

May 27, 2014

**Canyons School District**

The Board of Education (individually cc'd below)  
9150 South 500 West  
Sandy, Utah 84070

Re: Open Letter from the Dissatisfied Parents of the Draper Park Middle School Students with Special Needs Assigned to the Route of John Martin Carrell

Last Thursday, the Sandy Police Department arrested John Martin Carrell charging him with 23 counts of aggravated sexual abuse of a 5-year old special needs girl. The victim was on the Accused Child Predator's special education bus route for Altara Elementary School in Sandy for the Canyon School District.

We are the parents of children on the Canyon School District's special education bus route for Draper Park Middle School, and our bus route was driven by the same Accused Child Predator. Over the past two weeks we have been shocked at the callous disregard by Canyon School District officials with respect to the welfare of our children. We believe that the School District has violated the public trust with its actions.

On three occasions over the past two weeks we have asked to jointly meet with Canyon School District officials to express our concerns. The School District expressly rejected our request, saying it is unwilling to hear our collective voice. This letter represents our collective voice.

**Timeline of Events**

Below are the facts as we understand them as of today, which may be incomplete due to the School District's refusal to meet with us to clarify events.

- The Accused Child Predator has worked for the School District since 2009. During the 2013-2014 school year, the Accused Child Predator drove three routes for the Canyon School District; the Altara Elementary special education route in Sandy, the Draper Park Middle School special education route, and an Oak Hollow route in Draper for one student.
- Typically the bus driven by the Accused Child Predator's was equipped with video surveillance equipment that would store up to 3 months' of video, so we understand there is no video evidence available for most of January or the months and years prior. We also understand that some buses used by the Accused Child Predator had no such video equipment, and that the Accused Child Predator made statements to a co-worker indicating he knew whether any particular bus had video capability.

- Unlike the standard policy in many school districts, the Canyon School District does not require an aide on special needs buses. No such aide was provided on the Altara route.
- A couple of the children on the Draper Park bus have Individualized Education Programs (also known as IEP's) that require an aide on the bus. We are aware that on many occasions the School District failed to provide an aide to those children, notwithstanding that the School District is legally required to do so under the Federal "Individuals with Disabilities Education Act." As a result, on numerous verifiable occasions our children were left alone on the bus with the Accused Child Predator.
- On April 23, the victim told her father she was being abused by the Accused Child Predator. The victim's family contacted the Canyon School District the same day. After an initial investigation, the School District determined to meet with and suspend the Accused Child Predator the following day pending a full investigation. Inexplicably, per a School District spokesperson, the School District allowed the Accused Child Predator to drive his routes that next morning before meeting with him.
- On April 24th, the School District contacted the Sandy Police Department to ask it to investigate, requiring the Sandy Police to subpoena the video from the bus before turning it over to them. The Sandy Police Department's investigation culminated in the arrest of the Accused Child Predator May 22nd. We applaud the hard work and diligence of the Sandy Police Department in this matter.
- For the nearly three weeks between April 23rd and May 12th the School District made no attempt to contact the parents of the Draper Park students to inform them that the Accused Child Predator was under investigation for sexual assaults on the Altara bus route. Jeff Haney, spokesperson for the School District, told one of our parents that the reason the School District decided not to inform the parents was fear of being sued by the Accused Child Predator. As a result, during that time the School District denied us our parental right of knowing the risks our children had been subjected to, the opportunity to investigate what may have happened to our children, and the ability to seek professional care and assistance.
- On approximately May 12, an employee at Draper Park Middle School discovered that the Accused Child Predator was also the bus driver for our children on the Draper Park route, and that the parents were unaware our children had been at risk. That Whistleblower Employee informed "Jana," the mother of one of the Draper Park special needs children riding the Accused Child Predator's bus.
- That same day, Jana's husband called the Draper Park Middle School administration and asked why he had not been notified. He was told that the

School District had no comment. Jana called the transportation office, which told her to call the School District. The School District told her she should call the Sandy Police Department. Jana called the Sandy Police and asked if they were investigating if any sexual assaults took place on the Draper Park bus route. She was told that the School District had not informed the Sandy Police Department that there were other bus routes driven by the Accused Child Predator. The Sandy Police Department later confirmed to KSL that the School District had not told it about the Draper Park or any other routes driven by the Accused Child Predator. The Sandy Police told Jana they could not investigate potential crimes in Draper, and suggested she call the Draper Police.

