Team sought personal observations, feelings, and reactions from the witnesses, and allowed the interviewees to apply their own language and definition of “bullying.” The Team does, however, apply the District’s definition in this Executive Summary and the Team’s findings and recommendations.

A. There Is No Direct Evidence to Support Allegations That Izzy Tichenor Was Bullied on the Basis of Her Race and/or Disability

The Investigation Team did not find direct evidence to support allegations that Izzy Tichenor was bullied on the basis of her race or disability. While many interview subjects reported that students and teachers made comments to Izzy about her hygiene, no witness recalled that she was expressly bullied for being Black or autistic. Additionally, the Documents do not reflect any reports or complaints from Mrs. Tichenor-Cox, or any other person, that Izzy was expressly bullied for being Black or autistic (or for any other disability). The only allegations the Team could find came from Mrs. Tichenor-Cox, who alleged after Izzy’s death that Izzy was bullied for being Black or autistic.

Accordingly, the Investigation Team also concludes there is no direct evidence to support allegations that either Foxboro or District officials knew and failed to respond to the alleged bullying on the basis of Izzy’s race or disability.

B. There Is Sufficient Evidence to Find That Foxboro Knew That Izzy’s Sister Was the Target of Bullying on the Basis of Race and That Foxboro Investigated These Allegations and Responded

On or about September 14, 2021, Mrs. Tichenor-Cox reported to Foxboro that a student called Izzy’s sister the “N-word.” This complaint followed two others that the student had called Izzy’s sister names and threatened the Tichenor Children with a gun. Foxboro investigated the earlier complaints and determined that there was not enough evidence to support either claim. (*See* General Background, Sec. B, *supra*.)

In response to the complaint that the student called Izzy's sister the "N-word," administrators reviewed video footage of the alleged incident and interviewed two potential witnesses. Foxboro determined, based in part on Mrs. Tichenor-Cox's earlier complaints, that it was "more likely than not" that the confrontation occurred. In an attempt to address the bullying, the administration required the Tichenor Children and the offending student to sign mutual No Contact Contracts. Thereafter, each morning, the other student could not eat breakfast in the cafeteria. Instead, he would meet with a case manager who escorted him to the cafeteria, stood with him while he was served his food, then escorted him to her office, where he would eat his breakfast. Additionally, Foxboro provided an alternate route for the Tichenor Children to exit the school to avoid contact between them and the other student. Mrs. Tichenor-Cox did not complain of additional bullying from this student.

Based on the foregoing, the Investigation Team finds that there is sufficient evidence to find that Izzy's sister was the target of race-based bullying, that Foxboro knew of the bullying, and that Foxboro responded to the allegations.

C. The Educators Interviewed by the Investigation Team Were Unfamiliar With the District's Definition Of "Bullying"

None of the interviewed educators demonstrated actual knowledge of the District's definition of bullying. These same educators are expected to receive and respond to allegations of bullying. The Investigation Team commonly heard from educators that bullying required repeated incidents. Others relied on their own "sense" of bullying, rather than the District's definition. Ultimately, the Tichenor family suffered as a result of the District's failure to ensure that all educators understand and appreciate what bullying is.

For example, Mrs. Tichenor-Cox complained to one of Izzy's teachers that she was bullied by a student who told her she smelled and needed to shampoo her hair. The teacher mistakenly believed that bullying required repeated incidents. Consequentially, she dismissed Mrs. Tichenor-Cox's concerns and told her the family needed to teach Izzy how to let others know that their comments were hurtful or made her feel bad. This was incorrect because bullying does not require repeat incidents.

Such lack of awareness regarding District policy and inconsistent understanding of the Policy and its definitions can result in arbitrary reporting – or worse, a failure to receive and respond to allegations of bullying.

D. Foxboro Failed to Timely Record Mrs. Tichenor-Cox's Allegations of Bullying, Administrator or Educator Interventions, and Communications With the Tichenor Family

Prior to Izzy's death, Foxboro did not have a policy directing the timely entry of reports into Encore or specifying which reports needed to be documented. As a result, administrators and educators failed to timely document Mrs. Tichenor-Cox's reports that Izzy or her sister were bullied. Nearly every note in Izzy's Encore record made during the 2021-2022 school year was entered the day Mrs. Tichenor-Cox informed Foxboro that Izzy attempted to take her life or later. Foxboro administrators also failed to timely document in the offending student's Encore records Mrs. Tichenor-Cox's complaints that the student bullied Izzy's sister. The only notes from the 2021-2022 school year that were contemporaneously entered were for events regarding or relating to Izzy's suicide attempt and death.

