



Confidential Investigative Report

Ravenswood City School District
Report Concerning Complaints By Todd Gaviglio
February 6, 2019



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TABLE OF CONTENTS

I.	Brief Introduction.....	1
II.	Summary Of Findings	2
	A. Factual Findings.....	3
	B. Policy Findings.....	4
III.	The Investigative Background.....	5
	A. Witnesses	5
	B. Documents	6
	C. The Policies.....	7
	D. Evidentiary Standard.....	9
	E. Independence.....	9
	F. Timing.....	9
IV.	Factual Background.....	9
	A. Ravenswood City School District.....	10
	B. Ravenswood Financial and Oversight History.....	11
	C. Employment Histories.....	12
	D. Timeline of Pertinent Events.....	12
	E. Requested Resolution	37
	F. Timeline.....	38
V.	Allegation: Harassment Behavior.....	39
	A. Complaint	39
	B. Response	40
	C. Additional Information Considered.....	41
	D. Analysis and Findings	44

VI. Allegation: Discrimination 47

 A. Complaint 47

 B. Response 48

 C. Additional Information Considered..... 51

 D. Analysis and Findings 52

VII. Allegation: “Retaliation” for Raising Complaints 55

 A. Complaint 55

 B. Response 57

 C. Additional Information Considered..... 63

 D. Analysis And Findings 65

VIII. Allegation: Unethical Conduct 67

 A. Complaint 67

 B. Response 70

 C. Additional Information Considered..... 72

 D. Analysis And Findings 75

I. Brief Introduction

Outside counsel for Ravenswood City School District (“RCSD” or “the District”) retained Van Dermynen Maddux Law Corporation to conduct an independent investigation into a March 16, 2018 written complaint brought by former Belle Haven School Principal Todd Gaviglio against District Superintendent Gloria Hernandez-Goff. The investigation commenced on March 30, 2018. The investigation’s scope was expanded on April 23, 2018, and again on May 1, 2018, to include additional allegations by Gaviglio in subsequent complaints.

Harassment. Gaviglio alleged Hernandez-Goff “harassed” administrators by making inappropriate and negative comments related to family status and race. Gaviglio alleged she made the following specific comments:

- May 2016: Hernandez-Goff told [REDACTED] she was not considering her for the [REDACTED] position because [REDACTED] had a baby;
- March 16, 2017: Hernandez-Goff stated she planned to reassign the [REDACTED] [REDACTED], because [REDACTED] was “taking all this maternity leave”;
- 2017: Hernandez-Goff told [REDACTED] that if she could not attend a Saturday event due to childcare issues, [REDACTED] “needed to decide whether to be a mother or an administrator”;
- February 9, 2018: Hernandez Goff said [REDACTED] could not be promoted to [REDACTED] because “she has a baby”;
- February 2018: Hernandez-Goff “tried to convince” [REDACTED] to be a stay-at-home mother;
- May 2015: During Gaviglio’s interview with the District, Hernandez-Goff told him, “The problem with this District is all those Blacks, but I have a way of dealing with Blacks”;
- Date Unknown: Hernandez-Goff told Gaviglio there were “too many Asian administrators at Willow” School; and
- Date Unknown: Hernandez-Goff referred to someone as an “Indian Princess.”

Discrimination. Gaviglio alleged Hernandez-Goff “discriminated” against administrators with babies. Gaviglio pointed to the following as demonstrative of Hernandez-Goff’s behavior:

- **Cut Services.** Hernandez-Goff cut services to Belle Haven because Gaviglio took parental leave during the 2017-2018 school year. Hernandez-Goff wanted to make it appear that Gaviglio was “failing” as principal so she could assign her friend, [REDACTED], as Principal;
- **Asked Gaviglio To Resign.** In February 2018, Hernandez-Goff asked Gaviglio to resign his position because he recently adopted a baby and took parental leave; and

- **Promotions.** Hernandez-Goff denied [REDACTED] and [REDACTED] promotions because of their new babies.

Retaliations. Gaviglio alleged that Hernandez-Goff “retaliated” against him on two occasions:

- **March 14, 2018 Reassignment.** On March 14, 2018, five days after Gaviglio emailed concerns about Hernandez-Goff to the County Office of Education, Hernandez-Goff notified Gaviglio that he would not return as principal for the 2018-2019 school year. Instead, she reassigned Gaviglio to a position in the classroom, which he alleged was equivalent to termination; and
- **March 19, 2018 Reassignment.** On March 19, 2018, three days after Gaviglio filed his March 16, 2018 complaint with the District, Hernandez-Goff reassigned him to the District Office effective immediately. Gaviglio also alleged that in doing so, Hernandez-Goff “defamed” him by allowing others to “think the worst of him” and denied him his “civil rights.”

Unethical Behavior. Gaviglio filed an additional written complaint on April 25, 2018. In his April 25, 2018 complaint, Gaviglio alleged Hernandez-Goff behaved unethically. Specifically, he alleged the following:

- **Withholding Student Information.** Starting in 2016, Hernandez-Goff instructed school administrators not to provide police or social workers with students’ contact information. Additionally, she instructed administrators to call her first before calling the police to address safety concerns;
- **“Ignored” IEP Directives.** Hernandez-Goff “ignored” students’ individualized education program (“IEP”) directives, including maintaining inadequate staffing, thereby causing schools to be noncompliant with students’ IEPs;
- **Inspection “Falsification.”** Hernandez-Goff directed schools to “falsify data” for textbook inspections by moving textbooks from one school site to another solely to satisfy auditor inquiries; and
- **Misuse of Title I Funds.** Hernandez-Goff “misused” Title I funds by paying Library Instructional Materials Specialists through Title I funding.

This is the Confidential Investigative Report (“Report”) of my findings. It contains detailed information, witness accounts, relevant documentation, analyses and findings relating to the allegations.

II. Summary Of Findings

This section summarizes the findings for the convenience of the readers. The remainder of the Report details the evidence and analyses supporting each finding.

At the outset, I note that this was a challenging assignment. Gaviglio pointed to a multitude of examples of alleged discriminatory, retaliatory, and unethical conduct stemming from Hernandez-Goff. The parties provided hundreds of pages of emails and other documents they alleged were relevant to the investigation. For purposes of my investigation, I did not examine and reach findings on every specific example provided by Gaviglio, nor did I need to in order to reach reasoned and supported conclusions. Instead, I examined Hernandez-Goff's overall motives and intent in her interactions with Gaviglio and others to determine if she was motivated by an improper purpose.

A. Factual Findings

After carefully analyzing the various perspectives and all the relevant evidence, I make the following findings by a preponderance of the evidence:

Harassment Allegations. I partially sustain Gaviglio's allegations. I find Hernandez-Goff made repeated comments about her employees' family and leave statuses. I find Hernandez-Goff did not make all of the race-based comments alleged by Gaviglio. I find she made the following comments:

- In May 2016, she told employee [REDACTED] that she was unsure if [REDACTED] should receive a promotion because [REDACTED] recently had a baby;
- In March 2017, she made multiple comments related to maternity leave taken by [REDACTED];
- In 2017, she told [REDACTED] that [REDACTED] "needed to decide whether to be a mother or an administrator";
- On February 9, 2018, Hernandez-Goff stated she was unsure if [REDACTED] should be [REDACTED] because [REDACTED] recently had a baby;
- In February 2018, Hernandez-Goff made comments to [REDACTED] that were reasonably perceived as encouraging [REDACTED] to become an at-home mother; and
- Hernandez-Goff called an employee an "Indian Princess."

I do not find Hernandez-Goff made the following comments:

- "The problem with this District is all those Blacks, but I have a way of dealing with Blacks;" and
- There were "too many Asian administrators at Willow" School.

Discrimination Allegations. I partially sustain Gaviglio's allegations. I find that Hernandez-Goff made repeated comments about employees' family status and their leave history. However, I do not find that her comments impacted her treatment of her employees. I make the following specific findings related to Gaviglio's allegations:

- **Cut Services.** Hernandez-Goff did not target Belle Haven by cutting services for the 2017-2018 school year. Further, she did not direct any action towards Belle Haven in an effort to make it appear that Gaviglio was “failing” as principal;
- **Asked Gaviglio To Resign.** I find that during their February 9, 2018 meeting, Hernandez-Goff asked Gaviglio if he planned to return for the 2018-2019 school year or if he planned to resign. I also find that she knew about Gaviglio’s child when doing so. While I find that Hernandez-Goff had legitimate business reasons for asking Gaviglio about his plans for the upcoming school year – namely, that she had to resolve whether if she needed to lay off principals, I find that she did not have legitimate business reasons to reference his status as a new father; and
- **Promotions.** I find Hernandez-Goff did not deny [REDACTED] or [REDACTED] promotions because they recently had children.

Retaliation. I do not sustain Gaviglio’s retaliation allegations. Specifically, I find the following:

- **March 14, 2018 Reassignment.** Hernandez-Goff reassigned Gaviglio on March 14, 2018 for reasons unrelated to his March 9, 2018 complaint to the County Office of Education; and
- **March 19, 2018 Reassignment.** Hernandez-Goff reassigned Gaviglio on March 19, 2018 for reasons unrelated to his March 16, 2018 complaint against her.

Unethical Behavior. I do not sustain Gaviglio’s allegations of unethical behavior. Specifically, I find the following:

- **Withholding Student Information.** Hernandez-Goff instructed school administrators to use discretion when divulging student contact information to police and social workers and to consult with her first when possible. She provided the direction in an effort to make students and families feel safe within the District;
- **“Ignored” IEP Directives.** Hernandez-Goff did not “ignore” students’ IEP directives. While the District struggled generally with achieving required IEP minutes, the struggle did not result from any action taken or not taken by Hernandez-Goff;
- **Inspection “Falsification.”** Hernandez-Goff did not direct schools to “falsify data” for textbook inspections; and
- **Misuse of Title I Funds.** Hernandez-Goff did not “misuse” Title I funds. The District’s use of Title I funds was overseen by Chief Business Officer Steven Eichman, and was reviewed, and approved, by regular audits from outside agencies.

B. Policy Findings

Applying the factual findings above, I make the following policy findings by a preponderance of the evidence.

- **Harassment:** Hernandez-Goff violated District policy prohibiting harassment.

III. The Investigative Background

A. Witnesses

I conducted 35 interviews of 24 individuals. The interviews took place from April 3, 2018 through August 21, 2018:

Name of Interviewee	Title	Date(s) of Interview
[REDACTED]	[REDACTED]	April 27, 2018 May 30, 2018*
[REDACTED]	[REDACTED]	April 26, 2018 May 10, 2018
[REDACTED]	[REDACTED]	April 26, 2018 June 14, 2018*
[REDACTED]	[REDACTED]s	April 26, 2018
[REDACTED]	[REDACTED]	May 10, 2018
[REDACTED]	[REDACTED]	April 26, 2018 June 13, 2018*
[REDACTED]	[REDACTED]	June 28, 2018*
Todd Gaviglio	Former Principal, Belle Haven School	April 3, 2018 May 16, 2018*
[REDACTED]	[REDACTED]	April 26, 2018
[REDACTED]	[REDACTED]	April 26, 2018 June 14, 2018*
Gloria Hernandez-Goff	Superintendent, Ravenswood City School District	April 3, 2018 May 21, 2018* August 21, 2018
[REDACTED]	[REDACTED]	April 27, 2018
[REDACTED]	[REDACTED]	May 10, 2018
[REDACTED]	[REDACTED]	April 27, 2018 June 13, 2018*
[REDACTED]	[REDACTED]	April 27, 2018 June 15, 2018*
[REDACTED]	[REDACTED]	May 31, 2018
[REDACTED]	[REDACTED]	April 26, 2018
[REDACTED]	[REDACTED]	May 10, 2018*
[REDACTED]	[REDACTED]	June 29, 2018*
[REDACTED]	[REDACTED]	May 10, 2018
Gina Sudaria	Director, Human Resources	April 27, 2018 August 21, 2018

Name of Interviewee	Title	Date(s) of Interview
[REDACTED]	[REDACTED]	May 10, 2018 June 13, 2018*
[REDACTED]	[REDACTED]	May 10, 2018
[REDACTED]	[REDACTED]	April 26, 2018 May 9, 2018

*Telephonic interview

Interviewees were admonished that they should not interfere with the investigation or attempt to influence witnesses and, that they were subject to governing policies prohibiting retaliation for either bringing a claim or participating in an investigation.

