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Governor



Hal Heiner  
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Stephen L. Pruitt, Ph.D.  
Commissioner of Education

**KENTUCKY DEPARTMENT OF EDUCATION**

August 26, 2016

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Superintendent Marvin Moore  
Rowan County Schools  
415 West Sun Street  
Morehead, Kentucky 40351

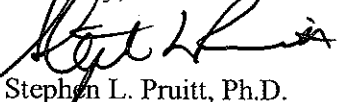
Re: Student Safety

Dear Superintendent Moore:

I have reviewed the enclosed report of the Office of Education Accountability (OEA) and I am contacting you regarding the factual findings and the effects on the safety of students in the Rowan County Schools. Student hazing, bullying, and intentional physical harm of other students is absolutely unacceptable and school districts have a responsibility to prevent, investigate, and address allegations of these actions. As you know, my staff attended and contributed to the training that you and your coaches and leadership staff underwent on August 10, 2016. I was encouraged to hear that you indicated without equivocation that student safety is your top priority and that you are dedicated to taking all necessary steps to ensure it for all students of your district. While I understand that you took issue with some of the factual findings in the OEA report in this matter, I am confident that you support the opportunity for training prescribed by OEA and have taken this training seriously in order to provide a supportive educational and extra-curricular environment for all students.

As stated at the training, Kentucky Department of Education (KDE) staff are available to you and your district to provide additional training on bullying prevention and investigation. I, like you, will continue to monitor the progress Rowan County and all other school districts make toward ensuring student safety and preventing bullying of students. It is my hope that you will do everything in your authority, including calling on the KDE resources to support districts, to change the culture of your district to one of tolerance and vigilance against bullying, hazing, and intentional physical harm of students.

Sincerely,

  
Stephen L. Pruitt, Ph.D.  
Commissioner of Education

Enclosure

cc: Kevin C. Brown, General Counsel and Associate Commissioner, KDE  
Kelly Foster, Associate Commissioner, KDE  
Victoria Fields, Safe Schools Consultant, KDE  
Jimmy Adams, Executive Director, EPSB  
Jon Akers, Kentucky Center for School Safety  
Julian Tackett, Kentucky High School Athletics Association  
David Wickersham, Director, OEA

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## KENTUCKY GENERAL ASSEMBLY Office of Education Accountability

### MEMORANDUM

TO: MARVIN MOORE, SUPERINTENDENT  
ROWAN COUNTY SCHOOL DISTRICT  
  
RAY GINTER, PRINCIPAL  
ROWAN COUNTY HIGH SCHOOL

FROM: DAVID WICKERSHAM, DIRECTOR  
OFFICE OF EDUCATION ACCOUNTABILITY

DATE: JULY 8, 2016

SUBJECT: INVESTIGATIVE FINAL REPORT

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The Office of Education Accountability (OEA) has completed an investigation of allegations of wrongdoing in the Rowan County School District. This office is empowered to investigate complaints dealing with regulatory and statutory issues [KRS 7.410(2)(c)4, KRS 160.345(9)(b)]. This agency is to have access to all public records in the course of an investigation [KRS 7.410(2)(d)].

On September 1, 2015, February 10-11, 2016, and March 8, 2016 OEA staff visited the Rowan County School District and interviewed the high school principal, coaches, athletic director, and superintendent. The district also provided requested documents to OEA staff. OEA has received a response from Superintendent Moore and Principal Ginter along with additional documentation, as well as an email response from the board attorney. All of the information submitted in these responses has been reviewed. Based on that review, the following represents the **FINDINGS OF FACT, CONCLUSIONS, and RESOLUTIONS** by OEA.

