



**ANDRUS
WAGSTAFF, PC**

Boston Office
19 Belmont Street
South Easton, 02375
Office: (508) 230-2700
Fax: (888) 875-2889

7171 W Alaska Drive
Lakewood, Colorado 80226
Office: (303) 376-6360
Fax: (303) 376-6361
www.AndrusWagstaff.com

October 20, 2020

Via Electronic and First Class Mail

Chairperson Carroll
Vermont State Board of Education
P.O. Box 305
Norwich, VT 05055
John.Carroll@vermont.gov

Chairperson Mark Tashjian
Vermont Council of Independent Schools
Burr & Burton Academy
P.O. Box 498
Manchester, VT 05254
Mark.Tashjian@vermont.gov

**RE: Abuse and Assault at Kurn Hattin Homes for Children
Vermont State Board of Education Meeting: October 21, 2020**

Dear Chairperson Carroll, Chairperson Tashjian and other Board Members,

I represent over 30 former students of Kurn Hattin Homes for Children, ranging in age from 12 to 80 years old, who suffered horrific physical, emotional and sexual abuse and assault while residents of the school. Instances of the 80 years of abuse and assault at Kurn Hattin are chronicled in the Vermont Digger's expose,¹ which as community members you have hopefully read, and if not, I urge you to read before tomorrow's State Board of Education Meeting.

As members of the Vermont State Board of Education ("the Board"), you will be voting on whether there should be a review of Kurn Hattin's status as an approved independent school. Having heard the heartbreaking stories from dozens of assault and molestation survivors first hand, on behalf of the survivors, we urge the Board to take this decision seriously and vote to ensure that fulsome, unbiased fact-finding is conducted through formal review of the school. The abuse can no longer be ignored. Survivors of childhood abuse can no longer be blamed. The truth must be exposed and corrective action taken. Children's lives are at stake.

On behalf of the survivors, we must address Kurn Hattin's response to the reports of abuse, statements of the Department of Children and Families ("DCF") Commissioner and

¹ <https://vtdigger.org/2020/09/20/culture-of-abuse-alleged-at-kurn-hattin-over-80-years/>.

Secretary French's recommendation to review the approval of the school. The school's responses and approach have been nothing short of appalling. Kurn Hattin has failed to acknowledge and accept responsibility for the school's actions and inactions over the past 80 years, serving to only re-traumatize the survivors. Instead, Kurn Hattin has chosen to attempt to re-write history in an effort to protect its own image and seek pity from its alumni and the community at large. And now it seeks to influence the Board's vote, claiming its authority is limited in scope and time for review of its misconduct.² The only explanation for this approach is to hide the truth.

Right from the beginning, when the allegations of abuse and assault were first reported, Executive Director of Kurn Hattin, Steve Harrison, affirmatively misinformed the public, claiming that he was "not aware of these additional, new allegations,"³ despite multiple DCF documents and communications with alumni establishing otherwise.⁴ Kurn Hattin continued to mislead the community regarding the surrender of its residential treatment license, stating that "on its own initiative, [it] elected to close its RTP license," and claiming the "closure of the license is entirely unrelated to any issues of alleged abuse."⁵ The facts establish the contrary, as DCF Commissioner Brown has unequivocally stated:

"We found them to be in violation and also failing to provide adequate supervision to youth in the residential treatment program... Had they not chosen to voluntarily relinquish their residential treatment license, we would have taken it away," noting the results of the Residential Licensing and Special Investigations (RLSI) unit of DCF are "shocking." "We are in the child protection business and to think about kids being harmed there in these ways is incredibly challenging to think about. We were hoping that, as an established member of the community, they would take action to stop these behaviors."⁶

In other attempts to avoid responsibility, Kurn Hattin attempts to arrogantly tell the Board that DCF is "wrong" and that the schools inaction as it relates to background checks of its employees accessing children was acceptable because it was "not required," or "not clear," or that the "process is cumbersome and time consuming."⁷ Such inaction is inexcusable when it relates to the health and safety of children. Kurn Hattin had an obligation to do what was in the best interest of children regardless of the burden placed upon it or whether or not it was required. Furthermore, despite what it reports to the Board regarding the DCF documents and its efforts to limit the Board's scope of authority, Kurn Hattin is responsible to report any suspicion of child abuse within 24 hours, and the DCF documents establish that it failed to do so repeatedly.⁸ DCF

² <https://education.vermont.gov/documents/state-board-agenda-item-102120-h-17>.