Witness statements were not recorded. The conclusions in this Report are drawn from the totality of the evidence and a thorough analysis of all the facts, and where necessary, credibility determinations are made.¹

Quotations in this Report are not verbatim recitations of witness statements. Quotations are cited as accurately as possible from typewritten notes taken contemporaneously during the interview.

B. Documents

I reviewed hundreds of pages of documents. This Report does not purport to include every detail described by witnesses or specified in documents. Instead, it assesses the important facts as they pertain to the specific claims. The documents must be read in their entirety in conjunction with this Report to fully understand the underlying reasoning and findings herein.

Additionally, Gaviglio provided numerous emails between himself and Hernandez-Goff, as well as between Hernandez-Goff and others in RCSD, which he felt demonstrated Hernandez-Goff’s improper motives. All of the documents he provided were reviewed and considered, even if not directly quoted in this report. All documents reviewed that were not directly quoted are attached as **Attachment 30**.

Attachment	Document
1	Relevant Policies
2	News Articles About Ravenswood
3	Documents Related to District Budget Shortfalls
4	[REDACTED]
5	[REDACTED]
6	PowerPoint Regarding Belle Haven’s Performance
7	Documents Regarding Custodial Services at Belle Haven
8	Documents Regarding Kindergarten Enrollment at Belle Haven

¹ I utilize a legal analysis in reaching the factual and policy determinations in this Report. These findings are intended to facilitate the rendering of legal advice by the employer’s counsel.

Attachment	Document
9	Documents Regarding the Fire Alarm Incident at Belle Haven
10	Spreadsheet Regarding Staff Transfer to and from Belle Haven
11	Gaviglio's February 9, 2018 Email
12	Sudaria's Notes Regarding Administrator Placement
13	March 28, 2018 Email from Gaviglio to Sudaria
14	Gaviglio's March 9, 2018 Email to SMCOE
15	[REDACTED]
16	[REDACTED]
17	[REDACTED]
18	[REDACTED]
19	Gaviglio's March 16, 2018 Complaint
20	Notice of Reassignment, dated March 19, 2018
21	April 23, 2018 Investigation Scope Expansion Email
22	Gaviglio's April 25, 2018 Complaint
23	Gaviglio's March 16, 2017 Email
24	Emails Regarding Layoff of Sevilla
25	April 3, 2018 Email Regarding Principal Placements
26	July 13, 2018 Email Regarding Principal Placements
27	Title I Funding Distribution
28	[REDACTED]
29	March 19, 2018 Text Messages Between Hernandez-Goff and Pulido
30	Additional Documents Reviewed and Considered

C. The Policies

RCSD's policies prohibit harassment on the basis of any protected characteristic. Board Policy ("BP") 4030 provides, in most pertinent part (typed verbatim):

NONDISCRIMINATION IN EMPLOYMENT

The Board of Trustees prohibits discrimination against and/or harassment of district employees and job applicants at any district site or activity on the basis of actual or perceived race, religion, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition genetic information, veteran status, gender, sex, or sexual orientation.

[Citations omitted.]

Prohibited discrimination or harassment consists of unwelcome conduct, whether verbal, physical, or visual, based on any of the prohibited categories of discrimination listed above that is so severe and pervasive

that it adversely affects an individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

BP 1312 establishes a process by which members of the public may submit complaints concerning District employees. It provides (typed verbatim):

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Board of Trustees accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

[Citations omitted.]

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

[...]

UNIFORM COMPLAINT PROCEDURES

[...]

The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

[Citations omitted.]

The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

Attachment 1.

In this Report, I reach factual and policy determinations only.² I do not reach legal conclusions. RCSD's policies are interpreted to prohibit behavior even if not unlawful under legal principles.

D. Evidentiary Standard

Measuring it against the policy language, the evidence was reviewed, compared and analyzed under a preponderance of the evidence standard to determine whether the allegations were with or without merit. "Preponderance of the evidence," for purposes of this Report, means that the evidence on one side outweighs, or is more than, the evidence on the other side. This is a qualitative, not quantitative, standard.

E. Independence

Independence is an important component of this investigation. RCSD and its representatives allowed me discretion to conduct the investigation as determined to be necessary. I was given complete access to all requested witnesses and documents. No party interfered with, or attempted to influence, the findings in this Report.

F. Timing

This investigation experienced several delays due to witness availability, time needed to analyze hundreds of pages of documents, and process involved in obtaining certain relevant documents.

A draft Report was prepared on July 31, 2018. However, before the Report was finalized, I learned of a relevant document protected by attorney-client privilege. District counsel sought limited waiver for the document. This process was delayed by a Board election, legal training for the Board, and waiting for a Board meeting during which counsel could request the waiver. As outlined in Section IV.D.12 below, counsel obtained waiver and provided me with the document on January 21, 2019. This Report followed shortly thereafter.

IV. Factual Background

The following facts provide relevant background and context to Gaviglio's allegations.

² Although I utilize a legal analysis in reaching the factual and policy determinations in this Report, we do not reach legal determinations. Instead, these findings are intended to facilitate the rendering of legal advice by the employer's counsel.

A. Ravenswood City School District

According to its website, RCSD in San Mateo County is a unique academic environment that draws from the culturally rich communities of East Palo Alto and eastern Menlo Park.³ Its mission is to “work collaboratively to create a quality instructional program which empowers students to make choices, achieve their personal best, be college bound and productive responsible participants in a 21st century global society.”⁴ RCSD is led by RCSD Superintendent Dr. Gloria Hernandez-Goff, and is governed by the RCSD Board of Education.

RCSD serves approximately 4,200 students in kindergarten through eighth grade in eight schools that includes a child development center, one middle school, one dual immersion academy and five schools that include sixth through eighth grade. RCSD’s schools, from the 2017-2018 school year, are discussed in further detail below.

RCSD currently consists of eight schools, ranging from grades Kindergarten through eighth grade:

- Belle Haven
- Brentwood Academy
- Cesar Chavez and Green Oaks Academy
- Costano School and 49ers Academy
- Los Robles Dual Immersion Magnet Academy
- Ravenswood Middle School
- Ronald McNair Academy
- Willow Oaks School

McNair Academy is in the process of closing. Its students are transitioning to other school sites.

Belle Haven School.⁵ Belle Haven School (“Belle Haven”) was overseen by Principal Todd Gaviglio from 2015 to 2018. It is located on the peninsula of the San Francisco Bay Area, in the namesake “Belle Haven” neighborhood of Menlo Park. The median income of families feeding into the school ranges from homeless to low-middle class. Belle Haven is a “K-8” school, meaning it serves students in kindergarten through eighth grade.

On March 19, 2018, Hernandez-Goff announced that she reassigned Gaviglio from Belle Haven to a position with the District Office, effective immediately. The announcement was met with

³ <http://www.solomonh.com/about.html>

⁴ <http://www.ravenswoodschools.org/About/Mission-and-Vision/index.html>

⁵ <http://bellehaven.ravenswoodschools.org/About-Us/index.html>

protests from RCSD employees, as well as from Belle Haven parents. The announcement also formed the basis for some of Gaviglio's subsequent allegations against Hernandez-Goff.

B. Ravenswood Financial and Oversight History

The District has struggled with budgetary issues and increased oversight from outside agencies for multiple years. Hernandez-Goff cited the budgetary and oversight concerns as one of the reasons for her replacement of Gaviglio. Conversely, Gaviglio attributed the woes as examples of Hernandez-Goff's alleged incompetence and resistance to his attempts to enact change.

As part of this investigation, I reviewed dozens of news articles related to the concerns surrounding Ravenswood. All articles reviewed are attached as **Attachment 2**. The District also provided multiple documents demonstrating their reduced budget and subsequent need to engage in layoffs for the 2018-2019 school year. On February 28, 2018, the School Board approved the District's request to lay off 39 full-time equivalents (which impacted approximately 56 employees). **Attachment 3**. Additionally, the District is in the process of closing McNair Academy, and consolidating the students onto other campuses. Accordingly, the District needed to reduce staffing by one principal and one vice principal for the 2018-2019 school year.

Below is a summary of documents relating to Ravenswood's budget concerns:

- “On December 14, 2017, the Board was presented with the First Interim Financial Report. The report indicated that due to significant declining enrollment, the District would need to reduce expenditures by at least \$3.3 million in the 2018-2019 fiscal year to achieve a balanced budget. [...] It is recommended that the Board approve the Fiscal Reform Plan, as presented, which includes service and staff reductions effective at the end of the 2017-2018 school year [...]” – Ravenswood Board Meeting Agenda, February 8, 2018
- “District staff developed a list of proposed staffing reductions for the Board to consider. A summary of the proposed services/staff reductions for 2018-19 [is as follows]:
 - Certificated Management – 8 positions
 - Classified Management – 3 positions
 - Classified Confidential – 3 positions
 - Classified Staff – 54 positions (included 28 CDC positions)
 - Certificated Teachers – 28 positions [...] – Ravenswood City School District Fiscal Reform Package, February 8, 2018
- “Due to the seriousness of the District's fiscal condition, the District is also required to implement the following steps prior to the Second Interim submission and provide regularly-scheduled updates to the County Office:
 - On the 1st and 15th of the month, the District must provide the County Superintendent with a written progress report listing specific timelines and

actions taken or to be carried out that will ensure full implementation of the proposed fiscal recovery plans.

- Weekly meetings between District and County Office staff must be held [...]
- Review and analyze student enrollment and attendance projections for the current and subsequent two fiscal years and make changes in the assumptions, as necessary. [...]” – Letter from San Mateo County Office of Education Deputy Superintendent Denise Porterfield to Board President Ana Pulido, dated January 22, 2018

Attachment 3.⁶

C. Employment Histories

Todd Gaviglio. Gaviglio first started working for RCSD in 1990 as a sixth-grade teacher. Gaviglio then taught other grades and became a vice principal in 1995 and a principal in 1996. Gaviglio resigned from RCSD effective June 30, 1997.

Gaviglio served as a principal in different school districts between 1997-2014. Between 2002-2006, he ran for the RCSD School Board and was an Elected Trustee, serving as Clerk, Vice President, and President of the Board. He resigned from the RCSD School Board in 2006 to attend a doctoral program at Stanford University.

Gaviglio returned to RCSD on August 1, 2015. He was hired as principal for Belle Haven by Hernandez-Goff. He was released from his principal assignment for the 2018-2019 school year, and reassigned to a position teaching within RCSD.

Gloria Hernandez-Goff. Hernandez-Goff currently serves as Superintendent of RCSD. She has worked in this capacity since June 2013. Prior to that, she served as the Assistant Superintendent of Curriculum and Instruction at Twin Rivers Unified School District (“TRUSD”) in Sacramento, California. She worked at TRUSD for approximately 11 years before coming to RCSD.