Additionally, several of the untimely entries were mislabeled as an "Academic" intervention. However, it is evident from the record that Foxboro's intervention addressed Mrs. Tichenor-Cox's complaints about the other student bullying Izzy's sister or complaints that Izzy was being bullied for her hygiene.

RECOMMENDATIONS

The MOU limited the scope of the Team's investigation to "specific allegations that [Izzy] was bullied on the basis of her race and/or disability by students and staff" and that [Foxboro] and/or District officials knew and failed to respond." The MOU did not similarly limit the Team in regard to the recommendations it may make. Rather, the MOU required the Team to "review current processes and practices for receiving and responding to allegations of bullying at Foxboro Elementary School" and invited the Team to make "recommendations regarding such processes and practices."

Consistent with the terms of the MOU, the Team makes the following recommendations.

A. The District Should Provide Training to Identify and Address Bullying

The District should provide regular training to educators, administrators, and other professionals, including the family service worker and school psychologist, to identify and address bullying. The District should make clear in its trainings that bullying of a student can be a single incident and can come from another student or from an adult, such as a teacher.

Almost every adult the Team interviewed admitted that they had not been adequately trained to identify bullying. As a result, every educator and administrator the Team interviewed applied differing definitions of bullying, which were inconsistent with the District's definition. If teachers and administrators uniformly understood the definition of bullying, the Team believes

that Foxboro would have investigated Mrs. Tichenor-Cox's allegations that Izzy was bullied because of her hygiene.

B. The District Should Provide Diversity and Equity Training

Understanding diversity and equity in the school community is critical for educators, administrators, and others in the school to receive and respond to allegations of bullying. The Team observed that Foxboro lacked this foundational understanding and is thus ill-equipped to receive and respond to bullying on the basis of race or disability. The District should provide diversity and equity training specific to race and disability.

First, several teachers touted the diversity at Foxboro. Some of their coworkers, however, complained of offensive behavior or language by other educators. Indeed, one person stated that she liked working at Foxboro because it is "not vanilla," yet admitted to participating in a conversation about race that the District later found was offensive. This person received a letter of discipline from Foxboro in her personnel file for participating in the conversation. Two other educators were involved in, and similarly disciplined for, the same offensive conversation. None of the involved educators felt the consequences were warranted or fair.

Following this offensive conversation, the District deployed its "ACT" team, which is comprised of both school and District officials, to work with Foxboro administration to investigate and address the allegations of racism. At the conclusion of the investigation, the District found, among other things, that the participants in that conversation admitted that the conversation occurred, but denied it was offensive. Several by-standers were in fact offended. The District recommended that each of the educators who participated in the conversation undergo diversity and equity training, participate in a restorative circle with the offended parties, and write a letter of apology to the offended parties. The Team received no evidence that the involved educators completed the recommended trainings or apologized to the people they offended.

Foxboro's letter of discipline was ineffective. A teacher complained that one of the previously-involved educators used offensive gestures to describe Izzy following her death. Again, Foxboro administrators addressed the issue with the offending educator. She refused to acknowledge that her behavior was offensive and refused to sign another letter of discipline that Foxboro administration placed in her personnel file.

The Team also observed that the educators it interviewed either did not have access to or did not access resources to learn about race or racial diversity. One teacher commented that "when the whole Black Lives Matter thing started," she asked one of her fellow teachers, whom she viewed as a "resource," to "educate" her and asked him to "tell" her if she "ever [did] anything." This is unacceptable. It should not be the responsibility of a teacher of color to educate, instruct, or correct a peer. Assuming that an educator would or should accept this role creates unwarranted stress for that person.