³ <https://kurnhattin.org/statement-about-alleged-abuse/>.

⁴ <https://www.usnews.com/news/best-states/vermont/articles/2020-07-04/kurn-hattin-homes-to-investigate-allegations-of-abuse>.

⁵ <https://kurnhattin.org/statement-from-kurn-hattin-homes-9-19-2020/>.

⁶ Link to reformer: https://www.reformer.com/uncategorized/kurn-hattin-gives-up-treatment-license/article_1544c085-9910-5b00-8776-14723145d47b.html.

⁷ <https://education.vermont.gov/documents/state-board-agenda-item-102120-h-17>.

⁸ "All employees of approved independent schools are mandated reporters under 33 V.S.A. 4913. Any mandated reporter who reasonably suspects abuse or neglect of a child is required by law to

concluded that the school's inaction and lack of supervision led to years of abuse going unreported and unaddressed, needlessly placing many youngsters in harms way.

Moreover, as it relates to DCF's documentation of the horrendous abused endured by students at the school, Kurn Hattin selectively summarizes only a few records, ignoring the most damning of the documents.⁹ Here are just a few examples of what Kurn Hattin has conveniently hid from the public, and now ignore in its correspondence with the Board:

2016: DCF Residential Licensing & Special Investigations notes reports of a **15 year old Kurn Hattin ("KH") employee soliciting sexually explicit photos from a 12 year old current KH resident A regulatory intervention was found to be warranted** given the 15 year old's role at KH, his daily contact with students and lack of clarity regarding response.

2017:

- DCF letter summarizes a regulatory investigation regarding a KH teacher using ***inappropriate physical intervention with 11 year old when she "yanked right arm to remove hand from his ear."***
- DCF Letter to Stephen Harrison, KH Executive Director summarizing a Residential Licensing & Social Investigation of an incident that took place August 2016: "...allegation that **your 15 year old foster child [x] solicited inappropriate digital photographs of a 12 year old female** former resident of Kurn Hattin [x]. It was also alleged that [x] *attempted to solicit inappropriate photos of a 13 year old KH resident* who reportedly refused to provide the photographs. Finally, it was noted that [x] [Harrison's foster son], who is no longer a student at KH, was working in the KH student cafeteria and, in this capacity, has had ongoing contact with [x], which she stated was upsetting to her." DCF's assessment was that it was "***clear that [x] did engage in some level of inappropriate on-line contact with at least two female students of KH while under your care...***" (*emphasis added*).
- DCF correspondence with KH Director of Residential Services regarding allegations of physical abuse at KH, including ***grabbing/pushing/shoving students, withholding a student's breakfast for being late, and also being verbally abusive***, resulting in an action plan. (*emphasis added*).
- DCF investigation report of an allegation that one student, on different occasions, offered to pay money to see two other residents' private parts. The allegations of solicitation occurred on 10/20/2017 ***and it took a considerable amount of time to report the incident to the licensing authority.*** (*emphasis added*).
- Residential Licensing & Special Investigations correspondence notes: "On 10/20/17 a 14 year old resident at Kurn Hattin approached two other youth, ***offering money to show him***

make a report within 24 hours of the time information regarding the suspected abuse or neglect is first received or observed." (Sec. French recommendation letter, AOE-Kurn Hattin-000125-127).

⁹ See footnote 2 and

their penises or to let him play with their penises. Both boys declined this offer." (*emphasis added*).