- Jana then called the Draper Police Department, which confirmed the Canyon School District had not notified it that the Accused Child Predator had also been driving a route in Draper. She filed a report, and the Draper Police began its investigation which continues today. Just a couple days ago, the School District and the Draper Police confirmed that the Accused Child Predator had a third route in Draper for one child attending Oak Hollow Elementary School. In a telephone call last week with one of our parents, Jeff Haney confirmed that the School District had unilaterally decided not to call the Draper Police to inform them about the Accused Child Predator's Draper bus routes after reviewing an unspecified amount of the Draper videotapes.
- Later the week of May 12, the School District discovered that the Whistleblower Employee had informed a parent that the Accused Child Predator under investigation was the same bus driver for the Draper Park students. In two separate meetings, the School District retaliated against the Whistleblower Employee by reprimanding and threatening termination if the Whistleblower Employee informed any other parents.
- On approximately May 16, nearly a month after the School District knew the Draper Park kids were at risk, the Draper Police Department called the remaining Draper Park parents to inform them that the Accused Child Predator was their children's bus driver and was under investigation for sexual assault.

### **Violation of Public Policy and the Public Trust**

Given the facts as they are known to us today, it appears that the School District may have undertaken a deliberate strategy to withhold information from law enforcement and the parents of special needs children who are at risk. The School District's decision to place its concern over financial liability and reputation above the welfare of our special needs children is a violation of the public trust and public policy. It is ethically and morally wrong, and we believe also contrary to the School District's legal duties.

The State of Utah, through its legislature, has a strong express public policy of protecting children from abuse. This policy is clearly set forth in Utah Code Annotated 62A-4a-403, which creates a duty for all persons to report abuse or neglect of a child - even if only to report that there are conditions or circumstances that could reasonably result in abuse or neglect. Violation of this statute is a Class B Misdemeanor crime.

The Utah Legislature has made it especially clear that the public policy of protecting children from abuse is even stronger as it applies to children with disabilities. Utah Code Annotated 76-5-110 makes it a third degree felony for any “caretaker” to intentionally, knowingly or recklessly neglect a child with a disability.

- We consider employees of the Canyon School District to be a “caretakers” of special needs children under this law when they have custody of our special needs children.
- We believe that it may be intentional, knowing and reckless neglect of those children to allow an accused child predator to continue driving those children after being accused of serious crimes, even if it is “only one more time.”
- We believe that it may be reckless neglect of special needs children for the School District to allow them to be driven without an aide as is the clear standard of care used by other school districts.
- We believe that it may be reckless neglect of very vulnerable special needs children to be placed on any bus without video equipment.
- We believe it may be intentional, knowing and reckless neglect of special needs children who have IEP’s requiring an aide to place those children on a bus without an aide, when compliance with IEP’s is required by law.
- We believe that it may be intentional, knowing and reckless neglect of those children to not inform law enforcement that an accused sexual predator was also driving other children on other routes.
- We believe that it may be intentional, knowing and reckless neglect of those children to not inform the parents that their bus driver has been accused of serious predatory crimes against children and is under investigation for those crimes, thus depriving parents the opportunity to seek help for their children.

We believe the School District further violated the public trust and the public policy of the State of Utah with respect to the Whistleblower Employee and any other Canyon School District employee who may have been threatened into silence:

- We believe that the public policy against child abuse and neglect set forth in 62A-4a-403 generally and in 76-5-110 for special needs children protects such employees from termination at-will, and that the threats of the School District to silence the Whistleblower Employee and any other employees constitute retaliation in violation of Utah’s public policy exception to at-will termination.