D. Timeline of Pertinent Events

A series of incidents and meetings, taking place from fall 2017 through spring 2018, played relevant roles in Gaviglio’s March and April 2018 complaints. Accordingly, this section outlines the relevant interactions and communications.

⁶ I also note that there was also controversy within the community related to the continued inclusion of Belle Haven in the Ravenswood City School District. Articles addressing that controversy are attached as **Attachment 2**.

1. General Background

Generally, the parties and witnesses agreed that until March 2018, Gaviglio and Hernandez-Goff had a seemingly good relationship. Although there were some minor annoyances and frustrations, there were no signs of outward conflict.

Hernandez-Goff asserted that one of her reasons for Gaviglio's March 14, 2018 Notice of Reassignment related to Gaviglio's performance issues. Gaviglio asserted that any performance concerns were pretextual to hide Hernandez-Goff's actual improper motive for his reassignment.

Gaviglio's Prior Performance. As an overall matter, Gaviglio asserted that Hernandez-Goff did not conduct formal performance evaluations for her employees. Hernandez-Goff stated she did conduct formal performance evaluations and believed she evaluated Gaviglio in 2016:

I think I did his first year. I really don't remember. I know we went over goals and objectives. This year I started off [planning to evaluate him] and then he had family leave. It is really hard to balance that. [...] I conduct evaluations about every two years.

However, the witnesses interviewed stated they never received a performance evaluation from Hernandez-Goff, and there were no performance evaluations in Gaviglio's personnel file.

[REDACTED]

- [REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

- Notice of New Principal Assignment dated March 19, 2018.

[REDACTED]

Belle Haven's Performance. Gaviglio asserted that during his time as principal at Belle Haven, the school "flourished" and improved in all of its scores. He provided a copy of a January 2018 PowerPoint he created demonstrating Belle Haven's improvement in criteria measured by the State. **Attachment 6.** Specifically, he pointed out that during his years as Belle Haven's principal:

- The number of suspensions "declined significantly";
- English Learner progress "increased significantly"; and
- Attendance increased.

Attachment 6.

2. Ongoing Concerns Regarding Custodial Services at Belle Haven

During his April 3, 2018 interview with me, Gaviglio alleged Hernandez-Goff intentionally cut custodial services to his school in order to "sabotage" him. Gaviglio asserted that Hernandez-Goff

[REDACTED]

did so in an effort to make it appear as if he was “failing” so that Hernandez-Goff could “justify a change in leadership.” He alleged this tied into her overall motive to discredit Gaviglio due to his parental leave and assign her friend, [REDACTED], as principal of Belle Haven. In contrast, Hernandez-Goff stated that custodial lay-offs were not under her purview, and that any decisions related thereto would have been made by Chief Business Officer Steven Eichman, based upon budgetary considerations.

Gaviglio’s Perspective. Gaviglio stated that Belle Haven was “filthy” in August 2017, on the first day of school, as a result of custodial layoffs directed by Hernandez-Goff. He stated employees and students were “wallowing in [their] filth” during the first three months of school. Gaviglio alleged that it was not until the mayor of Menlo Park called a meeting to discuss the district placement of Belle Haven, in February 2018, that Hernandez-Goff cared “all of a sudden.” She then sent a crew in to clean during the weekend, at which time there were maggots in the trash, as the trash had not been emptied and the children ate breakfast in their classrooms.

Hernandez-Goff’s Perspective. In response, Hernandez-Goff stated that any removal of full-time custodians from Belle Haven would be up to Chief Business Officer Steve Eichman, the “facilities guy.” She asserted that every school site should have at least two full-time custodians—a daytime and a nighttime person. Whether or not a school had a third full-time custodian would be based on their enrollment numbers.

As it relates specifically to Belle Haven, Hernandez-Goff recalled discussing the matter with Belle Haven staff in “early fall” 2017. She asserted that they had enough custodians for the number of students enrolled:

They had enough custodial help. They had far less students this year. Their numbers went down significantly due to declining enrollment every year. They had less students, so they only had two custodians. I told Steve [Eichman] they were complaining about cleanliness of the school. He went and met with them. It is a pretty big campus. Some rooms are not in use. For example, the portables are not supposed to be in use. But the employees spread out so everything was used.

They were using as many rooms as though they had few hundred more students. I talked to Todd [Gaviglio]. I told him the rooms were not to be in daily use, as they don’t have the number of students to justify additional custodians. [...] I asked Steve to send in a crew to catch the custodian up, so he could maintain.

Witness’ Perspectives. Two witnesses spoke to the custodian situation at Belle Haven. One witness acknowledged there were cuts “across the District” due to budget reductions but believed that Belle Haven had sufficient custodial services. The other witness indicated that the loss of a full-time custodian “impacted the school a lot,” and it was not enough.

Chief Business Officer Steven Eichman stated that custodial services across the district were reduced “proportionately,” and that the custodians assigned to Belle Haven should have been sufficient. He stated:

There are still two full-time custodians there. We looked at the rooms that were used, and determined that with a four-hour staff person, they will get everything done to the level it needed to be. That position is still there.

In contrast, [REDACTED] noted that the loss of custodial services to the school “impacted [Belle Haven] a lot,” and it was not enough to have someone cleaning every other day. She said:

At Belle Haven, when we lost our full-time custodian, it impacted the school a lot. I called and complained. I’m a grandparent of a child there. His room was disgusting. The sink had something at the bottom. Rooms were not getting cleaned. We would be in a meeting, and the janitor was scheduled to clean at 9:00 or 10:00am. [...] Gloria came and met with our staff. We had lots of questions about the laundry room and custodian. She gave us a part-time custodian after all the parents and teachers complained. They were taking pictures and sending them to Gloria. They had a night custodian cleaning there, but he was cleaning every other day. You can’t do that when the kids are eating breakfast and having milk in class every day.

As part of this investigation, I also reviewed an emailed complaint from a Belle Haven teacher about the lack of custodial support. **Attachment 7.**

3. August 2017: Kindergarten Classrooms at Belle Haven

In her April 3, 2018 interview with me, Hernandez-Goff asserted that one of her reasons for reassigning Gaviglio to the classroom related to how he managed his Kindergarten placements during the 2017-2018 school year. In contrast, Gaviglio asserted that the confusion over Kindergarten placements stemmed from the District Office and was not the result of any mismanagement on his part.

Hernandez-Goff’s Perspective. As an overall matter, Hernandez-Goff described Gaviglio as “irresponsible” and not good at “following-up on certain things.” She explained that classroom placement decisions are typically done through the Business Office based on class size. She and [REDACTED] met with principals prior to the start of the school year to discuss student enrollment numbers and make decisions accordingly.

Regarding the 2017-2018 kindergarten classes at Belle Haven, Hernandez-Goff said that she and Woods met with Gaviglio before the start of the school year to discuss staffing for the classes. There were enough students to open “two or three” transitional kindergarten⁸ and kindergarten classrooms. However, Woods and Hernandez-Goff told Gaviglio that one classroom would have to

⁸ Transitional kindergarten refers to a publicly-funded program that provides education for children who turn four-years-old between September 2 and December 2. It is designed to be a bridge between preschool and kindergarten.

be a combination class. Gaviglio “agreed to a combination class of transitional kindergarten and kindergarten.”

Approximately four to six weeks into the 2017-2018 school year, Hernandez-Goff became aware of the kindergarten enrollment problems at Belle Haven. She recalled getting “calls and angry emails” from teachers about being overenrolled:

We found out that he [Gaviglio] just kept transitional kindergarten separate—I think it had six or eight kids. So all the kindergarten classes were overenrolled. They [the teachers] were mad because they thought we had told [Gaviglio] to do that, but we didn’t even know about that.

Hernandez-Goff said Gaviglio was “irresponsible,” because if he had communicated the problem to the District office, they could have “explained, or moved kids around.” She explained that they will “occasionally send kids to other schools.” However, she said the situation arose because Gaviglio “blew it off.” She shared:

He blew it off. He said it was the best he could do with a new teacher with not much experience. He started talking about special education kids. He kind of has a tendency to say he has to do this because he was not getting support, or kids were too extreme, that kind of thing. I ended up thinking, “Maybe there are more special education kids than I thought.” I hired a paraprofessional and tried to triage and take care of that, but it created a lot more stress. In the meantime, teachers were getting very frustrated and blaming us because their message was that “the district office doesn’t care what you’re going through.”

She said she tried to address the teachers’ concerns by “getting help in” and just trying to “remediate” the situation. She noted that at one point, Belle Haven had the most paraeducators of any other school in the District.

Ultimately, Hernandez-Goff moved an extra teacher from Brentwood over to Belle Haven to teach kindergarten because she “figured it was the best thing to do.”

Gaviglio’s Perspective. In contrast, Gaviglio asserted that the confusion over the kindergarten classes was due to years of mismanagement from the District Office. He stated that the District made the decision during the 2016-2017 school year to cancel one of Belle Haven’s kindergarten classes and transfer that teacher to another school. This caused the remaining two kindergarten classes to be overenrolled, and for a third class to be opened in the middle of the school year. He described the aftermath as a “nightmare,” which cost “hundreds of hours” and “extra money” out of his own pocket, and forced children to leave an overenrolled classroom, only to be put into a new classroom with insufficient resources and supplies.

Despite what happened the previous year, Gaviglio stated that the District “once again [...] wanted to cut back in kindergarten” for the 2017-2018 school year. Specifically, Gaviglio said the District “said they were going to close two kindergarten classrooms and have it be just one.” He noted that this made teachers “angry,” and they filed grievances saying they needed to open another

kindergarten classroom. Gaviglio stated he wrote to the administration “all summer long, begging and pleading with everyone — [Assistant Superintendent] Ruth Woods and Chief Business Official Steve Eichman.” However, he said neither Woods nor Eichman made any decisions regarding a second Kindergarten class because they were “worried about being in trouble with the Superintendent.” He stated:

They would not take action. When they finally did take action, they were wrong, and you can’t fix things at the last second. It created a domino effect through the school. There was no longer a half-class combo. It was not first grade.

Gaviglio added that this contributed to a cycle of “no action, no action, then crisis and she [Hernandez-Goff] would take rash action.”

I asked whether there was a discussion of having a transitional kindergarten/kindergarten combination class. Gaviglio stated he “proposed” that, but Hernandez-Goff “decided not to.”

Ultimately, Gaviglio described the 2017-2018 school year as “horrific.” He stated:

This year was horrific. The classroom teacher assigned to the kindergarten class, [...] she had to miss the first week and half to two weeks of school. The night before school began, we were trying to fix teacher numbers and class combos. All these teachers at my school created nametags and class lists. Everyone was working through the night late. With the crisis last minute, [the District] sent a surplus teacher to my school and made my teacher switch to first grade.

Between August 7, 2017 and August 10, 2017, Gaviglio engaged in email communications with cabinet members regarding kindergarten enrollment at Belle Haven. Notably, on August 10, 2017, Woods sent Gaviglio the following email (typed verbatim):

Good morning, Todd,

Cabinet met yesterday afternoon to discuss your request to have a third kindergarten teacher. We reviewed the most current enrollment data for Kindergarten and discovered there are 23 kindergarten spaces district wide. Belle Haven has 7 spaces. IT was decided that there is no need for a third kindergarten teacher at Belle Haven.

Thank you for your request if you have any further questions. Please don’t hesitate to contact me.

Ruth

Attachment 8.

The same day, Gaviglio responded with the following (typed verbatim):

I was not requesting a third kindergarten teacher. I was requesting a second kindergarten teacher. Steve's projection gave me only one K teacher (██████████). We have over 40 K registration (and are very likely to get more).

