

Report of Findings: Achievement First Amistad High School

Overview

On January 14, 2019, a former Achievement First Amistad High School (AHS) employee characterized the culture and climate at AHS as traumatizing and punitive during a Facebook live post. On January 17, 2019, the New Haven Independent (Independent) reported that in October 2018 AHS principal, Morgan Barth, confronted and shoved a student (October incident). Video footage of the October incident was included in the Independent's report. Following the Independent's post, Barth submitted his resignation. The news story, video of the October incident, resignation of Barth, and the former employee's social media post raised questions about adult responses to and treatment of AHS students, and the dynamics of equity and race in a school overwhelmingly populated by students of color but staffed by predominantly White educators.

The Connecticut State Department of Education's Turnaround Office conducted an investigation focused solely on the October incident and Achievement First (AF) and AHS leadership responses to that occurrence. Specifically, this investigation, examines and addresses: (1) whether AF or AHS administration and/or staff treated or condoned the treatment of students differently on the basis of race, color, disability or national origin in the context of an educational program or activity without a legitimate, nondiscriminatory reason; (2) whether such treatment limited or interfered with the ability of students to participate in or benefit from the services, activities or privileges provided by the recipients or sub-recipients of federal financial assistance; (3) whether Barth or other AHS staff had similar physical interactions with that student or other students; and (4) the adequacy of the response and sufficiency of efforts by AF and AHS leadership to address and eliminate inappropriate adult contact with students, and allay concerns of bias in the perception of AHS students.

Legal Authority

The standards for determining compliance with Title VI are set forth in the regulation at 34 C.F.R. §§100.3(a) and (b). The regulation at 34 C.F.R. §100.3(a) states "no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program receiving Federal financial assistance." Section 100.3(b)(1)(i)-(vi) states:

a recipient may not, on the grounds of race, color or national origin, deny an individual any service or benefit of its programs; provide any service or benefit to an individual which is different or provided in a different manner; subject an individual to segregation or separate

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treatment in any matter related to receipt of any service or other benefit under the programs; restrict an individual in the enjoyment of any benefits of its programs; treat an individual differently in determining continued enrollment in its programs; or, deny an individual an opportunity to participate in a program through the provision of services which is different from that afforded others under the program.

34 C.F.R. §100.3(b)(2) provides a recipient “may not utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination on the basis of race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.”

Background

AHS is a state funded Grade 9-12 college preparatory charter school. On October 1, 2018 student enrollment was 666. More than 97% of enrolled students are children of color, and more than 50% of the sixty-one AHS administrators and educators identify their racial classification as White.

In the effort to support and strengthen competencies of school leaders and staff, AF offers training and opportunities for professional development that includes: principal participation in a two-year residency before leading a school; summer professional development for new teachers; and coaching for school leaders and teachers. AF also offers de-escalation and restraint training for school leaders and behavior interventionists through the Crisis Prevention Institute (CPI). According to its website, CPI supports professionals handling emotionally distraught, disruptive, or violent people through training in nonviolent crisis intervention, dementia care, and workplace violence prevention.

In addition to offering training and support for staff, school-based staff receive an Employee Handbook containing the expectations, policies and procedures for employment. Information about workplace norms and staff member conduct includes guidance about staff member misconduct and unprofessional conduct and violations of appropriate professional boundaries may result in discipline. Corporal punishment and inappropriate physical interaction with a student are examples of unsatisfactory and/or unacceptable staff conduct. AHS staff are expected to use good judgement, be professional at all times, and “avoid physically or emotionally harming others.” The guidance provided by AHS is that “any physical contact with a scholar should be appropriate in a public setting, including in front of that

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scholar's parents or guardians." Specific direction from AHS regarding physical contact with scholars includes:

Staff members must never use corporal punishment or touch a scholar out of anger nor should there be any appearance of touching a scholar as punishment or out of anger. Staff members should not use physical force to move a scholar against their will (*e.g.*, dragging a scholar who refuses to move, though this is different than gentle touches meant to remind or redirect a scholar). An exception is if the staff member is doing so to prevent the scholar from harming themselves, another student, the staff member, or another member of the school community. (Employee Handbook, updated August 2018, pp. 24-15)

The 2018-2019 Family Handbook articulates high expectations for student behavior at all times, and outlines a strict approach to student discipline. Staff are instructed to use "persistence, insistence and consistence," along with positive reinforcement (Wolf Point or merits), and negative reinforcement (Wolf Point Deductions or demerits) to exact student compliance with school rules.