- We believe the Whistleblower Employee is the only employee of the Canyon School District who understood the moral, ethical, legal and statutory duty to protect special needs children by informing their parents of a serious risk to their welfare. We applaud the Whistleblower Teacher's courage.
- We encourage any Canyon School District employee who has been threatened to keep silent to obtain legal counsel to secure their rights, and to be forthcoming with any knowledge that the School District took steps to hide information from parents and law enforcement.

The media has shown a keen interest in this matter, both the allegations of abuse and the coverage of the School District's failures. We believe the media has an important role in determining whether the public trust has been violated, and in motivating the School District into taking actions to restore the public trust. We encourage investigative reporters to use all tools at their disposal (including Utah's Government Records Access and Management Act) to determine whether the School District maliciously undertook to hide information to the prejudice of special needs families, in a misguided attempt to minimize its exposure to civil liability and to protect its reputation.

We encourage law enforcement to continue with its investigation of other possible attacks by the Accused Child Predator. We believe law enforcement also plays a critical role in promoting the public policy of the Utah Legislature against child abuse. We have encouraged law enforcement to expand its investigation to include whether any officials of the School District may have purposely attempted to hide information from law enforcement or parents in violation of Utah Code Annotated 62A-4a-403 and 76-5-110.

### **Canyon School District Needs to Act to Restore the Public Trust**

With respect to the Canyons School District Board of Education, Superintendent and other School District Administrators:

- We demand that the Board immediately retain an independent investigator to fully investigate the facts surrounding (1) the hiring of the Accused Child Predator, (2) the employment history of the Accused Child Predator, (3) the decision to allow the Accused Child Predator to drive his routes one more time before suspension even though he was under investigation, (4) the decision to allow the Accused Child Predator to drive a bus without video equipment, (5) the decision to allow the Accused Child Predator to drive without an aide for children whose IEP's require an aide, (6) the decision to not inform the parents of the Draper Park children that their children had been at risk, (7) the decision not to inform the Sandy Police of the Draper bus routes driven by the Accused Child Predator, (8) the decision not to inform the Draper Police that the Accused Child Predator had been driving two routes in Draper, (9) the decision to threaten the

Whistleblower Employee with termination to keep Whistleblower Employee silent, (10) the accuracy of the School District's public statements to media and parents relating to this matter Since April 23<sup>rd</sup>, and (11) generally all decisions that placed the School District's fear of liability and desire to protect its reputation ahead of the interests of the special needs children. We request that the School District waive any attorney-client privilege that may exist with respect to internal communications so that the independent investigator will have a clear view of how decisions were made. We further request that the findings of the independent investigator made public in order to restore the public trust.

- We demand that the School District notify parents of children from all buses driven by the Accused Child Predator for the School District since he was hired in 2009.
- We demand that Whistleblower Employee be restored to complete good-standing status with the School District, including the removal of any reference in employment records to a reprimand or any suggestion that Whistleblower Employee acted improperly. We demand that the School District issue a public apology to Whistleblower, and that those who were involved in illegal retaliation against Whistleblower Employee be properly disciplined.
- We demand that the School District undertake to change its culture of placing fear of liability and desire to protect its reputation in front of its ethical, moral, legal and statutory duties to special needs children by removing any officials that promote such a culture and by training all School District employees with respect to such duties. We demand that teachers who place the welfare of children above the liability and reputational fears of the School District be protected.
- We demand that the School District immediately implement a no-exceptions policy requiring aides on special needs school buses. We believe that such a policy is the standard of care required by public policy in the State of Utah as evidenced by other school districts.
- We demand that compliance with IEP's be treated by the School District's employees, teachers and administrators as mandatory under Federal law.

As a final observation, we are offended nearly every time the public relations employees of the School District speak in the media about this matter. The School District should immediately stop asserting that it has acted properly in all respects. Rather, the School District should publicly apologize to parents and special needs children for its failures.

Scott and Carol

Jim and Jana

Kevin and Julie

Kevin and Monaca

Cc:

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