Attachment 8.

It is unclear whether Gaviglio ever received a response to his email.

Witness' Perspectives. Two witnesses recalled that there were issues with over-enrollment with the kindergarten classes at Belle Haven. One witness described the issue as being due to Gaviglio's mishandling of the situation; whereas the other witness described the issue as being due to Hernandez-Goff's inaction.

██████████ stated that she and Hernandez-Goff met with Gaviglio regarding the kindergarten situation. She asserted that they came to an agreement regarding Belle Haven having a combination transitional kindergarten/kindergarten class. She shared:

He [Gaviglio] had a transitional kindergarten class that was very, very low. We met with him—the Superintendent and I—and talked about making it a combination class because we didn't have space for a kindergarten class anywhere else. We set it up in the system that way. I came to find out, recently, the kindergarten teachers were having a fit at Belle Haven because they were overloaded and over-enrolled in their classrooms. I was in total shock.

I guess he agreed with us and then went and did his own thing.

██████████ stated that her initial discussion with Hernandez-Goff and Gaviglio occurred in late September or early October of 2017. It was not until late March or early April of 2018 that they "received information from teachers that were very upset" regarding their concerns of over-enrollment in their classrooms. ██████████ was "surprised" because the reason her department kept sending students to Belle Haven was because they believed he had a combination class.

She said, "We discovered he was assigning kindergarten students to kindergarten classrooms instead of the transitional kindergarten class, so I had to go back and pay teachers for over-enrollment, even though on the record, they were not over-enrolled because of the combination class." She added that the transitional kindergarten class was "left alone," and it was "very, very small." She said that when she called Gaviglio to ask him about it, she "didn't get an answer."

In contrast, ██████████, a ██████████ teacher at Belle Haven, felt that the over-enrollment issues were due to the District's failure to open up another kindergarten class at Belle Haven. He also asserted he made repeated complaints to the District before school began:

This year, they were expecting ██████████ to start with thirty-something students. They were going to do a transitional kindergarten/kindergarten combination class, but ██████████ was way over-enrolled, and she [the other

kindergarten teacher] was way over-enrolled. [...] It took me writing to the District saying, "This is not okay. The children need to find a spot." All I got back was, "You're getting paid for the extra children." But that is not the important part. Children need to find a spot. It's just not fair.

████ added, "It was not like Todd could do anything. He was fighting for us 100%." He said that over-enrollment issues should be resolved by the end of October, but they were still over-enrolled in November and December. He said, "It was not until I made noise that it finally started [getting addressed]."

With regard to the transitional kindergarten class, █████ stated there were "probably up to 17 students." He noted that there had originally been talk about doing a combination class, but there were "already too many in the transitional kindergarten class."

On August 14, 2017, █████ sent an email entitled, "Kindergarten Concerns." The email was addressed to Hernandez-Goff, Gaviglio, and █████. It provided in most pertinent part (typed verbatim):

I am writing this e-mail because I am very concerned and worried about the start of the school year. It is Monday evening and I am excited to meet my new students on Wednesday morning. Usually, at this time, every year I am sitting here at my kitchen table working hard writing the names of my students on everything from name tags to pencil boxes, making sure that everything is ready so that the first day of school will go smoothly and accessibly for my students. I love the expression on the students faces when they enter the room and see a warm and inviting place created for them. Their faces also light up when they find their names on their cubbies and tables and pencil boxes. I fear this year I might not have that pleasure of seeing them come alive because we still have yet to receive a classroom roster. [...]

I am reaching out to you so that my incoming students have a first day they will never forget. So far I am told that even though we have enough students registered to have two full Kinder classes plus enough for a TK class. We are expected to start the year with one Kinder class of about 30 or more students and one TK/K combo with 29 to 30 students. Is this really doing what is best for our students and families?

Attachment 8.

One September 29, 2017, fourth grade teacher █████ sent an email on behalf of teachers with over-enrolled classes to Hernandez-Goff. She wrote (typed verbatim):

Regarding your visit this past Tuesday, we appreciate you taking the over enrollment in kindergarten and 4th grade classrooms seriously. Thank you for informing us that when Ms. Woods returns to work this coming

Monday, that you both will be sitting down to review the numbers and to see the available spaces in other classrooms within our district.

Attachment 8.

█████ followed-up with Hernandez-Goff regarding █████ email on October 16, 2017. He wrote (typed verbatim):

Good morning Dr. Hernandez-Goff,

I was just wondering on how things are going with resolving the over enrollment issue. It has been a few weeks since you visited Belle Haven. As I recall you mentioned that we were sticking to the October 15 deadline. That all students over enrolled would be placed in their appropriate classroom/schools by October 15.

Today is October 16 and [I] would like to know what action has been taken.

Attachment 8.

I also reviewed enrollment documentation from Woods between August 8, 2017 and May 11, 2018. The following chart notes the number of kindergarten and transitional kindergarten students enrolled at Belle Haven during that time.

Date	Maximum Capacity ⁹ (K/TK)	Actual Enrollment (K/TK)	Available Enrollment (K/TK)
August 8, 2017	48 / 24	41 / 11	7 / 13
August 14, 2017	48 / 24	48 / 11	0 / 13
August 15, 2017	48 / 24	48 / 12	0 / 12
August 24, 2017	48 / 24	48 / 12	0 / 12
August 25, 2017	48 / 24	48 / 12	0 / 12
August 30, 2017	48 / 24	48 / 15	0 / 9
September 8, 2017	48 / 24	51 / 14	-3 / 10
September 15, 2017	48 / 24	51 / 13	-3 / 11
November 27, 2017	48 / 24	48 / 13	0 / 11
January 9, 2018	48 / 24	48 / 14	0 / 10
January 26, 2018	48 / 24	48 / 15	0 / 9
February 2, 2018	48 / 24	48 / 16	0 / 8
February 9, 2018	48 / 24	48 / 16	0 / 8
February 16, 2018	48 / 24	47 / 16	1 / 8
February 23, 2018	48 / 24	47 / 16	1 / 8

⁹ The maximum capacity was calculated based on two kindergarten teachers and one transitional kindergarten teacher.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]

[REDACTED]

5. January 2018: Staff Transfers From Belle Haven

The parties agreed that in January 2018, Hernandez-Goff directed the transfer of two Belle Haven employees – [REDACTED] – to other District school sites. Gaviglio asserted that Hernandez-Goff did so in an effort to “sabotage” his school and make it appear as if he was “failing” so that Hernandez-Goff could “justify a change in leadership.” He alleged this tied into her overall motive to discredit Gaviglio due to his parental leave and assign her friend, [REDACTED] as principal of Belle Haven. In contrast, Hernandez-Goff asserted that she directed the transfers because Belle Haven was over-staffed, and other school sites needed assistance.

Gaviglio’s Perspective. Gaviglio alleged Hernandez-Goff transferred two of his employees while he was on parental leave in January 2018. He alleged she did so to further impact Belle Haven’s ability to provide services to its students, in an effort to justify removing Gaviglio as principal.

Gaviglio provided a spreadsheet listing the transfer of “difficult” employees to Belle Haven from 2015 through 2018. **Attachment 10.** In that spreadsheet he also provided information about the transfers of [REDACTED] and [REDACTED] from Belle Haven in January 2018. Gaviglio observed that both employees were transferred with no notice to themselves or Belle Haven. He also stated he offered to pay [REDACTED] salary personally, or the salary of the employee she was replacing at the other school, but Hernandez-Goff refused to consider his offer. Gaviglio wrote the following (typed verbatim):

[REDACTED], a [REDACTED] at Belle Haven, was transferred out [of Belle Haven] in January 2018, to McNair. I offered to personally pay the salary of the person she was replacing at McNair so that she could stay at Belle Haven and the Superintendent refused. This caused huge hardship to the students she worked with and was done suddenly without notifying site leadership or the employee in advance (which is unheard of in education) and made it particularly hard without the opportunity to transition students to other supports or to have closure with them.

[REDACTED], a [REDACTED] at Belle Haven, was suddenly transferred-out at the same time as [REDACTED]. It coincidentally happened right after her husband became the [REDACTED]. She likewise was not afforded the opportunity to transition out of the position or have closure with the students she was serving. It did not make sense that she was

[REDACTED]

transferred to a Newcomer Classroom because she did not speak Spanish and was desperately needed at Belle Haven in light of our IEP minutes that needed to be provided and made-up.

Attachment 10.

Gaviglio felt the decision to transfer both [REDACTED] and [REDACTED] was “retaliation.” Specifically, he perceived that the decisions were not based on a financial reason, as he had offered to personally pay for [REDACTED] to stay. He believed that the transfers were in an effort to “sabotage” his school and make it appear as if he was “failing” so that Hernandez-Goff could “justify a change in leadership.”

Hernandez-Goff’s Perspective. Hernandez-Goff acknowledged that she transferred both [REDACTED] and [REDACTED] from Belle Haven to other school sites. However, she asserted that she made the decisions to transfer them based on “the numbers,” rather than any improper purpose.

As relates to [REDACTED], Hernandez-Goff stated she made the decision to transfer [REDACTED] based on [REDACTED] date of hire and training. Hernandez-Goff explained that [REDACTED] was one of the last two paraeducators brought on at Belle Haven while the school was reportedly “short staffed for Special Education.” [REDACTED] was part of a “newcomer program,” in which she worked with children who had been in the United States for 12 months or less. After [REDACTED] was hired into this position, [REDACTED] discovered that Belle Haven had “something like 22 paraeducators at the school,” which was an excessive amount based on the number of Belle Haven students. Because she was the newest or second newest paraeducator at the school, Human Resources discussed with [REDACTED] whether she would be “willing to go over and work with newcomer kids and a teacher” at Los Robles. According to Hernandez-Goff, [REDACTED] was “fine with it.” Hernandez-Goff noted that it was not necessary for [REDACTED] to be bilingual in that position, as the newcomer class was “more about English acquisition strategies.”

As relates to [REDACTED], Hernandez-Goff explained that during the 2016-2017 school year, the District could only “justify” a second [REDACTED] staff person for school sites with more than 400 or 500 students. Both Belle Haven and Willow Oaks did not have the requisite number of students but were allowed to keep an additional [REDACTED] staff member for the 2017-2018 school year as part of a “deal.” However, shortly after the beginning of the school year in fall 2017, the [REDACTED] person from McNair resigned. Thus, she explained, rather than posting the position, they “looked at the numbers” and decided to reassign one of the [REDACTED] [REDACTED] from Belle Haven.

With regard to Gaviglio’s assertion that the decisions were not based on a financial reason, Hernandez-Goff acknowledged that Gaviglio offered to pay out-of-pocket to keep [REDACTED] at his school. She noted that he had offered to pay for things out-of-pocket on multiple occasions, but her answer was “always the same.” She told him, “I think it is illegal—you can’t do that. It has to be the District that assume responsibilities for additional pay, stipends, that kind of thing.”

6. February 9, 2018: Meeting Regarding Gaviglio's 2018-2019 Assignment

On February 9, 2018, Gaviglio and Hernandez-Goff met to discuss Gaviglio's plans for the 2018-2019 school year. Gaviglio asserted Hernandez-Goff asked him to resign because he recently adopted a child and took parental leave. Hernandez-Goff asserted she met with Gaviglio to understand if he planned to return for the school year.

