December 20, 2017

Dear KIPP NYC Community,

I am writing to update you on an independent investigation that the KIPP NYC and KIPP Academy Boards (“KIPP Boards”) initiated concerning allegations of sexual misconduct made by two former students against two former staff members at KIPP Academy middle school in the South Bronx.

Earlier this year, a KIPP Academy graduate reported to senior KIPP leadership that she was a victim of sexual misconduct by a former KIPP Academy staff member when she was a KIPP student over 15 years ago.

The allegations were immediately reported to the KIPP Boards, which promptly directed that the allegations be investigated. In addition to an internal review, the KIPP Boards also hiredDebevoise & Plimpton – a law firm with extensive experience investigating allegations of abuse – to conduct an independent investigation. KIPP also notified law enforcement and the appropriate city agency.

This investigation has been thorough. Investigators have reviewed school records and have also conducted numerous interviews. In addition to KIPP’s community letter in September asking anyone with information concerning sexual misconduct to come forward, Debevoise also contacted several individuals asking them to share any knowledge that might assist the investigation. During the investigation, a second former KIPP student came forward alleging sexual misconduct by a different former KIPP Academy teacher.

Today, the KIPP Boards are releasing a report by Debevoise detailing the methods and findings to date of its independent investigation. Although the KIPP Boards are not obligated to publicly release the report, we believe that it is critical to share it because we feel strongly that the KIPP community has a right to review the findings.

The entire report by Debevoise & Plimpton can be found following this letter. The independent investigators’ findings to date support the KIPP Boards’ own first-hand knowledge regarding the actions of KIPP’s senior leadership:

i. The first time that KIPP senior leadership heard of these allegations was in early 2017

ii. KIPP senior leadership promptly reported them to the KIPP Boards, which directed that the allegations be investigated

iii. KIPP senior leadership had no prior knowledge of the allegations.
It is important to note that throughout this entire process no additional students or alumni have come forward with allegations that they experienced sexual abuse by any current or former KIPP employees. Should further allegations surface, they will be referred to the proper authorities and investigated as appropriate.

We are deeply grateful to those who helped the investigators and recognize the extraordinary difficulty of sharing painful memories. Given the highly sensitive and personal nature of the matters discussed, both the investigators and the KIPP Boards have worked to preserve these individuals’ privacy.

Our hearts go out to anyone who may have suffered from inappropriate interactions with adults when they were children, something that KIPP has never tolerated. Any incident of sexual misconduct is of grave concern to KIPP and we want to continue to encourage anyone who has experienced, or has knowledge of, any abuse to contact Debevoise or senior KIPP staff. Mary Beth Hogan, a partner at Debevoise & Plimpton LLP, can be reached at 212-909-6996.

This process has reaffirmed KIPP’s core value of ensuring the safety and well-being of our students. At the time we released the public letter, we took several steps to further enhance the safety of our students – including implementing additional systems for staff, students, and families to report potential incidents of sexual misconduct, educating students about how to identify and prevent abuse and promote self-advocacy, and providing additional training to staff about how to identify and prevent abusive behavior within KIPP schools and the community at large. The KIPP Boards have also asked Debevoise’s independent investigators to evaluate further our policies and practices and provide recommendations for improvement.

As always, the physical and emotional safety of every KIPP student – former, current, and future – remains our most important priority.

Sincerely,

[Signature]

Rafael Mayer
Board Chair, KIPP Academy
Report to the Boards of Trustees of KIPP NYC and KIPP Academy Charter School as of December 18, 2017

Debevoise & Plimpton LLP
Mary Beth Hogan
Helen Cantwell
Meredith Stewart

919 Third Avenue
New York, NY 10022

December 18, 2017
Scope and Limitations of Investigation

This report sets forth the background, scope, and findings to date of the independent investigation Debevoise undertook at the request of the Boards of Trustees for KIPP NYC and KIPP Academy Charter School (“KIPP Board”). Prompting that request were allegations of sexual abuse by former KIPP faculty that reportedly occurred over a decade ago. Along with that request, the KIPP Board sent out a letter to the community in September 2017 to over 6,889 recipients including current KIPP families, KIPP Through College alumni and families, and current staff, noting the allegations received at that time and requesting that anyone with relevant information contact investigators. The letter stated, “If you have any information concerning alleged sexual misconduct involving a current or former KIPP staff member, please contact Mary Beth Hogan, a partner at Debevoise & Plimpton LLP who has extensive experience in these types of investigations.”