The 2018-19 Employee and Family Handbooks also identify procedures for raising concerns or making complaints. Generally, AHS's guidance to families and employees for problem solving is to begin at the school level. However, when the concern or conduct at issue involves the principal, AHS families are advised to contact the Regional Superintendent; AHS employees are instructed to contact the Director of School Operations if possible inappropriate physical interaction between a staff member and scholar is observed.

Investigative Procedure

In response to the concerns raised by January 2019 reports of an October incident, and the after effects of the revelation of said incident, the Connecticut State Board of Education and Connecticut State Department of Education (CSDE) leadership requested an inquiry. The Civil Rights Compliance Review Team (CRCRT) from the CSDE's Turnaround Office was tasked with conducting an investigation to determine whether criteria or methods of administration at AHS had the effect of "subjecting individuals to discrimination on the basis of race, color, or national origin, or defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin" (34 C.F.R. §100.3(b)(2)). Between late January and May 2019 the CRCRT requested and received documentation and information from AF's External Reporting, Team Legal and Compliance personnel on behalf of AF and AHS.

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On March 27, 2019, the CRCRT conducted an on-site review at AHS. The site visit included interviews with AF Network and AHS leadership:

1. Dacia Toll, AF Co-CEO and President
2. Fatimah Barker, AF Chief External Officer
3. Shannon Garfield, AF Regional Superintendent for AHS
4. Emery Sykes, Interim AHS Principal

During the full-day AHS visit, the CRCRT performed classroom walkthroughs. The CRCRT also interviewed: two groups of students representing Grades 9-12; two groups of teachers including special education and special service leaders; academic deans and members of AHS's Team College; and members of AHS's Culture Team. AF and AHS leadership and counsel, students and staff were cooperative.

Findings

1. AHS enforces rigorous behavioral standards for students using a system of merits/demerits called the Wolf Point System to track and record positive and negative behaviors of each student. A student's past disciplinary offenses may be considered in the decision making regarding consequences for rule infractions. According to AHS policy, consequences meted out to students must be reasonable and appropriate, and intended to address the specific prohibited conduct.
2. The school's Code of Conduct may be supplemented by teachers' rules for their classes and other event specific dictates. Students who fail to meet AHS's defined standards of appropriate and acceptable conduct are subject to a range of predetermined sanctions which may be augmented by additional consequences as determined by the principal or principal's designee. An AHS student may also be subject to consequences and discipline for any behavior deemed by school staff to be inappropriate or disruptive.
3. A student is not permitted to challenge or disagree with a Wolf Point Deduction (demerit) except by following up with the teacher after class. "If a student responds to a Wolf Point Deduction in any way other than silent acceptance, agreement (in tone and language), or self-frustration, the reaction is considered inappropriate and the scholar will receive a Level 2 Wolf Point Deduction."
4. Scholars who are suspended are expected to make appropriate amends for the actions leading to the suspension before being welcomed back into the AHS community.

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5. Since July 2016, AF has routinely provided AHS and other AF school leaders with written communications about sign up opportunities for de-escalation and restraint (D & R) training with CPI.
6. On June 11, 2018 Barth was notified of summer 2018 D & R trainings. AF records indicate that Barth first attended D & R training with CPI on November 6, 2018.
7. On August 13, 2018 AF notified its Connecticut school leaders and directors of school operations that Connecticut state law prohibits the use of restraint and seclusion for public school students *except in emergency situations or as provided in a student's IEP*. Schools were advised to utilize tiered behavior strategies. They were also informed that they were required to report any incidents of restraint or seclusion within *24 hours*.
8. On or about August 1, 2018 Barth attended a mandatory all staff training, *Understanding Professionalism at AF*. The professional development session included a PowerPoint presentation about appropriate and inappropriate physical interactions with students. Among other things, attendees were advised: (1) no touching out of frustration or as a consequence; (2) no physical force to make a scholar do something against his/her will (except for to prevent a student from self-harming or harming another); and (3) exercise good judgment and ask yourself whether you would have the physical interaction in a public setting or with the scholar's parents watching.
9. On October 9, 2018 Barth grabbed and shoved a student but not to prevent the student from harming himself or another. The incident was captured by the school's videotape system.
10. On October 11, 2018, Barth prepared an *Incident Report of Physical Restraint or Seclusion* in which he described his behavior as seclusion not restraint.
11. The *Procedures for Addressing Concerns* set forth in AHS's 2018-19 Family Handbook, identified Jeff Sudmyer, AF's Regional Superintendent at the time, as the person directly responsible for supervising Barth and initially addressing stakeholder concerns about Barth.
12. The evidence confirms that stakeholders complained informally (verbally) and formally (in writing) about Barth's inappropriate interactions with students. Stakeholders reported that Sudmyer's approach, especially for unwritten complaints about Barth, was to send the complainant to Barth for a "feedback conversation" instead of Sudmyer directly engaging with Barth about the issue.
13. Evidence shows that Sudmyer was involved in the handling of two formal written complaints about Barth's inappropriate interactions with students which were not treated as cumulative occurrences. Pages 23-

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24 of the 2018-2019 Employee Handbook specify that corporal punishment and inappropriate physical interaction with a student are considered to be “acts of misconduct requiring immediate disciplinary action, up to and including discharge.”