**ALLEGATION: Superintendent Marvin Moore and Principal Ray Ginter have allowed hazing/bullying to occur in the Rowan County High School athletic program and have failed to provide a safe school environment to participants in the Rowan County High School athletic programs.**

**FACTS**

**Girls' Soccer Program**

Student A is a member of the Rowan County High School (RCHS) girls' soccer team. Student A's parent reported that on September 17, 2014, at the RCHS soccer field, the freshmen players on the girls' soccer team, including Student A, were ordered by the senior team captain to perform "machine makers" (a frog style jump and knee lunge) up and down the length of the soccer field. The drill was ordered because of an alleged failure by the freshmen players to pick up soccer equipment. The senior players berated the freshmen players as they were performing the drill.

The "machine maker" drill is believed to be an initiation event inflicted on freshmen players by the senior players each year. It was reported to OEA that Head Coach Randy Wallace was overheard saying to the senior players prior to the incident, "go ahead and get it over with so that we can start practice." According to Student A's parent, the senior players made Student A participate in the drill despite being told she had a knee injury. Following the "machine maker" incident, Student A was unable to participate in the regular soccer practice session.

Student A's parent, upon learning of the events of September 17, 2014, called Coach Wallace to inquire as to why Student A had been required to perform the drill. According to Student A's parent, Coach Wallace responded to the call by saying that he had told Student A not to do anything to hurt her knee and he had told the senior girls they should not have made her (Student A) do the drill.

Coach Wallace advised OEA that Student A told him she had pain in her knee after approximately 1/3 of the season had passed. This was 2-3 weeks prior to the September 17<sup>th</sup> incident. Coach Wallace told Student A, in the presence of her mother, that he did not want anyone playing while hurt. Coach Wallace further stated he was never provided a note from a doctor pertaining to Student A's knee being hurt. Student A's mother told him that Student A's knee hurt more when she was doing cutting drills. Coach Wallace stated to OEA that he was aware of some

young teenage girls have knee problems but was not aware of this player having any specific knee injury.

According to Coach Wallace, the senior girls were responsible for cleanup on the buses and the freshmen girls were responsible for picking up equipment. There were consequences if they did not perform these tasks. Running was the assigned punishment. According to Coach Wallace, the assistant coaches decided when running was needed. The freshmen girls had not been doing their job according to Assistant Coach Matt Stokes and therefore needed to have a run. Student A did not ask to be excused from the drill. Coach Wallace saw her limping, so he told her to stop. Coach Wallace further advised OEA staff that the drill being used for the punishment was called "machine makers." It is a drill in which the players run the length of the field, up and back, and then do jumps and lunges which is not very difficult for them, but it is possible the jumping caused Student A's knee to hurt. Coach Wallace stated that he was present for the practice from beginning to end and did not witness girls going out of their way to be mean or to make fun of anyone. No one was singled out. In past practices Student A had told coaches she couldn't run, but not during this practice.

Rowan County Athletic Director Jennifer Williams stated that a parent came to her office in early September 2014 and said she thought there had been hazing on the soccer team. Ms. Williams assured the parent that she would follow up on what the parent told her and bring it to the attention of RCHS Principal Ray Ginter and Coach Wallace to investigate. Principal Ginter responded to the grievance. Ms. Williams talked with Coach Wallace, Assistant Coach Stokes, and Assistant Coach Michelle Hildebrandt, along with students and parents.

Ms. Williams stated that she was not aware of any tradition of the older girls bossing around the younger kids. According to Ms. Williams, coaches listen to the athletes on injuries, the school now has a certified athletic trainer, and if a student goes to a doctor, they are not permitted to participate until they are released. Last year, they did not have a trainer but Coach Wallace had a policy that if you were injured you could not participate. In this case, when the mother had stated that the child had hurt her knee, the mother provided no information indicating whether the child had been to a doctor or participated in any kind of rehabilitation. Ms. Williams stated she felt if there was any hazing incident on the team of 40 girls, someone would come forward.