Gaviglio's Perspective. In his March 2018 written complaint, Gaviglio wrote that Hernandez-Goff asked him to resign during their February 9, 2018 because he took parental leave. He described (typed verbatim):

[Hernandez-Goff] called me into her office last month [February 2018] telling me that she needed to speak to me because I was going on a parental leave and then said that since I had a baby she thought I should resign. She told me this would help the district because she had too many Principals and Vice Principals. In response I said that she did not have excess site administrators because [REDACTED] was going to the District Office and [REDACTED] logically taking her place which would be one less Principal and one less Vice Principal in the mix. She replied that [REDACTED] could not be the [REDACTED] because she had a baby.

After the meeting, Gaviglio sent himself an email to document what occurred, dated February 9, 2018 at 7:42 p.m. His email read as follows (typed verbatim):

I set up the meeting for 3:45 p.m. When I showed up at her office she told me that she wanted to meet with me because I was out on parental leave.

She asked me that since I had a baby, maybe I would like to resign. She said it would help with the budget cuts if I stepped down.

During our conversation she mentioned she would not put the [REDACTED] [REDACTED] as the new Principal because she had a baby (that site's [REDACTED], will be going to the District Office next year).

She mentioned that she was taking [REDACTED] principalship away and would be reassigning her to the classroom.

Leaving the meeting, I felt that she was discriminatory towards administrators with babies.

Attachment 11.

Hernandez-Goff's Perspective. Hernandez-Goff acknowledged meeting with Gaviglio in February 2018 but denied asking him to resign. She further denied having any bias against him for being on paternity leave.

Hernandez-Goff said that she met with all of the principals and vice principals again in 2018 to ask about “what they were doing.” She explained that if someone was going to leave, then she “wouldn’t have to lay someone off.” In Gaviglio’s case, she noted that he had been “taking leave intermittently,” and so she had to “wait for him to come back” before she could discuss the matter with him. She shared:

When Todd came back, he was ready to go on leave again. I said I wanted to talk to him. I told him, “I know last year you said you might want to retire. I am talking to everyone because I am looking at reductions. With the budget shortfall, I have too many [principals and vice principals], so I had to lay off like 55 full-time employees.” He said, “No, I am not thinking about it.” He told me he wasn’t thinking about retiring, but was considering a job-share with someone.

I said, “[REDACTED].” She hadn’t come back from leave yet, but I said I was going to talk to [REDACTED] because she might be interested. I said, “Think about it. Let me know, because I have to make reductions. If someone is leaving or thinking of leaving, then I don’t have to worry about cutting someone off.” That was discussion we had, and then he went on leave.

Hernandez-Goff met with [REDACTED] after her meeting with Gaviglio to ask [REDACTED] about her goals and what she was thinking of doing. According to Hernandez-Goff, [REDACTED] indicated she wanted to return to her principal position, but “wanted to have Mondays off as continuing family leave for rest of this year.” Hernandez-Goff told [REDACTED] she “was okay with that.” Hernandez-Goff also stated she told [REDACTED] that Gaviglio mentioned job-sharing, but that [REDACTED] declined and said she needed to work full-time.

7. February and March 2018: Cabinet Discussions About Principal Placements

In February and March 2018, the Superintendent met with her cabinet multiple times to discuss potential principal placements for the 2018-2019 school year. During those meetings, Human Resources Director Gina Sudaria took notes on the options discussed. The notes demonstrate the following:

- February 12, 2018: Cabinet considering reassigning Gaviglio to a non-principal assignment and assigning [REDACTED] as principal of Belle Haven;
- February 26, 2018: Cabinet considering making Gaviglio the vice principal at Los Robles;
- March 5, 2018: Cabinet undecided on Gaviglio’s placement and considering placing [REDACTED] as principal at Belle Haven.

Attachment 12.

Gaviglio asserted that on March 12, 2018, Sudaria told him she was under the impression that he would be assigned as vice principal of Los Robles. On March 28, 2018, Gaviglio sent Sudaria the following email relating to their earlier discussion (typed verbatim):

Earlier this month I was at the district office for a meeting. I had a few moments to spare so I stopped by your office to check in with you. I asked if there was any change in my status for next year and you said the Superintendent told you she met with me to tell me I was being moved down to a Vice Principal position at Los Robles. I told you the Superintendent had done so such thing. I explained to you what had actually transpired in our one meeting (she said she needed to talk to me because I was going out on a parental leave and that she thought I should resign because I had a baby. She also shortly thereafter said [REDACTED] [REDACTED] could not be the [REDACTED] because she had a baby).

The date of this exchange with you would have been the morning of March 12 when I was next door for a SARB meeting [...] Please notify me if you disagree with any of this information regarding our exchange.

Attachment 13.

Sudaria agreed she told Gaviglio he might be moved into a vice principal role, although she said the conversation was “off the record.” She asserted the potential move was discussed in cabinet meetings in 2018, as she documented in her notes. **Attachment 12.**

8. March 9, 2018: Gaviglio’s Complaint to County Office of Education

On March 9, 2018, Gaviglio submitted a complaint to the San Mateo County Office of Education (“SMCOE”) regarding concerns over how Hernandez-Goff and the District Office spent Title I funds.

By way of background, Gaviglio sent an email months earlier on October 26, 2017 to [REDACTED] and [REDACTED], with copies to [REDACTED], [REDACTED], and Hernandez-Goff. In his October 26, 2017 email, Gaviglio expressed his concerns regarding the way in which Title I funding was being spent. **Attachment 14.** He later followed-up on January 24, 2018 via email to Hernandez-Goff, with a copy to [REDACTED] and [REDACTED]. **Attachment 14.** The following day, he forwarded his January 24, 2018 email to [REDACTED], [REDACTED], and [REDACTED]. [REDACTED] responded to confirm receipt of his email. **Attachment 14.**

After receiving no response from Hernandez-Goff, Gaviglio forwarded his concerns to the County Office of Education on March 9, 2018. **Attachment 14.** Specifically, his email was sent to Marco Chavez, Secretary to the San Mateo County Committee on School District Organization, and Anne Campbell, San Mateo County Superintendent of Schools. His email provided the following (typed verbatim):

I feel compelled to share this information, so I am taking it to the next level up.

I did not receive any response from the Superintendent and district administration regarding my concerns, Federal Program Monitoring, and how to do what is necessary for students and legally mandated.

Attachment 14.

In her interview with me, Hernandez-Goff stated she became aware of Gaviglio raising concerns to Anne Campbell on March 19, 2018. Her discussion with Campbell is explored in more detail in Section IV.D.12, below.

■ [REDACTED]

[REDACTED]

Other cases to substantiate this pattern of discrimination include:

* [REDACTED] was told by Gloria Hernandez Goff during upon her extending her maternity leave that she was going to replace [REDACTED] with [REDACTED] as the [REDACTED].

*As mentioned above, she will not let [REDACTED] ascend to the position of [REDACTED] of the school where she has been successfully working because she has a baby.

* [REDACTED] has reported that the Superintendent, Gloria Hernandez Goff, has been trying to convince her to be a stay at home mother.

* [REDACTED] has mentioned that the Superintendent, Gloria Hernandez Goff, made a disparaging statement to her when she was unable to attend a Saturday event because of her baby. She was admonished that she needed to decide whether to be a mother or an administrator.

*Gloria Hernandez Goff did not consider [REDACTED] as a candidate for a promotion to [REDACTED] and Instruction because she had a baby. [REDACTED] had to convince Gloria Hernandez Goff to reconsider her objections to promoting her because of her status as a mother. [...]

Overall, her discriminatory practices have created a hostile work place where people are afraid of retaliation or bullying. Ravenswood employees need an assurance that this discrimination will stop.

Attachment 19.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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13. March 19, 2018: Gaviglio's Second Reassignment

On March 19, 2018, Gaviglio again met with Sudaria. During that meeting, Sudaria presented him with a letter signed by Hernandez-Goff, notifying Gaviglio that he was reassigned to the District Office, effective immediately, and would no longer serve as principal of Belle Haven. [REDACTED]

[REDACTED]

A news article from The Almanac contains a statement from the District related to Gaviglio's reassignment:

In a statement provided to the Weekly by the district's public relations firm, Hernandez-Goff said that Gaviglio was moved to the district to help with a "routine" federal program audit. [...] "Because of his newly acquired background [related to Federal Program Monitoring], and his intimate knowledge of Belle haven, he was selected for special assignment to support the district on these efforts," [Hernandez-Goff] said.

Attachment 2.

Hernandez-Goff also recalled that she learned about Gaviglio's complaint to Campbell of SMCOE on March 19, 2018. She explained that although she never saw the written complaint Gaviglio emailed to Campbell, she learned of the complaint through a phone call with Board President Ana Pulido on March 19, 2018. Pulido first texted Hernandez-Goff on March 19, 2018, telling her "I got a call from Anna Campbell. Let me know when you can talk about it." **Attachment 29.** Hernandez-Goff replied that she could talk to Pulido after 3:00 p.m. **Attachment 29.**

The two spoke the afternoon of March 19, 2018. Pulido told Hernandez-Goff "Todd complained to Anne Campbell that I was being biased against him, something like that.

Hernandez-Goff stated she did not know about the SMCOE complaint before she decided to reassign Gaviglio to the District Office. Her position is explored in more detail in the sections below.

14. April 2018: Gaviglio's Additional Complaints

In April 2018, the District twice expanded the scope of this investigation to include additional allegations raised by Gaviglio.

On April 23, 2018, the District first expanded the scope of this investigation to include additional allegations raised by Gaviglio in another complaint.¹⁵ Those allegations are as follows (typed verbatim, emphasis in original):

Requires administration to break the law:

Tell us to withhold student **household** contact information from our police (under false assumption that students will get deported)

¹⁵ Gaviglio raised numerous allegations in this complaint that are outside the scope of this investigation. I have not viewed the full complaint and have only viewed the allegations the District specifically instructed me to investigate. Accordingly, I am unaware of the exact date Gaviglio filed this complaint.

Because of her public relations concerns, she pressures us to **not call police** although we deem it necessary (student with a weapon, etc.)

Does not want us to call police after **risk or threat assessments** indicate a psychiatric hold is necessary – rather wants us to get her permission first

Special Education:

As soon as oversight was diminished with RSIP, she ignored the IEP dictated supports, allowing dangerous situations to exist

In spite of desperate pleas from school sites, she did not allow positions to be filled nor subs hired to cover them

Students not receiving their IEP supports has created dangerous situations and prevents teachers from meeting the needs of their whole classes

Calculated numbers wrong for special education staffing contrary to data, thus letting students flounder and be in dangerous situations and teachers and students without critical support

Were district employees asked to **falsify information in reports** to the court monitor?

Does not allow required staffing to implement IEPs such that children are backsliding and put in dangerous situations

Attachment 21.

On April 25, 2018, Gaviglio submitted another complaint to Sudaria, raising additional allegations against Hernandez-Goff. Accordingly, on May 1, 2018, the District expanded the scope of the investigation to include Gaviglio's additional allegations. The April 25, 2018 complaint contains the following allegations (typed verbatim, emphasis in original):

I want to file a complaint against Gloria Hernandez-Goff. I am accusing her, and by association the district, of the following: [...]

RETALIATION

On Friday, March 16, 2018, I filed a complaint of discrimination against Gloria Hernandez-Goff. **The very next work day**, on Monday, March 19, 2018, I was blindsided by receiving a notice that I was being removed from my Principal position at Belle Haven School. [...]

There was **no due process or discussion** with the Superintendent prior to this action, although she had multiple opportunities to do so in multiple meetings with her before this action. She did not even meet with me in person to notify me of this decision on her part. [...]

CREATING A HOSTILE WORK ENVIRONMENT AND HARASSMENT:

When meeting with Gloria Hernandez-Goff individually, she speaks disparagingly about ones colleagues and coworkers. She divulges confidential personnel information which is very uncomfortable for the listeners. Gloria Hernandez-Goff also has a habit of making discriminatory and racist statements. By her words and actions, she has shown that being an administrator and having babies is incompatible. [...]