- DCF RLSI Letter to Stephen Harrison, KH Executive Director stating: "*It is important to note, that upon receipt of the incident reports from KH, the allegations of solicitation occurred on 10/20/17 and it took a considerable amount of time to report the incident to the licensing authority.*" *The letter identifies several possible regulatory violations, including RTPLR 118 - a RTP shall report any suspected or alleged incident of child abuse or neglect within 24 hours to DCF; RTPLR 119 - RTP will supervise and separate the individual(s) and the victim(s) whose behavior caused the report; and RTPLR 601 - RTP shall provide adequate supervision appropriate to the treatment and developmental needs of children/youth.* (*emphasis added*).

2018:

- RLSI was assigned review of [x] for *sexual abuse, alleging that over the past year a KH resident had kissed, touched and made [x] put his penis in his mouth. [x] disclosed multiple incidents when [x] would rub himself on [x]. [x] reported that he was scared to tell anyone because [x] threatened to tell everyone [x] is gay if he disclosed.* DCF concluded KH to be *in violation of RTP Regulation 201, 508, 520 and 522.* (*emphasis added*).

2019: Multiple documents describe several regulation violations related to a boys "touching club" engaging in oral contact, groping, humping, dating back to 2016, along with separate girls oral and penetrative sexual acts, all going on much longer than it should have due to a lack of supervision and reporting:

- "Information received in the intake indicated that there was a *large number of KH residents engaging in sexualized contact with each other. At least nine separate youth from two different cottages, Morrison and Parent, were involved.* The age range of youth involved was between *7-11 years old...* Mrs. Richardson [...] stated that the sexual activity has been described by the boys as *showing each other their genitals, some boys stated that they engaged in hand to genital contact, and one of the older boys (10) disclosed oral-genital contact* with another of the older boys (11)...Mr. Plante [...] added that the youth report that 'the club' has been going on for at least a full year, perhaps longer... Ms. [x] said that a youth said the club *'has been going on since 2016.'*" *The report found KH to be in violation of Regulation 201, 508 and 601.* (*emphasis added*).
- DCF Letter to Steven Harrison, KH Executive Director stating: "*it became clear that at least nine boys who were residents of Kurn Hattin Homes had been engaging in sexualized activity with each other. The youth called this behavior being in "the club."* *The sexualized contact included mostly viewing and touching each other's penises, though some youth interviewed described more extensive sexualized contact, including over the clothes "humping," oral-genital contact, and skin-to-skin contact in which one youth described that his penis touched another youth's bottom."* *DCF found KH to be in violation of Regulation 201, 601, and 508.* (*emphasis added*).

- Kurn Hattin Dean of Students Meeting notes:

Ms. Newton *"shared the concern that events that were once 'isolated are becoming systemic,' which she attributed to the lack of follow through and bad judgment calls of administration,* but mostly named Nancy Richardson, Director of Residential, Carol Bazin and Clint LaPlante are Assistant Residential Directors. *She was adamant that Steve Harrison and Sue Kessler know of these incidents/concerns."*

Ms. Newton tracks behaviors trends in the school through their data system. She explained that the behavior during residential hours is triple the behavior/incidents during school hours. She believes this difference is even more since *the behavior matrix and documentation is not being followed or completed by residential staff...*

Ms. Newton disclosed that *she knows of at least two incidents that occurred but do not have corresponding incident reports.*

Several detailed instances were noted where Nancy Richardson knew of/was informed of student incidents but did not respond appropriately, if at all.

(Emphasis added).