Assistant Coach Hildebrandt stated she was the first to know about possible hazing when Student A's mother texted her to tell her she was mad and considering suing/taking legal action and asking her if it was okay for senior girls to make freshmen girls run. Assistant Coach Hildebrandt stated that she texted back telling the mother that there was not a tradition of senior girls making freshmen run. She stated she had no firsthand knowledge of what happened because she got to practice late on the day in question. She further stated that she saw that Student A was running/limping past Coach Wallace and heard him tell Student A to stop running.

Assistant Coach Hildebrandt advised OEA that she thought she still had access to the texted conversation. OEA requested a copy of these text messages. Assistant Coach Hildebrandt agreed to provide them, but OEA was subsequently advised through the board attorney that Assistant Coach Hildebrandt had not kept them. OEA obtained the text messages from Student A's parent. In the texts, Student A's parent asked Assistant Coach Hildebrandt if allowing the senior girls to haze freshmen was a common practice. The response from Assistant Coach Hildebrandt was "Um, I don't have anything to do with those. They do it once a year. It was a Rowan County thing I had never heard of before I came here. Machine makers? I think it is an old Evans' thing that has stuck around? That'd be a Randy question cause I don't associate with that 5 minutes of practice each year."

Principal Ginter met with Coach Wallace after completing the investigation of the incident. During the meeting, Principal Ginter advised Coach Wallace that the incident could be perceived as hazing and that it should be stopped. Coach Wallace immediately discontinued the practice which led to the hazing allegation.

Some months after the completion of the investigation, on June 10, Principal Ginter told Student A's parent that Coach Wallace would not be fired, so Student A's parent went to see Superintendent Marvin Moore.

### **Boys' Football Program**

The OEA investigation revealed that RCHS football players, primarily freshmen and sophomore players, suffered numerous concussions during the 2014-2015 and 2015-2016 RCHS football seasons. A majority of the concussions occurred during practice sessions and not during scheduled football games with other schools. The concussions which occurred during practice were inflicted primarily by junior and

senior players. Individuals interviewed by OEA reported that there were approximately 20 concussions over the two-year period.

RCCHS provided documentation of four concussions which occurred during football practice in the 2014-2015 season. These concussions were inflicted by the same player through helmet to helmet contact after the coaches had blown the whistle to stop play. RCCHS athletic trainer, Tyler Pruitt, documented each concussion reported by those interviewed to have occurred during the 2015-2016 football season. Mr. Pruitt's records show that RCCHS players suffered 12 concussions during the 2015-2016 football season. Only four of those concussions occurred during a scheduled game against another school. Eight concussions occurred during practice. Six of the concussions were the result of helmet to helmet contact either after the whistle had been blown to stop play or occurred during a non-contact football practice session. Both of the remaining concussions occurred after the whistle had blown to stop play--one occurred when a player kicked the head of a downed player and the other occurred as a result of continued momentum forcing a downed player to hit his head on the ground.

Parents reported to OEA that within 2 months of Ray Graham returning to RCCHS as the head football coach, stories began to emerge of senior players mistreating underclassmen players. Events that occurred included money being stolen, clothes and shoes being taken from lockers, pushing underclassmen around, and throwing the clothes of one underclassmen player on the roof of a building, forcing the player to have to climb to the top of the building to recover his clothes. As a result of the climb, this player suffered an injury which affected his ability to play football that season.

OEA received reports of freshmen and sophomore players being hit over and over again by senior players until the underclassmen were hurt to the point that they were crying in pain. Senior players twice caused injury to a player's leg and then threatened to break the player's leg at the next opportunity. Parents reported inappropriate photos being taken by senior players in the locker room and harassment of freshmen and sophomore players by seniors in the locker room. Name calling of freshmen and sophomore players by senior players occurred continuously during practices and in the locker room. *In the response to the preliminary investigative report, Principal Ginter stated that Ms. Williams met with Coach Graham about the name calling and the coach told Ms. Williams that he would follow up on the issue.* Ms. Williams did not require evidence that Coach Graham actually

addressed the issue and no evidence of Coach Graham's follow up on the issue was provided to OEA during the investigation.