The focus of Debevoise’s investigation was not only on any reports of adult-on-student sexual abuse, but also on any knowledge of school administrators, teachers or staff of the reported abuse when it occurred and what actions, if any, were taken in response. In total, investigators conducted 17 interviews including interviews with alumni, former and current faculty members, and former and current school administrators. Investigators also reviewed school records including board minutes, alumni records, and personnel files. The investigators have to date received complete cooperation from KIPP administrators and the KIPP Board and have been able to speak with one of the two accused former teachers.

Debevoise also encountered a number of limitations in conducting this investigation. Debevoise was not able to speak with either of the two former students who alleged abuse because they declined to speak with investigators. Debevoise was also unable to speak with other witnesses who may have relevant information because they also declined to speak with investigators or could not be reached or located. This created significant limitations for making specific findings and the investigators would have certainly preferred to speak to all available witnesses. Despite these limitations, best practices still dictated as thorough an investigation as possible, including a forthcoming review of KIPP’s policies, procedures and training for preventing sexual abuse today. Debevoise has made findings where appropriate given available evidence, but Debevoise’s investigation is not yet complete as it has more investigative steps to take. Debevoise will amend any findings as necessary.

Background on KIPP

KIPP, the Knowledge is Power Program, was started in Houston, Texas in 1994. The program expanded to New York in the 1995 to 1996 school year. The first KIPP school in New York was KIPP Academy Middle School (“KIPP Academy”) in the south Bronx. From 1995 to 2000, KIPP Academy was under the Department of Education. In 2000, it became an independent charter school. Today, KIPP NYC not
only has a middle school, but also K-12 programs and the KIPP Through College program.¹

KIPP’s mission, which is shared across all of its schools, is to provide to its students all the resources necessary to foster strength of character and strong academic abilities. KIPP believes in providing extra care to its students and taking extra steps to provide for its students in order to not only help them succeed in school but also beyond. This extra care includes creating strong bonds between students, teachers, and counselors to provide a support network to each “KIPPster” that he or she may not otherwise have.

**Key Findings**

**Report from Student 1**

*Student 1 Reports Allegations of Abuse to KIPP Administrators*

The first allegation came from a KIPP alumnus (“Student 1”)² who graduated from KIPP Academy in the early 2000s. In 2014, Student 1 told a then-former KIPP employee that a former teacher (“Teacher 1”), who also no longer worked at KIPP, was inappropriate with her. The former employee did not report this allegation to anyone still at KIPP. Also in 2014, Student 1 told a current KIPP employee (“Current KIPP Employee”) that the same former teacher, Teacher 1, was inappropriate with her when she was at KIPP. In a 2014 message on social media to the Current KIPP Employee, she wrote, “A child no matter what age should be able to open up about being touched, raped, etc. . . .” It is unclear whether Student 1 was alleging that this had specifically happened to her or was making a more general point.³ She also suggested in her message to the Current KIPP Employee at that time (2014) that senior leadership at KIPP was aware of the abuse at the time it occurred and did nothing about it.

Over the next two years (2015-2016), Student 1 and the Current KIPP Employee had sporadic social media contact. In 2015, Student 1 again referred to Teacher 1. In

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¹ KIPP NYC currently has 11 schools and nationally, KIPP has a program consisting of approximately 200 schools.