If Foxboro fails to acknowledge, recognize, and address offensive behavior grounded in racial animus, it will be difficult for Foxboro to ensure that the school is one where all individuals feel capable of reporting allegations of bullying on the basis of race or that Foxboro will be able to adequately address such reports. To prevent potential harms from Foxboro's inability to receive and respond to allegations of bullying on the basis of race, the District should provide race-based diversity and equity training.

Second, educators, administrators, and staff would be better positioned to receive and respond to allegations of bullying on the basis of disability if the District provided diversity and equity training in regard to disability. At least one person commented to the Team that, due to Izzy's educational delays, she likely did not understand when people were making indirect comments about her hygiene. One special education teacher suggested that her students would not have understood the direct comments she made to Izzy about her hygiene—despite the fact that she told Izzy she smelled and asked her if she had taken a shower while Izzy was seated at the same table as her classmates. The Investigation Team found such comments problematic.

It was apparent to the Team that Izzy understood and internalized comments about her hygiene, despite claims that Izzy likely could not because of her disabilities. The erroneous belief that students with disabilities cannot comprehend or appreciate their surroundings or what is said to them fosters an environment in which bullying of these students becomes more likely. Students with disabilities may not feel they are in a safe environment and able to report such conduct. Moreover, assuming that students with disabilities cannot appreciate when a teacher makes hurtful comments to and about others creates an opportunity for students to make similar comments. This stymies Foxboro's ability to receive and respond to allegations of bullying from, or about, students with disabilities. This behavior should be immediately corrected through diversity and equity training in regard to disability.

Foxboro should address the problems identified above to ensure that it will be able to receive and respond to allegations of bullying appropriately in the future and ensure that Foxboro is complying in full with its obligations to all of its students.

C. The District Should Provide Trauma-Informed, Poverty Training

Several of the educators the Investigation Team spoke to were not trained to identify signs of trauma related to poverty, and thus lacked empathy or awareness about those traumas. The Team believes that these shortcomings impair Foxboro's ability to receive and respond to allegations of bullying. Thus, the Team recommends that the District provide trauma-informed poverty training to its educators and administrators to better equip them to identify markers of trauma that results from poverty. Such training would position Foxboro to aptly receive and respond to allegations of bullying. The Team believes that if educators and administrators had trauma-informed training, they would have recognized the signs of trauma that result from poverty

or housing displacement, could have avoided hurtful interactions with Izzy, and could have addressed Mrs. Tichenor-Cox's complaint that Izzy was bullied for her hygiene.

Several witnesses commented that Izzy came to school dirty and malodorous. Izzy's teachers spoke about Izzy's hygiene issues, either directly to Izzy or generally among the students without identifying her. Mrs. Tichenor-Cox complained to Foxboro about one such incident during which one of Izzy's teachers made a comment to the class that "they smelled." Izzy believed that the teacher was talking about her and sprayed Febreze on herself before going to school the following day. Mrs. Tichenor-Cox reported to the teacher that her comments hurt Izzy's feelings. Mrs. Tichenor-Cox asked the teacher to stop making such comments to the students because she did not know about the students' personal circumstances. This teacher, however, dismissed Mrs. Tichenor-Cox's concerns. The teacher told Mrs. Tichenor-Cox that she made comments to her students about hygiene in the past and did not intend to stop.

Compare this interaction with the conversation Izzy had with Foxboro's family social worker. After Mrs. Tichenor-Cox told the family social worker that Izzy took her teacher's comments personally, the family social worker met with Izzy. Izzy told the family social worker she believed her teacher was talking about her when she told the class they smelled. The family social worker commiserated with Izzy and acknowledged that her living situation must be stressful. After talking with Izzy, the family social worker put together a hygiene pack to give to Izzy, which Izzy happily accepted.

The Team also recommends that, as part of trauma-informed poverty training, educators receive empathy training. Currently, the Team believes that educators and administrators are ill-equipped to receive and respond to allegations of bullying from children experiencing trauma. One educator said she believed that children should not be taught to be "victims." She stated that "there's [] a point of how much you can do," and believed that students should be taught to let hurtful comments or actions "roll off [their] back," like "[ducks] do the water," no matter how "deep[ly] hurt" the child is. Such sentiment harms children suffering trauma and prevents Foxboro from sufficiently receiving, and thus responding to, allegations of bullying. Empathy training as part of trauma-informed poverty training would teach educators and administrators how to receive and respond to allegations of bullying from children experiencing trauma.