14. Stakeholders reported that they did not trust the integrity of AHS’s complaint process. Lack of confidence in the efficacy of the process resulted in stakeholders’ reluctance to raise concerns at the school level, or elevate complaints to the AF network’s chain of command.
15. Sudmyer was instructed to deliver an October 24, 2018 warning letter to Barth following the October 9th incident. Sudmyer did not give the letter to Barth as directed.
16. Barth did receive the warning letter, but did not fully comply with its terms. There is no evidence that Sudmyer or AF leadership held Barth accountable for fulfillment of the warning letter’s terms, or issued consequences for partial compliance; no evidence that Barth made amends.
17. On January 14, 2019, a former AHS employee aired a live Facebook post characterizing the culture and climate at AHS as stressful and punishing. On January 17, 2019, the Independent posted a story about the October 9th incident and included videotape of Barth shoving the student. Barth resigned after the Independent’s post. AF’s senior leaders were available at AHS January 18-23, 2019 to talk to individuals and small groups to receive feedback.
18. After the news posts, Doug McCurry, AF Co-CEO and Superintendent, issued a letter to AHS families confirming the October 9th incident, performance of an internal investigation, and disciplinary action against Barth for improperly restraining a student. During AF’s internal investigation of the October incident, and the CRCRT’s subsequent inquiry, stakeholder feedback was that before the October incident Barth had encounters with other scholars that involved harsh communication and/or inappropriate physical interaction.
19. Dacia Toll, AF Co-CEO and President sent correspondence to AHS families acknowledging “serious mistakes in the management and support” of AHS. She reported the hiring of an outside firm to formally review AF network’s management of Barth; creation of a staff workgroup to address school culture, policies, and practices; and a January 29th forum to hear from families and students. After the forum Toll issued a communication summarizing concerns raised, and identifying strategies (e.g., racial equity and staff diversity; leadership competency; school culture and climate focus; and inclusion of stakeholder voice) to address issues.

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20. Toll also reached out to external partners for feedback on AF leadership's rethinking its objectives and values; definition of success; and competencies and commitments necessary to provide students with both academic rigor and a caring and safe school.
21. On March 31, 2019, senior AF leadership participated in a diversity, equity and inclusion (DEI) training provided by the Center for Racial Justice in Education (CRJE). CRJE conducted an initial DEI training with senior AF leaders on November 16, 2018.
22. AHS scholars and staff reported that although AF and AHS leadership scheduled feedback sessions after Barth's resignation, and pledged meaningful change, the conditions permitting the breach of trust (e.g., lack of accountability, and absence of relationships that respect the humanity and voices of all in the community) have not been adequately assessed or addressed.

Conclusions

The CRCRT did not find identified violations of the regulations implementing Title VI of the Civil Rights Act of 1964. However, based on the facts found, above, we conclude:

1. According to the evidence collected, Barth's October 9, 2018 physical confrontation with a scholar was not the first time he behaved in a verbally or physically aggressive manner toward a student. The evidence also revealed that in January 2019 when stakeholders learned about the October 9th incident from the media they felt blindsided and unprepared to navigate the fallout.
2. Barth's past disciplinary offenses were not considered in the decision making regarding consequences for his inappropriate October 9th use of force on a student.
3. AHS scholars and staff interviewed reported that the culture and climate allowed to exist during Barth's tenure traumatized members of the AHS community. Additionally, scholars revealed that under Barth's administration they experienced feelings of anxiety and uneasiness due to the excessively punitive school culture and climate. They also revealed concerns about the mindset and behavior of certain existing AHS staff whose indifferent responses to issues earnestly expressed left them feeling physically and emotionally unsafe.
4. During interviews, AHS students and staff reported their skepticism that meaningful, systemic change will occur to support positive and sustainable transformation of a school environment that remains unnecessarily prescriptive and punishing. The sentiment expressed is

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that AF and AHS administration does things to students and staff rather than with them.