² In an effort to protect their privacy, this report does not name any of the alleged victims. It also does not name the individuals alleged to have committed sexual misconduct. In determining whether to name these individuals investigators considered a number of factors, including the gravity of the reported abuse, whether the allegations of sexual abuse against them were supported by multiple credible accounts or independently corroborated evidence, and privacy concerns of the reported victims of those individuals.

³ As indicated below, in subsequent accounts to school representatives, Student 1 did not allege that she had been raped.
2015, the Current KIPP Employee told Student 1 that she should reach out to KIPP senior leadership regarding her allegations. He also indicated to Student 1 that he would talk to KIPP senior leadership, but he was not able to confirm to investigators that he had ever done so. In 2016, he again encouraged Student 1 to reach out directly to KIPP senior leadership and set up a meeting. He indicated to investigators that at this point in 2016, he did not share the allegations with senior leadership himself because he may have thought that Student 1 should contact KIPP senior leadership directly. The weight of the evidence suggests that this employee did not report these allegations to the School in 2014 or thereafter.

Student 1 contacted senior leadership to “catch up” in late 2016 and met with KIPP senior leadership in early 2017. During that 2017 meeting, she shared that Teacher 1 had been sexually inappropriate with her. Student 1 reported that when she was 12 years old at KIPP Academy, Teacher 1 kissed her, touched her breasts outside of her shirt, made her sit on his lap, and gave her gifts. She alleged that three KIPP employees knew about the abuse and did not do anything about it. She also stated that her mother knew about the abuse but never brought it to the School. She also inquired if KIPP senior leadership moved Teacher 1 around schools because of the abuse; KIPP senior leadership assured her that this was not the case. Finally, Student 1 reported that Teacher 1 abused other students as well but did not provide the names of other potential victims. In response to these allegations, in 2017, the School conducted interviews in an effort to investigate.

There were then at least two follow-up conversations with Student 1 in 2017. During one follow-up conversation with Student 1 later in 2017, she told school representatives that Teacher 1 touched her breasts with his hand while hugging her, once kissed her on the lips, used pet names with her, made inappropriate comments about her body, and touched her hips when she would exit his car. Student 1 again indicated that the abuse occurred when she was 12 years old at KIPP, but also indicated for the first time that some of the abuse occurred after she graduated from KIPP. She also alleged for the first time that after she graduated from KIPP, Teacher 1 once placed her hand on top of his groin over his pants. Student 1 again stated that there were other victims of Teacher 1 but still did not name the other potential victims. During the first follow-up conversation with Student 1 in 2017, she again stated that three KIPP employees were aware of the abuse. But for the first time she also alleged that one of those employees, the Current KIPP Employee, spoke with her mother about it. In a later conversation, Student 1 identified only one individual—the one who allegedly spoke with her mother, the Current KIPP Employee—as having had knowledge of the abuse. Student 1 also stated that no one witnessed the abuse and that other than telling classmates about inappropriate hugging, she did not tell anyone about the abuse because she assumed that individuals at KIPP knew of the abuse. She also stated that she did not tell KIPP senior leadership about the abuse prior to 2017 because she also assumed KIPP senior leadership knew of the abuse.

Later in 2017, Student 1 sent a group text message to several individuals including Teacher 1, the Current KIPP Employee, and senior leadership. She re-alleged that Teacher 1 inappropriately touched her and noted that other students were also abused.
by Teacher 1. She once again did not name these other potential victims. She again implied in this text message that senior leadership and two employees were aware of the abuse when it occurred, but did not indicate how they knew. In a separate message on social media to the Current KIPP Employee, she stated that she told the Current KIPP Employee about the abuse and that he had spoken to her mother about it. In that message, she also alleged that Teacher 1 was inappropriate in front of other adults at KIPP.

After receiving these messages and conducting initial interviews, KIPP retained Debevoise in order to conduct an independent investigation of these allegations. The School also reported these allegations to the appropriate city agency and law enforcement.