- DCF Residential Treatment Program Investigative report allegation from 3/21/2019: *"The reporting source said [x] reported that she performed sexual acts (orally and insertion with fingers) on peers, [x] shared that she felt pressured and threatened to perform these acts and described that there was no supervision at KH. [x] described that this occurred from the ages of 6-12 years old, through her entire time at KH and began as 'hazing.' Additionally, on 4/25/2019, there was another allegation of possible sexual abuse by another KH resident. [x] disclosed that [x] had forced her to have sex with him and this occurred behind the stairwell in the auditorium. [x] said that she felt uncomfortable and unsafe some of the times they would have sex."* (emphasis added).
- Course of investigation lasted from April 2019 - Sept 2019. Regulatory findings conclude: *"KH was in violation of RTP Regulation 508 and licensing continues to recommend that the admission procedures be reviewed and modified so the program is accepting children and youth whose needs they are able to meet...KH is found in violation of RTP Regulation 601 and licensing continues to recommend that staffing be increased during the afterschool and evening hours."* (emphasis added).
- *Of the 17 child abuse and regulatory investigations during this licensing period, at least three were not reported within the required timeframe.* For example, three incidents occurring in February 2019 and were not reported to licensing or Centralized Intake and Emergency Services (CIES) until April 2019. *Staff interviews illuminated an instance in October 2019 where information was intentionally withheld from licensing regarding the division of Parent Cottage students into other cottages due to the inadequate staffing coverage. Multiple staff interviews have alleged that significant incidents within residential programming and timing had not been documented.* At least two separate scenarios were noted. School-wide Information System (SWIS) began to hold all the Kurn Hattin School's

incident reports as of 2015. *There are multiple incidents reviewed within 10 student files on SWIS that should have been reported to RLSI but were not. These include incidents of sexual touching between students and other incidents that directly impact the health and safety of the students. (emphasis added).*

2020:

- DCF letter to Mark Bodin, President of KH agreeing to close KH's RTP license. DCF listed steps for KH to take in order to close out the license, including: "***KH will remind its staff members of their legal obligation to report incidents of suspected child abuse and neglect.***" (emphasis added).
- DCF Residential Treatment Program Investigative report regarding numerous allegations made in April 2019, including:
 - *4/2/19: allegations that [x] had tried to kiss and touch alleged child victim. Appended information was added on 4/11/19 when [x] further disclosed that [x] had touched her vagina with her fingers and asked [x] to masturbate with a toothbrush while she was naked. [x] and [x] were roommates during the incident back in Feb 2020 and [x] didn't feel safe to disclose what happened until [x] was discharged from KH.*
 - *4/9/19: allegations that [x] had tried to kiss and touch alleged child victim [x]. Appended information was added on 4/12/19 when [x] mother called CIES with additional information that [x] had "stuck a toothbrush in [x] and that meant in her vagina." [x] also reported that [x] had touched her numerous times while she was in the shower. [x] said it was "gross and perverted."*
 - *4/9/19: allegation that [x] tried to kiss and touch the alleged child victim. When speaking with the reporter, the other students shared that they didn't disclose the incidents sooner because they were scared to get in trouble and [x] said she would kill them in her sleep with a knife.*
 - *4/4/19: incident between several students which was reported to Ms. Newton that behind the bike shed, [x] pulled down her pants to show the three other students that she was wearing a thong. Several students laid down on the ground and talked about masturbation, scissoring, and being each others "side hoes." [x] then "humped" [x's] leg. [x] reported to licensing and in the [x] that the actions appeared consensual but the greatest concern is lack of supervision within the program. KH was found to be in violation of Regulation 120 (incidents of sexual activity not reported within 24 hrs), 508 (incident report for student from Aug 2017 which is similar in nature to the incidents in this regulatory intervention, yet occurred 1.5 years earlier. Unclear how the program was assessing or meeting the treatment needs of student during that tie period), and 601 (RTLI continues to have an ongoing concern of inadequate supervision at KH. Many previous regulatory interventions found inadequate supervision in the cottage setting...). (emphasis added).*

It is clear from the DCF documents that sexual abuse and assault were rampant at Kurn Hattin, and that Kurn Hattin was in violation of multiple regulations for lack of supervision, reporting the abuse and its failure to assess and meet the treatment needs of students in their care.