On October 9, 2015, the RCHS football team played Boyd County High School at Boyd County's field. Following the game, an inappropriate photo was taken in the locker room. The parent of the student whose photo was taken advised that she had called Coach Graham to discuss the incident and to find out what steps he was taking to address the situation. The parent advised that Coach Graham said he was setting up a meeting with the parents of the boy who took the photo, but she did not hear anything back from Coach Graham about the meeting. After a week, she called Principal Ginter and was told the player who took the picture received a half-day in-school suspension and that the coach had required him to do some extra conditioning as punishment. Coach Graham stated that the parent of the boy who took the photo was not interested in having a meeting. Coach Graham does not remember bringing the incident to the attention of Principal Ginter.

Principal Ginter reported that neither Coach Graham nor any of the other coaches from the football team advised him of the photo being taken in the locker room. He stated someone came to him and said what's going on about taking pictures in the locker room. Principal Ginter was also given the name of the student who admitted taking the photo. Principal Ginter stated he called the student into the office. The student advised Principal Ginter that the situation had already been addressed and he had to do some extra conditioning. When Coach Ford was asked about the incident, he said the picture was from the waist up and the photographed student was dressed from the waist down. Principal Ginter imposed a half-day in-school suspension punishment on the student who admitted taking the photo.

Principal Ginter did not speak to the student whose photo was taken and did not speak to any of the other students in the locker room at the time the photo was taken. Principal Ginter did not speak to any of the other coaches about the incident nor did he take steps to determine whether players were left unsupervised. He did not contact the parent of the student whose photo was taken to advise that he was aware of the incident. *Principal Ginter, in his response to the preliminary investigative report, stated that the administration was told Coach Graham had notified the parent of the victim.* No evidence was provided to OEA that Principal Ginter or anyone in the administration followed up with the parent or the coach to make sure that the notification had occurred.

Parents reported that hazing/bullying occurred at the football camps players attended. Incidents included junior and senior players hitting freshmen and sophomore players with socks that were filled with baby/talcum powder and forcing them to drink an unknown concoction. In another instance, liquid was poured on a bed and the player in the bed was told the liquid was urine. The player jumped to get out of the bed and injured his wrist. Additionally, at a football camp attended by RCHS players in July 2015, some members of the team were caught with marijuana. Coach Graham was advised of the marijuana usage. He handled the situation on his own. He did not conduct a complete investigation. Coach Graham focused on one player and had the player removed from the camp.

The player removed from camp told his parent the names of the other players involved with the marijuana. The parent called Coach Graham with this information. The other players who were involved were not sent home so she asked for a meeting with Coach Graham and Ms. Williams. The parent was told that at the camp, some of the senior football players found out about the marijuana and took care of it by disposing of it and dealing with the players involved. The parent was concerned because no adult investigated and the seniors were allowed to handle it. Upon returning from the camp, Coach Graham failed to advise Principal Ginter of the marijuana incident that occurred at the camp.

Parents expressed concern over the lack of supervision of the senior players by the coaches and the lack of supervision of the entire football team. The weight room was operated by the seniors, who were instructing the freshmen and sophomores on weight training and conditioning. Seniors acted as supervisors of the players in the weight room and required the underclassmen to call them "Coach." The code used to access the weight room was supposed to be provided only to the coaches. However, the code was given to anyone who wanted it. It was discovered prior to OEA's investigation that the parks and recreation department was allowing a convicted felon who was on work-release to be on school grounds and in the weight room. A coach was then assigned to supervise the weight room, but the seniors still directed the underclassmen in weight training.

Many of the parents advised OEA that they had met individually with Coach Graham to discuss what was happening to their sons. At each meeting, Coach Graham told the parents that he would address their individual concerns. However, the same behaviors continued. In some instances, the son of the complaining parent was retaliated against by



the seniors on the football team. In other instances, as a result of the complaint, Coach Graham required the entire team to complete additional running at practice. Coach Graham advised OEA that he was aware there had been posts on Facebook about bullying on the football team but did not remember a parent coming to him with concerns over bullying.