DEFAMATION OF CHARACTER:

[...] When she, with no advance notice, removed me from Belle Haven School, with no consideration for timing, she left students, parents, and staff shocked and dismayed. They were left believing I had done something awful to merit such an action. [...]

It is extremely rare that a site administrator would be removed from their school during the school year. The examples people are aware of typically involve acts of moral turpitude. The Superintendent’s retaliation against me for filing a complaint of discrimination, couple with her failure to take immediate action to explain my absence, compounded with forbidden communication from my part resulted in a **defamation of my character**.

DENYING MY CIVIL RIGHTS:

[...] Most egregiously, when Gloria Hernandez-Goff removed me from my position as Principal of Belle Haven, she multiple times in her letter warned me that I did not have my constitutional right to freedom of speech and assembly. She expressed that “...you are directed to refrain from any interactions with Belle Haven staff, students and parents regarding Belle Haven School matters...” [...]

The Superintendent put me in a horrible position of disappearing from the school at the worst possible timing and being forbidden to explain why. In her dereliction of her duty to take immediate action to specify why for days, everyone was left to conclude the worst and I was prevented from communicating when she would not. [...]

Attachment 22.

E. Requested Resolution

I asked Gaviglio how he envisioned this matter resolved. I advised him that this question was for informational purposes only, and no resolution was guaranteed. During his initial interview on April 3, 2018, he stated:

I really just want to get reinstated. I don’t want to sue. [...] I want my job back. Really, honestly, I’d like to see her [Hernandez-Goff] fired. She is

destroying the District. I would like her to resign and have my job back. I would like an apology.

F. Timeline

For the reader’s convenience, this section sets forth an at-a-glance timeline of key events related to this Investigative Report.

Date	Type of Event	Event
March 24, 2017	[REDACTED]	[REDACTED]
May 30, 2017	Life Event	Gaviglio adopted a daughter.
August 2017	Staffing Change	The District laid off one custodian at Belle Haven, leaving the school with one full-time day custodian and one full-time night custodian.
September 21, 2017	Incident	Fire alarm incident at Belle Haven School.
October 2, 2017	Life Event	Gaviglio requested, and received, Intermittent Parental Leave.
October 31, 2017	Investigation	[REDACTED] completed investigation and emailed report to Hernandez-Goff recommending that she issue Letters of Reprimand to Gaviglio and [REDACTED] for their involvement in the unauthorized alarm pull incident and subsequent investigation.
January 2018	Staffing Change	The District moved two paraeducators from Belle Haven to other school sites.
February 9, 2018	Meeting	Meeting with Gaviglio and Hernandez-Goff. Gaviglio asserted Hernandez-Goff asked him to resign because he had a child; Hernandez-Goff asserted she asked him his plans for the school year because he previously mentioned retiring.
February 12, 2018	Meeting	Cabinet meeting wherein they discussed reassigning Gaviglio (assignment unknown) and replacing him with [REDACTED] as Principal of Belle Haven. Hernandez-Goff and Sudaria stated the discussions about placement occurred because the District was losing one principal placement due to the closure of McNair School.
February 26, 2018	Meeting	Cabinet meeting wherein they discussed reassigning Gaviglio as Vice Principal of Los Rios, but were undecided as to who would be Principal of Belle Haven.
March 5, 2018	Meeting	Cabinet meeting wherein they discussed reassigning Gaviglio (assignment unknown) and replacing him with [REDACTED] as Principal of Belle Haven.
March 9, 2018	Complaint	Gaviglio emailed a complaint to SMCOE regarding Hernandez-Goff’s spending of Title I funds.
March 12, 2018	Conversation	Sudaria mentioned to Gaviglio that Hernandez-Goff said she had discussed with Gaviglio making him Vice Principal of Los Rios.
March 12, 2018	[REDACTED]	[REDACTED]
March 12, 2018	Reassignment	Letter from Hernandez-Goff to Gaviglio regarding [REDACTED]

Date	Type of Event	Event
March 14, 2018	Meeting	Meeting with Gaviglio, Hernandez-Goff, and Sudaria during which Gaviglio was given the [REDACTED]
March 16, 2018	Complaint	Gaviglio filed a written complaint with Sudaria at the end of his workday. There is a discrepancy as to when Hernandez-Goff learned of the complaint: Hernandez-Goff said Sudaria informed her on March 16 or March 19, 2018. Sudaria stated she never told Hernandez-Goff of the complaint, and instead notified counsel on March 20, 2018.
March 18, 2018	Email	On March 18, 2018, District Counsel emailed Hernandez-Goff, [REDACTED].
March 19, 2018	Complaint	Hernandez-Goff stated she learned of Gaviglio’s March 9, 2018 complaint to SMCOE. Hernandez-Goff provided a text message, dated March 19, 2018, that she said was the first notice she had about Gaviglio’s SMCOE complaint.
March 19, 2018	Reassignment	[REDACTED]

V. Allegation: Harassment Behavior

A. Complaint

Gaviglio alleged Hernandez-Goff “harassed” administrators by making inappropriate and negative comments related to family status and race. Gaviglio alleged she made the following specific comments:

- May 2016: Hernandez-Goff told [REDACTED] she was not considering her for the [REDACTED] position because [REDACTED] had a baby;
- March 16, 2017: Hernandez-Goff stated she planned to reassign [REDACTED] of [REDACTED], because [REDACTED] was “taking all this maternity leave”;¹⁶
- 2017: Hernandez-Goff told [REDACTED] that if she could not attend a Saturday event due to childcare issues, [REDACTED] “needed to decide whether to be a mother or an administrator”;
- February 9, 2018: Hernandez Goff said [REDACTED] could not be promoted [REDACTED] because “she has a baby”;
- February 2018: Hernandez-Goff “tried to convince” [REDACTED] to be a stay-at-home mother;

¹⁶ Gaviglio provided me with an email dated March 16, 2017, which he sent to himself. The email described meeting with Hernandez-Goff that same day and read that Hernandez-Goff “stated she was giving a notice of reassignment to [REDACTED].” Attachment 23.

- May 2015: During Gaviglio’s interview with the District, Hernandez-Goff told him “The problem with this District is all those Blacks, but I have a way of dealing with Blacks.”
- Date Unknown: Hernandez-Goff told Gaviglio there were “too many Asian administrators at Willow” School;
- Date Unknown: Hernandez-Goff referred to someone as an “Indian Princess.”

B. Response

Hernandez-Goff denied making negative comments about administrators with children and denied making race-based comments. Hernandez-Goff provided the following responses to each of Gaviglio’s allegations:

Alleged Comments	Hernandez-Goff’s Response
Comments Related to Having Children/Taking Leave	
May 2016: Hernandez-Goff told ██████ she was not considering for a promotion because had a baby.	“No. I promoted her.” ¹⁷
March 16, 2017: Hernandez-Goff planned to reassign ██████ because ██████ was “taking all this maternity leave.”	“No. I don’t know where that comes from.” Hernandez-Goff retained ██████ to come back, but ██████ resigned.
2017: Hernandez-Goff told ██████ she “needed to decide whether to be a mother or an administrator.”	“We had a special board meeting on Saturday. [...] ██████ [██████] mentioned she had childcare issues. I said ‘██████, you are ██████. They are 25% of our budget. You can leave as soon as you answer questions, but you have to be here.’”
February 9, 2018: Hernandez-Goff said ██████ could not be ██████ because “she has a baby.”	“I never said that. I may have brought up ██████ as one of the people I wanted to talk to about their plans. [...] I heard different things about ██████ maybe wanting a few extra weeks off. And I hoped to have an idea of what she was going to do.”
February 2018: Hernandez-Goff tried to convince ██████ to be a stay-at-home mother.	“I don’t think so. No. When she talked about her baby, she shared pictures. Then I shared pictures of my daughter and grandbaby. They moved to Vermont. I said ‘I really miss them, but I am happy because out there I know she was able to stay at home.’”
Race-Based Comments	
May 2015: “The problem with this District is all those Blacks. But I have a way of dealing with the Blacks.”	“No. We are all minorities. We have a handful...there are actually more and more White kids...or not that many.”
Unknown: “There are too many Asian Administrators at Willow.”	“No. I think [Gaviglio] is throwing everything on the wall and see what sticks.”

¹⁷ ██████ was promoted to the ██████ ██████ position in July 2016. As explored in Section C., below, ██████ said that during her interview, Hernandez-Goff asked ██████ if she would be able to handle motherhood and the ██████ position.

Alleged Comments	Hernandez-Goff's Response
Unknown: Hernandez-Goff called someone an "Indian Princess."	"It might have happened in a conversation with my [then] [REDACTED]. I was joking around. [...] She was talking about her husband and how he gets up early and brings her tea. We are joking around and I said she was an Indian Princess, and we laughed. [...] I never heard that someone complained about [the comment]. No one in Human Resources talked to me about it."

Hernandez-Goff said she "is not always exactly PC [politically correct]." Sometimes she "is just having a conversation." Hernandez-Goff acknowledged she "may have said" that an employee might not return from leave because "they had babies." However, she has not done "anything to hurt anyone's rights about being a parent." She also has not made "any racial" comments:

My grandfather is Black. I look more Indian, so people think I'm trying to be Black, but I've very connected to the community here. I am very sensitive to the biases that people sometimes inadvertently have around our community. [...] I know I didn't say anything like that. I wouldn't.

C. Additional Information Considered

Six witnesses confirmed they either heard Hernandez-Goff make the family status-based comments, as alleged by Gaviglio, or they heard something similar:

Alleged Comments	Witness Perspectives
May 2016: Hernandez-Goff told [REDACTED] she was not considering for a promotion because [REDACTED] had a baby.	"[While interviewing for the [REDACTED] job in May 2016, Hernandez-Goff] asked me if I could handle the job with the baby. She talked to me about it when I was on maternity leave. [...] She was asking, 'Now that you have a baby, do you still want it? Do you think you can handle it?'" – [REDACTED]
March 16, 2017: Hernandez-Goff planned to reassign [REDACTED] because [REDACTED] was "taking all this maternity leave."	<ul style="list-style-type: none"> • "She said, 'Now that [REDACTED] has two babies, it may be difficult for her to return.'" – [REDACTED] • "I never heard her say that directly. But I perceived she didn't like it. She would make comments, little comments like, 'She's on leave again.'" – [REDACTED] • "We had a full group meeting in January, February, or March [of 2017]. She announced that the new principal of the middle school would be [REDACTED] and not [REDACTED]. She said that since [REDACTED] had two children, she was unable to be principal now." – [REDACTED]
2017: Hernandez-Goff told [REDACTED] she "needed to decide whether to be a mother or an administrator."	<ul style="list-style-type: none"> • "She made a comment about [REDACTED] commitment." – [REDACTED] • "She made a comment that...she didn't say 'Choose,' but said I needed to decide if I wanted to work or not. I was mostly annoyed. [...] I took it as the meeting was important, and she wanted me there, and she was annoyed I might not be there." – [REDACTED]

Alleged Comments	Witness Perspectives
<p>February 9, 2018: Hernandez-Goff said ██████ could not be a principal because “she has a baby.”</p>	<ul style="list-style-type: none"> “I asked for a meeting [with Hernandez-Goff] when I was still on maternity leave. I wanted to ask her to consider me for the ██████ position. I told her I already had daycare taken care of. [...] I heard from other people that she commented that I had a baby. I wanted to let her know that I had everything covered, and she did not have to worry about me not being as dedicated for whatever reason. I was all in.” – ██████
<p>February 2018: Hernandez-Goff tried to convince ██████ to be a stay-at-home mother.</p>	<ul style="list-style-type: none"> “I had a meeting with her, I just had a child. [...] Then she proceeded, in an hour conversation, about her daughter and son, and how she regrets not staying home and being home more with the kids. And how her daughter on the east coast decided to stay home with her child.” – ██████