The abuse was not only documented by DCF, the Vermont Digger chronicled 80 years of horrific abuse, finding:

*Eerily similar patterns of sexual, physical and psychological abuse were covered up for decades, child survivors say. Documents, social media posts and interviews with victims describe how **more than 60 children who were sent to Kurn Hattin to escape troubled homes were allegedly assaulted from the 1940s through 2019.***¹⁰ (emphasis added).¹¹

Rather than acknowledge its mistakes and take responsibility, Kurn Hattin chose to publish a statement that the school is “deeply moved and humbled by the overwhelming number of messages of support and encouragement” citing testimonials from staff, agents or people who were fortunate enough to not have been abused while in the school’s care that “are heartwarming to read.”¹² Such a statement is a slap in the face to the survivors who were deeply harmed by their egregious misconduct, particularly where the school’s response came on the heels of the brave survivors sharing their horrific experiences with the public in the Vermont Digger article.

Notably, Linda E. Johnson, Executive Director of Prevent Child Abuse Vermont, published a statement today answering the age-old question of why children, like those from Kurn Hattin, do not report assault and abuse right away, but equally important, she notes the following:

[C]hild abuse can be prevented from occurring in the first place and interrupted even when it has begun. As adults, we can acquire the knowledge and the tools to help children grow up without being tortured, terrified, and or used... they most importantly need informed adults to watch over them, ask them how they are doing and be that “askable” adult in their lives. Every child needs someone they can turn to if they are confused or hurt... Think for a moment if you might be that person who a child could turn to and consider how you might let them know you care and are there for them. It is part of creating a healthier, safer community for every child. It is up to each and every one of us to provide safe environments for children and to reach out to support the children we know.*

*This is how we will put an end to child abuse. This is our responsibility.*¹³

On behalf of the survivors, I ask you, has Kurn Hattin’s approach and response to the abuse and assault demonstrated that it is able to take responsibility and the steps necessary to prevent abuse moving forward? The answer is no, and as a result, the review of Kurn Hattin’s

¹⁰ <https://vtdigger.org/2020/09/20/culture-of-abuse-alleged-at-kurn-hattin-over-80-years/>.

¹¹ Kurn Hattin would like to limit the vote on whether to review the school’s approval to be licensed as an independent school, the historic pattern of abuse for decades cannot be ignored.

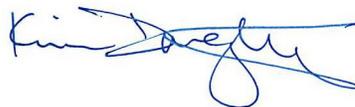
¹² <https://kurnhattin.org/statement-from-kurn-hattin-homes-october-2-2020/>.

¹³ https://vtdigger.org/press_release/regarding-abuse-at-kurn-hattin/.

license must proceed to put an end to child abuse in its homes.

The abuse can no longer be ignored. Survivors of childhood abuse can no longer be blamed. The truth must be exposed and corrective action taken. As such, it requires that each of you make the right decision and vote in favor of the review of Kurn Hattin's status as an independent school, as recommended by Secretary French. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kimberly A. Dougherty". The signature is fluid and cursive, with a large loop at the end.

Kimberly A. Dougherty, Esq.

Copy to:

Sabina Brochu (via electronic mail: Sabina.Brochu@vermont.gov)
Kim Gleason (via electronic mail: Kimberly.g.gleason@partner.vermont.gov)
Kathy Lavoie (via electronic mail: Kathy.Lavoie@vermont.gov)
William Mathis (via electronic mail: William.Mathis@vermont.gov)
Jenna O'Farrell (via electronic mail: Jennifer.ofarrell@vermont.gov)
Oliver Olsen (via electronic mail: Oliver.Olsen@vermont.gov)
Peter Peltz (via electronic mail: Peter.Peltz@vermont.gov)
Angelita Pena (via electronic mail: Angelita.Pena@vermont.gov)
Jennifer Deck Samuelson (via electronic mail: Jennifer.Samuelson@vermont.gov)
Dr. Daniel French (via electronic mail: Daniel.French@vermont.gov)
Emily Simmons (via electronic mail: Emily.Simmons@vermont.gov)
Ted Fisher (via electronic mail: Ted.Fisher@vermont.gov)