Findings Regarding Allegations of Abuse

As noted above, Student 1 declined to speak with investigators after speaking with school representatives. Investigators were able to conduct 14 interviews to date related to these allegations. Of these interviews, 11 were with current and former KIPP employees, including Teacher 1. The remainder of the interviews were with former students of KIPP who attended KIPP with Student 1.

Teacher 1 admitted to using terms of endearment with students, hugging students, kissing students on the cheeks in a friendly manner, making non-sexual comments about students’ appearances including Student 1, and giving students gifts, but denied any allegations of being sexually inappropriate. Teacher 1’s personnel file reflected no evidence of inappropriate conduct with students. No other former or current KIPP employee who was interviewed witnessed or heard about Teacher 1 being sexually inappropriate towards students at the time any alleged abuse occurred. While the three former students noted that they had previously heard some allegations about Teacher 1 from Student 1, none of them witnessed or experienced sexual abuse by Teacher 1 (or any other faculty member) while students at KIPP. One of the former students interviewed did note that Teacher 1 sometimes made inappropriate sexual comments towards her and other students and noted that she had heard rumors of other inappropriate conduct.

Investigators have not, to date, been able to make a specific finding regarding Student 1’s allegations of sexual abuse. Investigators not only considered the inconsistencies in Student 1’s statements to school representatives, which perhaps could have been explained, but also that Student 1 declined to speak with investigators—which is her prerogative—and that investigators could not otherwise sufficiently corroborate her allegations through other sources. Without being able to speak with Student 1 or to either reach or locate witnesses who could fully corroborate Student 1’s story, investigators have not, to date, been able to make a finding related to her specific allegations. However, given that Student 1 reported that Teacher 1 made inappropriate comments about her body, that another alumnus credibly reported that Teacher 1 sometimes made sexual comments towards her and other students, and that Teacher 1 admitted to making comments about students’ appearances, though in a
non-sexual manner, investigators did find that Teacher 1 made inappropriate, overly familiar comments, sometimes sexual, to students.

**Findings Regarding Knowledge of KIPP Employees or Administrators of the Alleged Abuse**

On the important question of what School administrators knew at the time of the alleged abuse, Student 1 made inconsistent allegations about who and whether any adult at KIPP was aware at the time. Specifically, over the course of her conversations with senior leadership and school representatives in 2017, Student 1 did not consistently name the same individuals as having had knowledge of the abuse. For instance, in one conversation in 2017, she named three people who allegedly had knowledge of the abuse, but in follow up conversations, she only named one employee as having had knowledge of the abuse. Student 1 also indicated in one conversation in 2017 that her mother knew of the abuse but never brought it to the School, and in separate conversations, stated that her mother spoke with an employee about the abuse, the Current KIPP Employee. During these same conversations from 2017, she also stated that she did not tell anyone about the abuse and specifically stated that she did not tell senior leadership about the abuse prior to 2017; she explained that she did not say anything to anyone because she thought they already knew about the abuse. Each of the individuals alleged to have known about the abuse when it occurred denied having such knowledge. Additionally, as noted above, Teacher 1’s personnel file reflected no evidence of inappropriate conduct with students.