Six witnesses heard Hernandez-Goff make the following comments about employees with children:

- “The ██████ just recently had a child. I gathered that the principal wanted to come back to work and take off Mondays. I didn’t think the Superintendent liked that. She made a comment [in January 2018], something like she could find someone else who wants to work five days a week.” – ██████
- “She said Todd might not be returning. She made a statement about him adopting and he’s a dad [...] and she wasn’t sure he’d be returning.” – ██████
- “There was previously a principal who, pretty early in her beginning at the district, took maternity leave. [...] I think [Hernandez-Goff] made comments when she was gone, like ‘No one else can have babies,’ comments like that. [...] Whether that was intended to be a joke or note, it creates a feeling that they can’t talk about maternity leave or having kids.” – ██████
- “I don’t think she dislikes it when administrators have children or take leave. I think she feels it will make work more difficult to carry out. She has talked about individuals who recently had babies: [...] ‘He might have difficulties because he has a baby around;’ ‘Babies are a lot of work, she might not want to come back.’ They are not appropriate comments to make.” – ██████
- “I don’t remember the context of the meeting, but ██████ was planning to come back [from maternity leave]. The Superintendent said ██████ had requested to take Mondays off. [...] The Superintendent’s comment was, ‘She needs to keep in mind I am making admin cuts next year. That might not be the kind of commitment I am looking for.’” – ██████
- “I think Gloria was concerned, or hesitant, when administrators had children. Maybe she disliked it. She would say stuff like, ‘I know babies take a lot of time,’ and then tell me the story of when she had her son. That was before I went on maternity leave ██████.” – ██████

Three witnesses believed Hernandez-Goff disliked when employees had children:

- “I knew [REDACTED] was going to have a meeting with Gloria. And I told [REDACTED] to really emphasize that she was ready to be [REDACTED]. I encouraged [REDACTED] to assure Gloria that being a parent won’t affect her work.” – [REDACTED]
- “I noticed a change in treatment of [REDACTED]. She was hired as principal of the new middle school. Slowly, responsibilities were taken away from her after each child. And after [REDACTED] had her second child, Gloria suddenly announced that [REDACTED] was the new principal. He had never even been an administrator before.” – [REDACTED]
- “I think there is a pervasive feeling that if you have a baby, she thinks you can’t do the job. [...] It adds to the worry or fear of having a baby.” – [REDACTED]

In contrast, four employees shared they believed Hernandez-Goff treated employees the same, regardless of if they had children:

- “When I saw the reference to [REDACTED], I was shocked, because [REDACTED] was pregnant when she was hired by us. [...] Gloria loves babies. She is always oohing and awing over them.” – [REDACTED]
- “When I recently had a child, [...] I met with Gloria before I returned from leave and she was pretty flexible with me in working from home a few days a week. [...] She has spoken to me on a friendly level about the baby. I brought him to work and she’s seen him here.” – [REDACTED]
- “I recently had a daughter, she is two and a half. In my opinion, she never had a negative thing to say to me. I think I took five or seven days off when my daughter was born. There was no change in treatment from Gloria.” – [REDACTED]s
- “Absolutely not. She’s the one who said, ‘Can you help out with folks who have babies? Do a good job supporting them.’ [...] She is doing what she can to support families and parents. She loves children – why would she not love her employees’ babies?” – [REDACTED]

In relation to the allegations of race-based comments, three witnesses confirmed they either heard Hernandez-Goff’s comments as alleged by Gaviglio, or they heard something similar:

Alleged Comments	Witness Perspective
<p>May 2015: “The problem with this District is all those Blacks. But I have a way of dealing with the Blacks.”</p>	<ul style="list-style-type: none"> • “[In discussing parents at my school], the parents were all African-American. She said they were extremely unprofessional, they were yelling at her. That she never experienced anything like that. She went and got [REDACTED], who happens to be African-American. [...] I’ve never heard her outwardly state anything, it is more subtle. She says ‘Older Ravenswood’ – I think she’s alluding to the Black community.” – [REDACTED]

Alleged Comments	Witness Perspective
Unknown: "There are too many Asian Administrators at Willow."	<ul style="list-style-type: none"> • "[In February or March 2018] I mentioned that ██████████ and ██████████ could be principal and vice principal. [...] But she said it wasn't a good idea because of their performance and because there would be a lack of diversity." – ██████████ • "I never heard anything directly from her. But when I was first applying to ██████████, people were saying I couldn't be at Willow because there were too many Asians. I heard whispers from random people about her not being a big fan of Asian Americans." – ██████████
Spring 2017: Hernandez-Goff called someone an "Indian Princess."	<ul style="list-style-type: none"> • "A consultant complained to me [about the comment]. [...] I let [Hernandez-Goff] know a complaint had been made, that she said someone we work with is an Indian Princess, and [the consultant] complained. I asked her if that was the case. She seemed a little defensive at first, but then said she recalled that, or something to that effect. Then she said that because she is someone else, she is going to seek someone else out to talk about it." – ██████████

Finally, one witness recalled hearing Hernandez-Goff make another comment not previously alleged by Gaviglio that had potentially race-based overtones:

- "[We were looking for Gaviglio for a meeting] and she said, 'Tell Maria to call [Todd]. We said, 'Maria is absent.' And she said, 'Tell one of the Marias to call.' Everyone was a little shocked and she said, 'I can say that, my middle name is Maria.'" – ██████████

D. Analysis and Findings

1. Factual Findings

Credibility. I first considered the credibility of both Gaviglio and Hernandez-Goff. I find Hernandez-Goff less credible than Gaviglio for the following reasons:

- **Lack of Corroboration:** Hernandez-Goff made several assertions that were not corroborated by witnesses or documents. For example, she stated she conducted performance reviews of her employees. Yet this was denied by all principals interviewed, by the Human Resources Director, and was not supported by employee personnel files. Hernandez-Goff also stated she delayed Gaviglio's ██████████ until March 12, 2018 for the ██████████. Yet the record demonstrates she received the ██████████ on October 31, 2017, and again on November 4, 2017.
- **Motive:** Hernandez-Goff has motive to be less than forthright. Gaviglio's allegations against her have been the subject of media attention and public scrutiny, potentially affecting her employment and reputation.
- **Inconsistencies:** Hernandez-Goff made several inconsistent statements.

- *First Reassignment.* As detailed in Section VII., below, Hernandez-Goff provided several inconsistent and unrelated reasons for Gaviglio’s first reassignment on March 14, 2018, from performance concerns morphing from reasons related to District budget and concerns about how he spoke about the District with others. And, as to one of her alleged reasons – budgetary concerns – this concern is wholly absent from her reassignment letter, which instead focuses only on performance concerns.
- *Second Reassignment.* Although Hernandez-Goff attributed her second reassignment of Gaviglio on March 19, 2018 from his conversations with the media¹⁸ over the weekend of March 16, 2018 (again, explored in more detail in Section VII., below), the record does not support this assertion. Gaviglio’s communications with the media occurred only *after* his second reassignment on March 19, 2018.
- *Vice Principal.* Further, Hernandez-Goff said she “never” considered Gaviglio for a Vice Principal position, although contemporaneous notes taken by Sudaria corroborate that she did.
- *Funding.* Hernandez-Goff told this investigator that Gaviglio did not raise issues related to Title I funding until their March 14, 2018 meeting. Yet the documentary record demonstrates he raised them to her, in writing, at least two times prior.
- *Counsel for Comment.* Hernandez-Goff also stated “no one” talked about the “Indian Princess” comment with her or notified her of the complaint. This is contradicted by the credible statement of ██████, who provided a clear recollection and plausible details of their discussion.
- *Additional Inconsistencies.* Finally, Hernandez-Goff contradicted herself multiple times in her statements during her interviews. She stated she did not care about Gaviglio’s complaints, but then later stated one of the reasons she reassigned him on March 19, 2018 was because she learned he was “sending untrue emails” about her. This statement appears to reference the very complaints she said she did not care about. She also stated she did not call someone an “Indian Princess,” then later agreed she had.

Given the number of inconsistencies and contradictions, I do not find it plausible they can be explained away by her failed memory, the passage of time or her unique perspective of events.

Turning to Gaviglio’s specific allegations, I find Hernandez-Goff made repeated comments about her employee’s family and leave status. She also made one race-based comment. I find she made the following comments:

¹⁸ As part of this investigation, I do not determine whether his First Amendment rights were implicated.

- In May 2016, she told employee ██████████ that she was unsure if ██████████ should receive a promotion because ██████████ recently had a baby;
- In March 2017, she told ██████████ made multiple comments related to maternity leave taken by ██████████;
- In 2017, she told ██████████ that ██████████ “needed to decide whether to be a mother or an administrator”;
- On February 9, 2018, Hernandez-Goff stated ██████████ could not be ██████████ because ██████████ recently had a baby;
- In February 2018, Hernandez-Goff made comments to ██████████ that were reasonably perceived as encouraging ██████████ to become an at-home mother; and
- Hernandez-Goff called an employee an “Indian Princess.”

I do not find Hernandez-Goff made the following comments:

- “The problem with this District is all those Blacks, but I have a way of dealing with Blacks;” and
- There were “too many Asian administrators at Willow” School.

I make these findings for the following reasons.

Sustained Comments. First, I find the six witnesses who corroborated Gaviglio’s allegations related to comments made by Hernandez-Goff to be compelling. These witnesses attributed comments to Hernandez-Goff over a period of approximately three years. Her comments, then, cannot be explained away as a momentary lapse in judgment. I also found it compelling that six witnesses had the impression that Hernandez-Goff disliked employees who exercised their right to take parental leave.

Second, Hernandez-Goff’s own statements during her interviews further corroborated Gaviglio’s allegations. She repeatedly made references to employees taking a leave (e.g. “This year I started to evaluate him, but then the family leave...it is really hard to balance that;” “I might have said someone might not come back from leave;” “I think ██████████ took a few weeks extra leave”); and, she repeatedly made statements to the effect that having employees on leave disrupted performance reviews and her ability to make future plans. Her statements demonstrated that she disliked parental leave because she felt it negatively impacted the District.

Further, the record supports that Hernandez-Goff commented that someone was an “Indian Princess.” Hernandez-Goff admitted making the statement, but attributed it to a joke and said she was unaware anyone was offended. This statement lacks credibility and is not supported by the record. ██████████ credibly recalled addressing the statement with Hernandez-Goff and telling her an employee was offended. ██████████ had no discernable motive to misrepresent the conversation.

Not Sustained Comments. The totality of the record does not support that Hernandez-Goff commented on “Blacks” and “Asian Americans.” Other than Gaviglio, no witness reported hearing Hernandez-Goff make the alleged statements. Gaviglio did not contemporaneously report the comments to others. Given the record of his contemporaneous reports to others, I found this compelling. Instead three witnesses heard rumor or innuendo about the alleged comments but did not hear anything directly. It is a striking contrast to the witness observations related to Hernandez-Goff making family-status based comments.

2. Policy Findings

Applying the factual findings above, I find that Hernandez-Goff violated district policy prohibiting harassment. District policy defines harassment as “unwelcome conduct” that creates “an intimidating, hostile, or offensive work environment.” It also defines harassment as “unwelcome conduct” that is “severe and pervasive” to the point of “adversely affect[ing] an individual’s employment opportunities.”