D. Foxboro Should Establish Clear Protocols Regarding Record Keeping

As described above, Foxboro did not document Mrs. Tichenor-Cox's complaints that Izzy was being bullied until after they were informed that Izzy had attempted suicide. Thus, in significant part, Foxboro did not create an official record of the allegations until months after the purported incidents. The failure to timely keep records and complaints about bullying diminishes Foxboro's ability to sufficiently receive and respond to allegations of bullying.

On or about October 25, 2021 – more than one month after Mrs. Tichenor-Cox reported to Foxboro that another student had called Izzy’s sister the “N-word” – Foxboro administrators contacted the District’s compliance office. Foxboro told the District that it may need to conduct an investigation into allegations of bullying on the basis of race. However, at that time, Foxboro did not identify Tichenor family as complainants. The District did not learn who the complainants were until November 3, 2021 – the day Mrs. Tichenor-Cox told Foxboro that Izzy had attempted suicide. That same day, the District reviewed the Izzy’s Encore file, which, by that time, Foxboro updated to include Mrs. Tichenor-Cox’s complaints that Izzy’s sister had been bullied for her race. If the District had been alerted to Mrs. Tichenor-Cox’s concerns sooner, the District could have investigated the allegations and taken corrective action against the perpetrator earlier.

The Team recommends that the District implement clear recording keeping policies and protocols. In addition, the Team recommends that the District outline clear consequences for an educator or administrator’s failure to comply with those protocols. Foxboro administrators admitted that, without policies or protocols, it is unclear whether records are being contemporaneously, completely, or accurately kept. Foxboro further admitted that the school may never learn that complaints were untimely documented until an event happens and an investigation of the records reveals the school’s shortcomings. Such failures to timely keep records and complaints of bullying negatively impacts Foxboro’s ability to sufficiently receive and respond to such allegations.

CONCLUSION

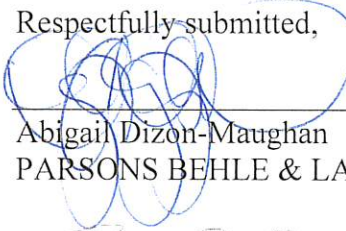
Foxboro Elementary School is home to a diverse community. Teachers and administrators proudly hang posters in their classrooms and hallways that promote love, acceptance, and friendship. The teachers, administrators, and staff talked about their commitment to the children at Foxboro and their concern about student wellbeing. The Investigation Team believes that Foxboro did care about the Tichenor-Coxes and provided invaluable support as the family experienced housing instability. Those at Foxboro who spoke to Izzy with compassion and acted diligently as an advocate for the Tichenor-Cox family should be commended. It is without a doubt that Izzy’s death impacted the Foxboro community in immeasurable ways.

The school’s support does not, however, excuse what the Team saw as failures to protect Izzy Tichenor. To cultivate the safe community Foxboro strives to embody, administrators and educators should investigate every allegation of bullying, regardless of purported ground or perpetrator. Mrs. Tichenor-Cox reported at least one incident that she believed constituted bullying to Foxboro. Foxboro had an obligation and responsibility to Izzy to investigate Mrs. Tichenor-Cox’s report. Yet, Foxboro dismissed and failed to timely document her concern. As a result, Foxboro failed to conduct the investigation that Izzy was due and deserved.

Superintendent Reid Newey
Superintendency of the Davis School District
March 29, 2022
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The Team's recommendations, if followed, will better equip Foxboro to receive and respond to allegations of bullying in the future and help create a more receptive and responsive learning environment for all students. With the proper training, Foxboro could be the school that it holds itself up to be: warm and welcoming to every child and their family.

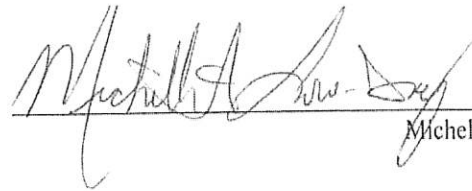
Respectfully submitted,



Abigail Dizon-Maughan
PARSONS BEHLE & LATIMER



Brian Garlock



Michelle Love-Day

ADM:sr