

Complaints and Investigations: Board of Education Update on the Office of Inspector General Report – February 6, 2024

Good morning. Before I address the January 23, 2024 Inspector General report regarding MCPS Complaint Processing, I'd like to take a minute and review the events that lead to the IG undertaking this review, what we have learned throughout this process, and how we have held people accountable as a result.

On June 27, 2023, the appointment of Dr. Joel Beidleman to serve as the next principal of Paint Branch High School was approved by the Board. Dr. Beidleman's nomination was brought to the Board in the normal course of business as are all nominations.

The Board first learned on August 4, 2023, that Dr. Beidleman had been under investigation at the time he was promoted in June. On August 11, 2023, the Washington Post published an article that claimed that in addition to being under investigation at the time of his promotion, many teachers had made sexual harassment claims against Dr. Beidleman over many years.

Following these revelations, MCPS engaged the law firm Jackson Lewis to investigate the Beidleman promotion process. The Board oversaw Jackson Lewis's investigation. We met with Jackson Lewis on several occasions to discuss their progress and to ensure that Jackson Lewis was receiving necessary cooperation throughout MCPS, which they were.

Jackson Lewis presented their final report to the Board on September 8, 2023. It reached the following conclusions:

- Dr. Beidleman was promoted while he was being investigated by MCPS because key decision-makers did not exercise enough diligence

to ascertain important details about the investigation. Specifically, multiple members of the administration, who were part of the promotion process, knew that Dr. Beidleman was under an active investigation at the time of his promotion. Those individuals did not inquire about the specific nature of the allegations against Dr. Beidleman, including their disposition.

- After Dr. Beidleman's promotion, key MCPS leaders failed to take any remedial action and failed to promptly notify the Board once they knew specific details about the allegations against Dr. Beidleman and the disposition of the investigation. Key members of MCPS leadership learned details about the pending MCPS investigation and the disposition of that investigation by July 19, 2023, but did not share that information with the Board until on or about August 4, 2023.
- There is no evidence that the Board was aware of the pending MCPS investigation, the disposition of that investigation, and/or any other allegations relating to Dr. Beidleman prior to its June 27, 2023 promotional decision.
- MCPS' promotion process does not have a mechanism to automatically identify whether a candidate for a promotion or a transfer is under investigation.
- All relevant formal complaints were investigated and addressed by MCPS, but there was evidence that MCPS has long-standing practices and processes in place that resulted in anonymous and informal

complaints not being formally investigated. Specifically, MCPS did not formally investigate (by interviewing witnesses, interviewing the accused, or rendering a written determination pursuant to its policies) any of the multiple relevant anonymous complaints that it received. Many of those anonymous complaints contained sufficient details to enable MCPS to initiate a formal investigation, pursuant to its policies and procedures for investigating complaints against staff. MCPS similarly failed to formally investigate informal complaints that were brought to it by witnesses that were interviewed in connection with a relevant formal complaint. MCPS typically does not formally investigate these types of informal complaints unless the alleged victim files a formal complaint under its policies.

While all of the findings in the Jackson Lewis report were deeply concerning, of particular concern to the Board, were the revelations regarding the failings within the Department of Compliance and Investigation to investigate anonymous and informal complaints. September 8, 2023 was the first time that the Board had ever been briefed regarding large scale failings within DCI. Jackson Lewis briefed the Board on their findings.

While Jackson Lewis's investigation was ongoing, Board leadership met with both the Montgomery County Inspector General and the State Inspector General to keep them apprised of the timeline of Jackson Lewis's work and to discuss requests from the public for an Inspector General to investigate additional matters. While the Board understands that the Inspectors General have complete autonomy regarding what investigations they undertake, the Board wanted to ensure that the Inspectors General knew that the Board and MCPS would be completely supportive if they

chose to investigate. Following the release of the Jackson Lewis Report, MCPS, directed by the Board, shared documentation and information with the Montgomery County Inspector General to review as she analyzed what if any investigations she would undertake. On September 20, 2023, the Montgomery County Inspector General notified the Board that she would undertake an investigation into both specific allegations against Dr. Beidleman and MCPS's process for receiving and responding to allegations of misconduct against school system employees.