Given the weight of the available evidence, to date, investigators did not find that any adult at KIPP was aware of the alleged sexual abuse or any other sexual misconduct committed by Teacher 1 at the time that it allegedly occurred. Although Student 1 stated that adults at KIPP were aware of the abuse at the time, she was inconsistent in her 2017 accounts with school representatives, even within a single conversation. Perhaps these inconsistencies could have been explained, but since investigators did not have access to Student 1, they could only consider the evidence in front of them. Additionally, the KIPP employees who knew and spent time with Student 1 while she was a student, including some who were quite close to Student 1, credibly denied learning of any allegation of abuse. There is also no record of any such allegations in Teacher 1’s personnel file. Although that is not always dispositive, it is important to note that in another situation, described below, KIPP’s personnel files did contain evidence of sexual misconduct on the part of a teacher. Further, there is no evidence that Teacher 1 was transferred to a different school to “cover up” sexual misconduct. For a number of reasons, none of which concerned sexual misconduct, Teacher 1 did rotate between schools starting in the early to mid-2000s. As noted below, KIPP’s actions when it did learn of sexual misconduct in another situation demonstrate that KIPP took these issues very seriously. Additionally, investigators could not corroborate the allegations that specific employees were aware of the abuse at the time it occurred or that one employee spoke with Student 1’s mother about the abuse when it occurred.
As described at the outset, investigators did corroborate that one former KIPP employee and the Current KIPP Employee first learned of the allegations, well after the alleged abuse occurred and when Student 1 was already an adult. The former KIPP employee first became aware of the allegations in 2014 when she no longer worked for KIPP. The Current KIPP Employee acknowledged hearing rumors about the alleged misconduct as early as around 2010. Additionally, Student 1 reported some of the allegations of misconduct to this employee over social media in 2014. The weight of the evidence suggests that neither of these individuals told KIPP senior leadership or anyone at KIPP about the allegations when they first heard them or any time prior to KIPP senior leadership learning of the allegations in 2017. As a result, the Current KIPP Employee was disciplined in 2017 for not disclosing the allegation to KIPP senior leadership when he first learned of it.

Other than this one former student, no other student came forward to report experiencing sexual abuse by Teacher 1— even after the School sent a letter to the community in September 2017. As noted, investigators did receive one additional report from another alumnus, which they credit, that the former teacher made inappropriate, sometimes sexual, comments to students.

Report from Student 2

Student 2 Reports Allegations of Abuse to KIPP Administrators

The second allegation came from a KIPP alumnus (“Student 2”) who also graduated from KIPP Academy in the early 2000s. Student 2 reported to senior leadership at KIPP in 2017 that a former teacher (“Teacher 2”) sexually abused her when she was in middle school. Student 2 also reported that this occurred at the school. Finally, Student 2 noted that she believed there were other sexual abuse victims of Teacher 2—though, she did not provide names of other potential victims. In making the allegation in 2017, Student 2 stated that she had not told any teacher or administrator at KIPP about the abuse while she was a student at KIPP. She also insisted that no one contact her. The School reported this incident to the appropriate city agency and law enforcement.

Findings Regarding Allegations of Abuse

Student 2 was not willing to speak with investigators regarding these allegations. Investigators have also been unable to speak with Teacher 2.

While this allegation may be credible, investigators have not, to date, been able to make a specific finding related to whether the alleged abuse took place. Investigators did, however, find that there were unrelated reports of sexual misconduct against Teacher 2. Investigators found that the later of these reports was credible and that this later report also resulted in Teacher 2’s termination.

Teacher 2’s personnel file contained records regarding two incidents of note. The first incident occurred in the early 2000s. Specifically, Teacher 2 met with a female alumnus who was in high school without informing KIPP, which was not in
accordance with KIPP’s expectations at the time; such visits would have been typically coordinated with KIPP. KIPP learned that Teacher 2 met with the alumnus when administrators at her school later called senior leadership at KIPP over concerns of rumors at the school that the alumnus was in a sexual relationship with Teacher 2. KIPP senior leadership informed KIPP’s Board Chair of these concerns and went to the school, along with a KIPP social worker, in order to discuss the matter with both the alumnus and administrators at the school. The KIPP alumnus denied any sexual contact or inappropriate relationship with Teacher 2. Teacher 2 also denied the rumors, but admitted to meeting with the alumnus without notifying KIPP. KIPP did not find any evidence of an inappropriate relationship but nonetheless disciplined Teacher 2 because he failed to disclose his visit to the alumnus’s school.