Coach Graham advised OEA that when he arrived at RCHS he heard the culture was negative, was told about things which happened when the team had gone to camp, and was told about things that were tried to initiate the underclassmen. In response to the negative culture, he instituted a senior leadership approach in order to change things. This past year the captains were great and the team ended on a positive note. Coach Graham did not know how many concussions occurred in games or practice. According to Coach Graham, the prior culture of the team was for the older players to target younger players. Coach Graham stated he did not observe this behavior occurring the past season. At no time had he heard any of his players calling another player gay. Coach Graham stated he had no knowledge of anyone with a criminal record working around the weight room. He stated that the weight room is monitored by both himself and his assistant coaches. The door to the weight room has a keypad and if kids had the number they would be able to get in.

Many parents reported the bullying at camp to Athletic Director Jennifer Williams. Ms. Williams spoke to Coach Graham about the concerns. Coach Graham advised Ms. Williams that he felt he had dealt with it. Ms. Williams also discussed with Coach Graham the concerns of seniors being in charge. Coach Graham indicated to Ms. Williams that he was dealing with the issue. Ms. Williams also spoke with Coach Graham about the allegation of the seniors picking on and hitting the underclassmen. Coach Graham advised her that he had never observed this and did not believe it was a problem.

Ms. Williams advised OEA that she did not question Coach Graham about the steps he had taken to address parent concerns. She did not follow up in any way with Coach Graham. She believes it is best to allow the coach to deal with issues and concerns. Ms. Williams took no independent steps to determine if the complaints she received were true or not. Ms. Williams did not inform Principal Ginter of the allegations of bullying.

*According to Principal Ginter's response to the preliminary investigative report, Ms. Williams conducted a survey of players and no bullying was reported.* OEA was not provided a copy of the survey and during her interview Ms. Williams did not advise OEA of the survey. After reviewing the response to the preliminary investigative report and the documentation provided regarding the November 2015 meetings with Coach Graham, OEA determined that the survey asked about "Safe Practice." The comments next to this topic are "not good, many fair, some poor." These results indicate that there was a concern among the players for their safety at practice. Yet the "general expectation of all head coaches" document addressed with Coach Graham, of which he received a copy at the November 17, 2015 meeting, does not address player safety at practice at all. In a second set of documents, provided to OEA through the response to the preliminary investigative report, one page contains eight subject areas addressed by Ms. Williams in her survey of football players. Safety at practice does not appear on this list. However, on a page which was reportedly given to Coach Graham, there are four subject areas listed as being asked on the survey; Safe at Practice is listed with a response of "1/2 always, 1/2 most of the time."

According to Ms. Williams' job description as athletic director, she is responsible for administering all interscholastic policies and procedures working within the confines of the KHSAA rules and bylaws. She is also charged with the interpretation of board policies and is to provide guidance for schools and coaches under her jurisdiction. When questioned, Ms. Williams stated that Coach Graham uses his seniors as part of an advisory council. Coach Graham told Ms. Williams that the seniors are the ones who report any incidents or issues to him.

Ms. Williams did not find this approach problematic even in light of the fact that the majority of the complaints were about the senior players and their treatment of the underclassmen. Ms. Williams took no steps to stop this practice. She made no effort to advise Coach Graham of his responsibility to all members of the team and to the school. Ms. Williams also failed to inform Principal Ginter of the number of complaints being received related to the treatment of underclassmen players by the senior players on the team. Ms. Williams advised that she had been told several times that older players were picking on younger players. Ms. Williams did not advise Principal Ginter that Coach Graham relied on the seniors to report incidents and issues with the football team.