5. The evidence collected during interviews indicates that AHS stakeholders continue to have serious reservations about the efficacy of AF's *Procedures for Addressing Concerns* since AF Network leadership did not adequately monitor or manage Sudmyer or Barth, or appropriately respond to issues raised about Barth's interactions with students before the October incident.
6. According to the evidence collected, AF and AHS leadership have focused on processes, policies, and practices that center academic competencies and rigid behavioral expectations for students, but there is not a comparable focus on adult behavior. AF's culture of student control and compliance rather than mutually respectful and appropriately caring relationships between and among students, staff and families has created and sustained an unjust school culture and climate that according to students causes them to feel anxious, disrespected and oppressed.
7. The evidence collected during interviews indicates stakeholders want AF and AHS leadership and staff who possess and can model: cultural competency, accountability, integrity, emotional intelligence, constructive conflict management skills, critical thinking, effective facilitation, positive assertiveness, and shared and distributed leadership. AHS students want administrators and educators who recognize and respect the fact that students of color behave in ways that are developmentally appropriate for adolescents, generally.

Corrective Actions

The following corrective actions in the areas of policy, procedure, and practice; talent, growth, and training are strongly recommended for AF and AHS:

A. Policy, Procedure, and Practice

1. In addition to organizational review of existing indicia of success (e.g., AF Report Card), teacher and leader training, and school culture systems (e.g., merits/demerits) through the lens of racial equity and cultural competence, AHS should conduct an equity audit.
2. Revise the procedures for AHS stakeholders to complain about school or network leadership or staff to ensure that anyone aggrieved knows how to elevate an issue for review and response to an impartial process designed to resolve issues expeditiously, equitably and effectively.

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3. Create and publish information for a confidential email contact so that any student, family, or staff member can submit a concern outside of the established procedure when uncomfortable following the standard protocol. A diverse and impartial human resources/talent team should review all concerns submitted. If the team cannot reach consensus about a remedy, then escalation to the next level of review should be automatically triggered.
4. Design and implement complaint monitoring procedures and data collection to track: parties involved, frequency and type of issue raised, quality of review, and action(s) taken. This data collection should support AF and AHS leaderships' ability to ascertain trends or challenges, and to consider past complaints or disciplinary offenses in decision making regarding consequences for rule infractions for staff and students alike. Additionally, the information should inform professional development offerings, stakeholder communication, mentoring and coaching efforts, and employee evaluations.
5. Prepare and publish clearer guidance about how and when to engage in physical interactions with students (along with non-negotiables and consequences) for all AF and AHS staff.
6. Model fair process (engagement, explanation, expectation clarity); shared and distributed leadership; inclusion and amplification of student, family and staff voices in policy making and organizational processes to affirm stakeholders as partners and assets, and provide students with practical experiences to nurture critical thinking, collaboration and commendable leadership characteristics.

Talent, Growth, and Training

1. Work with human resources/talent team to: attract and retain diverse administrators and educators; develop interview questions and assemble interview panels that examine the mindsets of all applicants to ascertain their willingness and ability to assist in and support the establishment of an educational environment that is caring, culturally competent, equitable, respectful, welcoming, and academically rigorous.
2. Identify and access resources to build the capacity of leadership and staff to create educational spaces where all students feel valued; treated fairly and respectfully; physically, emotionally, and culturally safe; and their individuality and positive identity development are encouraged.
3. Identify and schedule professional learning to foster a willingness and disposition in administration, staff and students to: (a) examine and

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eliminate biases and assumptions; and (b) develop cultural competency to support racial equity, rapport building, and the creation of physically, emotionally, and culturally safe and respectful educational spaces.

4. Provide mandatory training for administrators and staff regarding when and how staff should engage in physical interactions with students. Consider role-play with discussion to surface perceptions and beliefs requiring higher-touch coaching or targeted professional learning.
5. To promote mindsets, tones, and dispositions in interactions with students and families provide de-escalation and conflict resolution training for all staff by trainers experienced in guiding school personnel who work with students of color; trainers who use restorative, nonviolent, and empathetic strategies that align with an asset rather than deficit view of students and families of color.
6. To promote mindsets, tones, and dispositions in students' interactions with each other and staff, provide de-escalation, conflict resolution and peer mediation training with trainers experienced in working with students of color; trainers who use restorative, nonviolent, and empathetic strategies that align with an asset rather than deficit view of students and families of color.

As a result of the foregoing recommendations, the CSDE hereby requests that AF and AHS report in writing its progress in establishing and implementing the recommendations, above, on or before October 31, 2019.

Under the Freedom of Information Act, it may be necessary to release this letter and related correspondence and records upon request. In the event that the CSDE receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.