On December 1, 2023, the Office of the Inspector General released its report regarding misconduct allegations against Dr. Beidleman. That investigation substantiated violations of MCPS's Code of Conduct and sexual harassment and workplace bullying policies.

On January 23, 2024, the Office of the Inspector General released its report regarding MCPS Complaint Processing. The results of that report were also alarming. The Inspector General found:

- That MCPS does not have a comprehensive protocol addressing the receipt, evaluation, tracking and disposition of complaints;
- That MCPS's Department of Compliance and Investigation does not follow defined criteria when determining what actions to take with complaints;
- That DCI does not have comprehensive policies for conducting and documenting investigations;
- That electronic case files lacked evidence that DCI consistently followed sound investigative practices; and

- That previously identified deficiencies in DCI had not been addressed by MCPS.

Again, of significant concern, the report found that MCPS had been put on notice of the deficiencies in DCI but had failed to “implement appropriate corrective actions.”

During the months long investigations by the OIG, the Board was committed to ensuring that she had the full cooperation of MCPS and worked with the administration to confirm it was providing any and all relevant information to the IG. Additionally, the Board requested and obtained copies of documentation regarding human resources that was shared with the OIG to inform policy development. In response to those requests, in late November and early December, the Board received copies of a July 2019 Investigation by a Private law firm and a January 2022, MCPS OHRD Review of DCI, which are both referenced in the OIG’s report. It was only at that time that the Board learned that the system had been on notice of the significant deficiencies within DCI.

So where does this leave us?

First, the Board will oversee and ensure that all corrective actions recommended by the OIG are taken. As agreed with the OIG, the Board will update the OIG every 90 days on progress toward fully implementing their recommendations. In addition, we intend to work with the administration to bring in a team of external experts to help us ensure that we are implementing best practices in restructuring DCI going forward. We will also do a comprehensive review of policies to ensure we have strong and robust reporting structures and processes. Finally, we will increase oversight by bringing this topic back to the full board starting at the April 23 2024 board meeting.

We have also heard your calls for transparency, and we understand. We agree that in order for a school system to be successful, its stakeholders must have confidence and trust in the system. Part of building that confidence and trust is being honest about the system's failings and acknowledging that improvements must be made.

On October 11, 2023, we released a redacted version of the Jackson Lewis report so that the MCPS community could have a better understanding of Jackson Lewis's findings. That report was redacted in compliance with the Maryland Public Information Act. The Report contains personnel information about MCPS employees, including those who may have been subject to discipline based on the findings in the Report. In fact, since the release of the report, personnel actions have been taken against those named in the Report. Some have been terminated, some are no longer with the district, and others have gone through an investigation, have been cleared and have returned to a position within MCPS. People have been and are being held accountable. It maybe helpful for our community to understand what it is we mean when we talk about ensuring all employees' due process rights. Employees have a right to what is called a "Loudermill" hearing. This is part of the "due process" requirement that must be provided to public employees prior to terminating or disciplining an employee. The purpose of a "Loudermill hearing" is to give the employee an opportunity to present their side of the story before the employer decides on discipline action. There are process steps that are involved and timelines that are required. All of this takes time, but it is intended to allow the employee the opportunity to present their story. We know the time the process requires can be frustrating.

We also have heard your requests for a better understanding of Jackson Lewis's findings, and we are taking another look at the report to see if there are any areas in which we could redact less.

These were systemic failures. Moreover, the Board, which is meant to act as the public's voice in the school system and exists to provide oversight to the school system, was not informed in a timely manner and therefore could not provide that much-needed oversight. But that does not let this Board off the hook. We need to do better too. We need to act on recommendations of the OIG including enacting strong and comprehensive policies to guide the work of the system. We need to and are increasing our capacity to provide oversight for a system this large. Both for HR and the Board, we need to insist on more transparency to us and in turn to you.

We are deeply sorry for the pain that this has caused so many employees and harm for the district. It has not always listened to its employees; it has not always properly investigated complaints; and it has not created a process that ensures its employees will feel safe to speak up. We understand that something has been broken in MCPS. And the Board will work with MCPS leadership to ensure that what is broken will be fixed. It is time to move toward to correct these actions so that we can move past them. It is time for the school system to heal and to return its focus to delivering quality education to all of its students.