Many parents advised OEA that they had met with Principal Ginter and Superintendent Moore about the bullying/hazing, concussions during

practice, the lack of discipline, and the injuries inflicted by senior players on the younger football players. The parents reported that neither Principal Ginter nor Superintendent Moore took any action to investigate or address their concerns. One parent advised that she had a 45-minute meeting with Superintendent Moore but had seen no results. In an email to one parent, Superintendent Moore stated that he was going to wait until the end of football season to address the concerns. After the season finished, there was a post season evaluation to address concerns with Coach Graham. Coach Graham was put on a corrective action plan dealing with issues raised in this OEA investigation.

Principal Ginter advised that in September 2015 he became aware of reports of "horseplay" involving the football team. Principal Ginter sent Assistant Principal Ed Jones to practices to observe what was going on after parent complaints had been received. Mr. Jones attended some practices and saw no problems. When Mr. Jones was questioned about why he was sent to observe football practice, Mr. Jones stated that he was told nothing of the allegations and that he only went there to see if anyone was using inappropriate language. He was not looking for anything else.

Principal Ginter stated that he had no knowledge of students calling another boy gay and/or faggot. Principal Ginter was told by a parent that his sons quit football because of playing time but added that the parent mentioned nothing about bullying.

In mid-November 2015, Pete Besant advised Ms. Williams that he was going to resign as president of the booster club because of concerns about Coach Graham and the football program. Ms. Williams requested that he provide his concerns to her in writing. Mr. Besant provided a written document to Ms. Williams entitled "Coach Evaluation." The document covered three topics: communication skills, organization skills, and player safety and discipline. Under each topic, Mr. Besant set out in detail the concerns of the booster parents.

Ms. Williams advised Mr. Besant that his concerns would be addressed. She later told him that his concerns had been addressed and that he should see an improvement in the program, so Mr. Besant decided to stay as booster club president. Mr. Besant met with Ms. Williams and Coach Graham to discuss the program. Coach Graham was upset and said he couldn't work with someone like Mr. Besant. During the meeting, they discussed concussions but Coach Graham said he didn't

answer to the booster club president. Coach Graham denied that anyone had ever talked to him about concussions or bullying.

At this point Coach Graham said he was going to take over the booster club. Coach Graham stated that he would be the booster club president. Mr. Besant told Ms. Williams that it was not permissible for Coach Graham to be the booster club president. Ms. Williams stated that Coach Graham could be the president of the booster club. At the booster club meeting that night, under the new business agenda item, she announced to the club that Coach Graham would be the new president. At that point Coach Graham took control of the meeting. Later, Ms. Williams sent out an email saying there had been a misunderstanding and Coach Graham was not going to be the president but just more involved.

Superintendent Moore stated to OEA that the principal is responsible for what goes on in their school. Superintendent Moore further stated he had received some emails from a parent about playing time but nobody came to him with any evidence about other problems. All he was hearing was hearsay. The parents never showed him any proof of any allegations. Superintendent Moore stated he knew nothing of a nude picture. Superintendent Moore was aware of drugs at the football camp and that it was being handled by the football coach.

OEA obtained an email sent to the parent of a player from Superintendent Moore in which Superintendent Moore acknowledged that he had received the parent's information and "have added these to the other documentation I have." Superintendent Moore further stated in the email that the plan was to sit down with Coach Graham after the season was over to discuss all concerns.

Superintendent Moore advised OEA that he had a plan in place to monitor the coach's work in the classroom and on the football field, and was monitoring the plan through Principal Ginter. The plan was put in place in November 2015, after football season ended. The plan which Superintendent Moore reviewed with Coach Graham on November 20, 2015 lists five areas for Coach Graham to address. The fourth item on the list reflects that "There is a perception that kids take cheap shots at practice. Also there is a problem of stealing from locker room. Also discipline towards players is unbalanced whereas starters don't get punished." Nothing in the plan provides for definitive steps or standards upon which progress will be measured. There is no follow up required from Coach Graham related to the issues raised in the improvement plan

of November 20, 2015. The same is true of the expectations addressed with Coach Graham on November 17, 2015.