The second incident occurred in the late 2000s and resulted in Teacher 2’s termination. Specifically, Teacher 2 exchanged a high-volume of text messages with a middle school student including messages that asked the student for a kiss and told the student not to tell her parents. When KIPP administrators and senior leadership became aware of these messages, Teacher 2 was immediately suspended and then terminated within a few days. Just days after Teacher 2’s termination, the student also reported to KIPP administrators and senior leadership that Teacher 2 kissed her, in a sexual manner, on several occasions. KIPP’s senior leadership reported this misconduct to the appropriate city and state agencies as well as law enforcement officials. KIPP later received notice that Teacher 2 was arrested on criminal charges related to this incident. Investigators found this allegation credible.

Investigators did not receive any other first-hand accounts of sexual abuse related to this former teacher. However, given the above noted credible allegation against Teacher 2, investigators will continue to take investigative steps with regard to Teacher 2.

Other Reports/Findings

Investigators did not receive any other first-hand accounts from victims of sexual abuse at KIPP. Investigators did receive a few reports from alumni who suspected, but had no first-hand knowledge of or any details about, additional instances of sexual misconduct by adults at KIPP. Investigators also received an anonymous report of student-on-student sexual abuse that could not be fully investigated or corroborated. When appropriate and where provided with a name of a potential victim, investigators contacted the individual in question. In all of these cases, investigators either did not hear back at all or were told that the individual did not want to participate in the investigation.

In addition to the above noted findings, investigators also found that in KIPP’s early years, it did not have the more developed and structured policies and training that it does today. For example, although witnesses described conversations with teachers about student safety and appropriate physical and emotional boundaries between students and teachers, there were no formal policies or training on these topics. Investigators could not attribute the lack of formal policies to any incident of abuse.
The KIPP Board has asked investigators to conduct a full evaluation of KIPP’s current policies and procedures. As part of that evaluation, investigators will provide recommendations on how to best improve policies to ensure the safety and wellbeing of KIPP students. That work will be reported to the KIPP Board when completed.

**Conclusion**

At the outset of this investigation, Debevoise endeavoured to make findings related to the two allegations of sexual abuse against former teachers at KIPP as well as related to any other allegations that arose during the course of the investigation. To date, Debevoise has made findings where appropriate given available evidence, but Debevoise’s investigation is not yet complete as it has more investigative steps to take. Debevoise will amend any findings as necessary as the independent investigators complete their investigation.

Due to the noted limitations of the investigation in combination with other evidence, Debevoise was unable to make a specific finding to date related to Student 1’s allegations of sexual abuse against Teacher 1. However, investigators did find that Teacher 1 made inappropriate, overly familiar comments, sometimes sexual, to students. Debevoise was also not able to make a specific finding related to Student 2’s allegations against Teacher 2. However, based on available evidence from Teacher 2’s personnel file, Debevoise did find that there was a different credible allegation of sexual misconduct against Teacher 2, resulting in his termination.

Regarding Student 1’s allegations, investigators did not find any evidence to date that any adult at KIPP was aware of any sexual abuse at the time it reportedly occurred. Specifically, investigators found no evidence to suggest that KIPP moved Teacher 1 around schools to “cover up” the alleged abuse, could not corroborate the allegations that specific employees were aware of the abuse at the time it occurred, and could not corroborate that one employee spoke with the Student 1’s mother about the abuse when it occurred. Student 2 did not allege that any adult at KIPP knew of Teacher 2’s abuse when it reportedly occurred.

While investigators found that in KIPP’s early years, it did not have formal training and policies regarding appropriate physical and emotional boundaries between students and teachers, investigators also found that on multiple occasions, when faced with knowledge of potential sexual misconduct by employees, KIPP senior leadership proactively addressed those issues as they arose. KIPP also moved decisively in 2017 to ensure that the issues raised were investigated, consistent with best practices, and hired Debevoise to ensure an independent investigation and to avoid the possibility that KIPP senior leadership, to whom Student 1 initially felt comfortable reporting, could inappropriately influence any factual findings. In light of this goal, the KIPP Board also formed a Special Committee to ensure that the investigation was handled in a confidential and appropriate manner.