*In the response to the preliminary investigative report, Superintendent Moore and Principal Ginter stated that investigations were conducted into the complaints received. No documentation of their investigations was provided to OEA staff during the course of the investigation. The documents provided in the response were either undated or dated after OEA's onsite visit in February 2016.*

### **CONCLUSIONS**

KRS 158.440, adopted by the Kentucky General Assembly in 1998, states in pertinent part: "The General Assembly finds that: (1) Every student should have access to a safe, secure, and orderly school that is conducive to learning;...."

KRS 158.148 requires a model policy to implement the provisions of KRS 158.440. KRS 158.148 further requires that:

- Each district have student discipline guidelines to ensure safe schools.
- The superintendent shall be responsible for overall implementation and supervision.
- Each school principal shall be responsible for administration and implementation of each within the school.
- The code shall contain procedures for identifying, documenting, and reporting incidents of violations of the code as well as procedures for investigating complaints of violation of the code.
- The code must be applied uniformly and fairly to each student without partiality or discrimination.

The Rowan County Board of Education has a policy on bullying/hazing which requires that students respect the rights of others and interact in a civil manner. Rowan County Board Policy 09.422 states that hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior will not be tolerated. The policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. The policy also requires that an investigation be conducted when complaints are received.

The Rowan County Board Policy defines bullying as being any intentional act by a student or group of students directed against another student to ridicule, humiliate, or intimidate the other student while on school grounds, or at a school sponsored activity, which acts are repeated against the same student over time. Since the policy does not define hazing, OEA consulted the dictionary definition of the word. Hazing is defined as subjecting freshmen or other newcomers to abusive or humiliating tricks and ridicule. Hazing can also be to harass with unnecessary or disagreeable tasks.

KRS 525.070(3) states that a person is guilty of harassment when, with the intent to intimidate, harass, annoy, or alarm another person, he or she, being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event, creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.

KRS 160.370 explains that a school district superintendent must see that the laws relating to the schools and the policies of the district board of education are carried into effect.

The allegation that Superintendent Marvin Moore and Principal Ray Ginter have allowed hazing/bullying to occur in the Rowan County High School athletic program and have failed to provide a safe school environment to members of the Rowan County High School athletic programs is unsubstantiated regarding the girls' soccer program and substantiated regarding the boys' football program.

#### **Girls' Soccer Program**

The investigation concludes that hazing took place in the girls' soccer program and that the coaches knew about the hazing. However, there is no evidence of a violation by Superintendent Moore or by Principal Ginter. Once the incident was reported to Athletic Director Jennifer Williams, Principal Ginter conducted a full investigation which resulted in certain practices being discontinued. Evidence suggests that Superintendent Moore was made aware of the girls' soccer incident only after Principal Ginter, consistent with board policy and applicable law, promptly addressed the complaint.

### **Boys' Football Program**

OEA finds that Superintendent Moore and RCHS Principal Ginter violated law and policy as it relates to complaints about the boys' football program. Despite the full investigation and prompt action regarding a single complaint about the girls' soccer program, Superintendent Moore and Principal Ginter failed to investigate multiple complaints of hazing, bullying, harassment, and assault occurring in the RCHS football program.

Regarding the football program, Superintendent Moore and Principal Ginter violated KRS 158.444 by failing to provide a safe, secure, and orderly school conducive to learning. Superintendent Moore also violated KRS 158.148, Board Policy 09.422, and KRS 160.370, as applied to the football program, by failing to investigate complaints and allegations of bullying, hazing, and harassment and by failing to enforce the student discipline code; Principal Ginter violated KRS 158.148 and Board Policy 09.422.

Coach Graham failed to notify Principal Ginter and Superintendent Moore of possible violations of the student discipline code by football team members. Instead, Coach Graham chose to address violations with the players directly without input from the school or district administrators. The result of Coach Graham's failure is that students on the football team were able to violate the RCHS student discipline code without fear of repercussions. The only punishment the students received was to do extra conditioning or running at football practice.

Athletic Director Jennifer Williams was told of many allegations of hazing, bullying, harassment, and unnecessary injuries to players being inflicted by their football teammates. Ms. Williams ignored the requirements of Policy 09.422 and KRS 158.148 by failing to report these allegations to Principal Ginter so that the allegations could be properly investigated. Ms. Williams instead allowed Coach Graham to address the complaints. Ms. Williams's failure to report the football program allegations to Principal Ginter permitted students to violate the RCHS student discipline code without fear of repercussions.

Despite Ms. Williams' failure to report allegations involving the football program, Principal Ginter was also aware of many allegations involving senior football players and their treatment of underclassmen players. Yet he failed to initiate and complete any investigations of the allegations during the 2015 football season. In October 2015, when he was made

aware of an incident involving inappropriate photos being taken of a player in the locker room, Principal Ginter failed to conduct a complete investigation. He did not speak to the players in the locker room or to Coach Graham. Principal Ginter chose to rely on the information provided by one assistant coach and the alleged perpetrator in determining a penalty to impose. Principal Ginter did not contact the parent of the player whose photo was taken to determine if more than one player took photos or to attempt to uncover relevant facts related to the incident. Principal Ginter failed to complete the process required by KRS 158.148 and Board Policy 09.422. Evidence suggests that Principal Ginter only began investigating the allegations fully after OEA's investigative visit of February 11, 2016.

Superintendent Moore and Principal Ginter further violated statute and policy by failing to investigate allegations brought directly to them by parents of players on the football team. As noted above, parents met with Superintendent Moore and Principal Ginter in an attempt to have issues of bullying, hazing, harassment, and unnecessary injuries addressed. Superintendent Moore's response was to wait until the season had ended to speak with Coach Graham.

Superintendent Moore stated to OEA that he had no proof of violations and so could take no action related to the complaints. Superintendent Moore's statement fails to acknowledge his duty to comply with KRS 156.148, Board Policy 09.422, and KRS 160.370. Additionally, his decision to wait until football season ended before addressing the concerns of students' parents demonstrates a failure to perform his duty to conduct an investigation pursuant to Rowan County Board Policy 09.422, KRS 158.148, and KRS 160.370. Further, his failure to ensure that Principal Ginter was complying with his statutory duty and the requirements of the board policy violates Superintendent Moore's duty to implement and supervise a safe school environment for all students in Rowan County.

### **RESOLUTIONS**

Superintendent Moore shall ensure that he complies with KRS 158.444, KRS 158.148, Rowan County Board Policy 09.422, and KRS 160.370. Superintendent Moore shall ensure that Principal Ginter and all district personnel comply with KRS 158.444, KRS 158.148, and Rowan County Board Policy 09.422.



Superintendent Moore shall contact the Kentucky Center for Safe Schools (KCSS) to obtain a "safe school assessment." Proof of compliance with this resolution shall be provided to OEA by August 31, 2016.

Superintendent Moore shall enroll the Rowan County School District with the KCSS S.T.O.P. Tipline, an "online" reporting/prevention tool which students, parents, or community members may use to anonymously report unsafe situations in district schools. Proof of compliance with this resolution shall be provided to OEA by August 15, 2016.

Superintendent Moore, Principal Ginter, all district and school athletic directors, and all coaches shall obtain three hours of training from a KDE approved trainer on the topic of "The Role and Responsibility of School District Personnel in Complying with KRS 158.148 and KRS 158.444." Proof of compliance with this resolution shall be provided to OEA by August 15, 2016.

After completing the training described in the preceding paragraph, Superintendent Moore and Principal Ginter shall conduct a training for all district principals and assistant principals regarding the roles and responsibilities of principals under KRS 158.148, KRS 158.444, and district policy 09.422. Proof of compliance shall consist of a copy of the agenda used for the training and proof of attendance by each Rowan County School District principal and assistant principal provided to OEA by September 1, 2016.