Hernandez-Goff made multiple comments related to family status and at least one comment related to race. Employees noted that it made them “nervous” to discuss pregnancy or leave with her, and noted that it “gave them pause” when considering whether or not to expand their families. Accordingly, I find Hernandez-Goff’s comments were “severe and pervasive” enough as to adversely affect an individual’s employment. Additionally, the employee complaint about the “Indian Princess” comments supports that Hernandez-Goff’s comments created an “intimidating, hostile, or offensive work environment.”

VI. Allegation: Discrimination

A. Complaint

Gaviglio alleged Hernandez-Goff “discriminated” against administrators with babies. Gaviglio pointed to the following as demonstrative of Hernandez-Goff’s behavior:

- **Cut Services.** Hernandez-Goff cut services to Belle Haven because Gaviglio took parental leave during the 2017-2018 school year. Hernandez-Goff wanted to make it appear that Gaviglio was “failing” as principal so she could assign her friend, ██████████, as Principal;
- **Asked Gaviglio To Resign.** In February 2018, Hernandez-Goff asked Gaviglio to resign his position because he recently adopted a baby and took parental leave; and
- **Promotions.** Hernandez-Goff denied other employees promotions.

Cut Services. Gaviglio alleged that Hernandez-Goff intentionally cut services to his school in order to make it appear as if he was “failing” as a principal. Specifically, he asserted that Hernandez-Goff laid off Belle Haven’s custodians and transferred two of his employees without telling him while he was on parental leave. Gaviglio asserted that Hernandez-Goff did so in order to assign her friend, ██████████, as principal of Belle Haven. He noted, “If I hadn’t taken paternity leave, she wouldn’t have been able to get her friend ██████████ in the door.”

Asked Gaviglio to Resign. As outlined in the Factual Background above, Gaviglio alleged Hernandez-Goff met with him on February 9, 2018, and asked him to resign. He alleged she referenced his new baby when discussing his potential resignation. Gaviglio also stated it was “known” that Hernandez-Goff disliked when her employees had children, and he was therefore “very nervous” about going on paternity leave.

During their discussion, Gaviglio alleged Hernandez-Goff told him information about her personal struggles raising her children:

She tried to be pleasant. She said, “I know you have a baby, and I wanted to talk to you about it. I think you should resign.” Then she divulged stuff about herself that I didn’t want to know. She said she didn’t choose men well, and all of her children’s fathers left her while she was pregnant and she had to raise her children alone. [...]

Then she said that the District had too many Principals and Vice Principals, and it would be a help to the District if I just resigned.

Promotions. Gaviglio alleged Hernandez-Goff denied ██████ and ██████ promotions because they recently had children. He alleged that based on the comments made by Hernandez-Goff (explored in Section V., above), Hernandez-Goff hesitated to promote ██████ in 2016 because ██████ recently had a child. He also alleged that in February 2018, Hernandez-Goff declined to consider ██████ for a promotion ██████ because ██████ recently had a child.

B. Response

Hernandez-Goff acknowledged that she transferred and laid off some Belle Haven staff but denied that it was for any improper purpose. She also recalled discussing Gaviglio’s plans for the 2018-2019 school year, but denied that she asked him to resign, and denied that her inquiry was related to his status as a father. Finally, Hernandez-Goff denied treating employees with children differently than childless employees.

Cut Services. Hernandez-Goff acknowledged that Belle Haven custodians were laid off and Belle Haven employees were transferred. However, she denied that any of these decisions were made in an attempt to make the Belle Haven site fail or otherwise sabotage Gaviglio.

To the contrary, Hernandez-Goff stated that the “biggest reason” she assigned Gaviglio as the principal at Belle Haven was because she needed someone with “lots of experience, with knowledge of the community, and love for the community” to lead the school. She explained that Belle Haven was “sort of a target for gentrification,” and that it was clear that the previous Mayor of Menlo Park was going to do “everything in her power” to acquire Belle Haven as part of the Menlo School District. Thus, she needed a capable leader at Belle Haven to give the school “stability and strength of leadership,” and to “increase credibility and status with the wider community.” Hernandez-Goff noted that she was disappointed because ultimately Gaviglio was the “main one knocking [her] and what [she was] trying to do.”

Further, Hernandez-Goff said she never intended to assign [REDACTED] as the permanent principal of Belle Haven. She hired [REDACTED] on a part-time basis to rotate as acting principal for schools with principals on leave. Hernandez-Goff stated [REDACTED] was given a layoff notice for the 2018-2019 school year. **Attachment 24.** However, as noted below, the District made [REDACTED] an offer of employment on July 25, 2018. As of July 30, 2018, [REDACTED] was slated to serve as [REDACTED] [REDACTED] for the 2018-2019 school year.

Hernandez-Goff also provided a copy of an April 3, 2018 email she sent to her administrators regarding planning principal assignments for the upcoming school year. The email contained the following tentative placements:

Belle Haven: [REDACTED]

Brentwood: [REDACTED]

Chavez: [REDACTED]

Costano: [REDACTED]

Los Robles: [REDACTED]

Ravenswood Middle School: [REDACTED]

Willow: [REDACTED]

Attachment 25.

As of July 30, 2018, the planned principal placements were as follows:

Belle Haven: Amanda Kemp

Brentwood: Jen Graven

Chavez: Maria Sevilla

Costano: Viviana Espinosa

Los Robles: Dr. Keith Bookwalter

Ravenswood Middle School: Ryan Hughes

Willow: Cindy Chin

Attachment 26.¹⁹

Asked Gaviglio to Resign. Hernandez-Goff denied that she asked Gaviglio to resign. She said she only wanted to inquire about his plans for the upcoming year, as she did with each of her principals in February 2018. If any staff planned to leave the District, she would have a better understanding of how many layoffs she had to implement.

She explained that she had spoken with Gaviglio “over a year ago” regarding upcoming changes in staff wherein he told her he was considering retirement. She said that they had the following discussion in 2017:

He [Gaviglio] asked me if I was thinking of letting him go. I said, “No, I’m not.” I know we had some discussions about things, like my sense of him blowing me off and not attending meetings, but I always talked to him about it. I told him I would have talked to him about it. He said, “If you were thinking about it, I might want to retire, because I am thinking of adopting a baby.” He said it might be time for him to leave. I said, “Oh, okay. I wasn’t thinking about it, but if you’re thinking about it, let me know.”

Based on the 2017 discussion, Hernandez-Goff met with Gaviglio in February 2018 and asked if he was still considering retirement. She said the two did not discuss his baby. Instead, she explained she had to make reductions and “if someone was leaving or thinking of leaving, then I don’t have to worry about laying someone off.”

Further, Hernandez-Goff stated that Gaviglio being out on parental leave “had nothing to do with anything.” She stated:

As a matter of fact, I think anyone who has had babies and asked for extra time got it. Someone asked me why I gave him time throughout the year. I said I didn’t want to mess up his baby care, and I didn’t see a problem with it.

In response to questions posed by me, Hernandez-Goff acknowledged she discussed her own experiences with motherhood when she met with Gaviglio on February 9, 2018. She recalled the comments were made in response to statements made by Gaviglio about parenthood:

I think he was just worrying about child care, and sort of the demands of parenthood. [...] I talked to him once about how hard it is to be a single parent, or to have a baby and work.

[Question: Did you tell him that your children’s fathers left while you were pregnant and you had to raise your children on your own?] I might have

¹⁹ **Attachment 26** refers to a placement list emailed to me by Sudaria on July 13, 2018. We spoke over the phone on July 30, 2018 and Sudaria provided the updated placements as of July 30, 2018.

mentioned that to him. I probably did. I think it was because we were talking about the birth mom [of Gaviglio’s adopted child] and I said, “It is hard. Sometimes you don’t realize how hard something is until you are actually doing something.”

Promotions. Hernandez-Goff denied that she failed to promote employees because they had children. She stated that the allegations were “really unfounded.” She stated she was a single mother with children when she became a teacher, and later, an administrator. She also noted that many of her employees had children. She shared:

I have [REDACTED]. She is the [REDACTED]. Her baby just turned two, but I promoted her to [REDACTED], I think, when she was pregnant. [...] [REDACTED], also in [REDACTED], just a few weeks ago, had her first baby. [REDACTED] just had a baby. [REDACTED], the [REDACTED], just had a baby. I think back in the first part of March, she took a few extra weeks beyond the time limit. [...] [REDACTED], another person, [REDACTED], just had a baby. Her baby is six or seven months old. [...]

There are lots of people that had babies. It was kind of a baby boom. We have young people. [...] If you look at the number of administrators that had babies in the last few years—it is a pretty big number—they are all still here.

Specifically, Hernandez-Goff stated she did promote [REDACTED] after [REDACTED] had a child – in July 2016, she promoted [REDACTED]. Hernandez-Goff denied that her decision not to promote [REDACTED] to [REDACTED] was related to [REDACTED] status as a mother. Instead, she stated she did not feel [REDACTED] was ready for the position, but noted [REDACTED] is still [REDACTED].

C. Additional Information Considered

Overall, six witnesses recalled Gaviglio telling them that Hernandez-Goff asked him to resign shortly after his February 2018 meeting with Hernandez-Goff. All principals interviewed affirmed that Hernandez-Goff met with them at the beginning of 2018 to ask about their plans for the upcoming school year. Further, witnesses almost uniformly observed that they heard Hernandez-Goff question if an employee with a child would return to work, and question if they were still going to be dedicated to their job.

Asked Gaviglio To Resign. Witnesses shared the following perspectives about Hernandez-Goff asking Gaviglio to resign:

- [REDACTED]: On February 16, 2018, Gaviglio told him, “The superintendent asked me to resign because I have a kid so I could spend more time with my kid.”

- [REDACTED]: In February 2018 Gaviglio told her, “She [Hernandez-Goff] asked me if I wanted to retire, and I don’t.” [REDACTED] did not recall Gaviglio mentioning anything about it being due to his being a parent.
- [REDACTED] and [REDACTED]: In March 2018, Gaviglio told them Hernandez-Goff had encouraged him to be a stay-at-home parent so that he could “spend more time with the baby and save the District money.”
- [REDACTED] and [REDACTED]: In March 2018, Gaviglio told them that Hernandez-Goff had asked him to resign. [REDACTED] stated that Gaviglio had called her “to see if [she] wanted to job share.”
- [REDACTED]: Hernandez-Goff said, “Now maybe that Todd has the baby, he might consider retirement as being an option. She says it off the cuff, very similar to Todd saying things off the cuff. I don’t know if she realizes it’s inappropriate.”

Promotions. The two employees cited by Gaviglio – [REDACTED] – did not fully agree with Gaviglio’s allegations related to their promotions. [REDACTED] agreed that Hernandez-Goff promoted her, but as explored in section V.D., noted that Hernandez-Goff questioned her commitment to the potential position given [REDACTED] new child.

[REDACTED] was unsure why Hernandez-Goff did not offer her a Principal position for the 2018-2019 school year:

I am not sure if was because I had a baby or not. [...] I’ve definitely put a lot of time here with the District. [...] Me being at [REDACTED] three years, and not promoting me [REDACTED], at the same school site where I am familiar...that just didn’t make sense. I don’t know if it was because I had a baby or not.

As noted in Section VI.B., above, as of July 30, 2018, [REDACTED] Principal [REDACTED] is slated to remain in her position as Principal, [REDACTED]. Accordingly, both [REDACTED] and [REDACTED] are still in their same positions at [REDACTED].

D. Analysis and Findings

1. Factual Findings

I make the following specific findings by a preponderance of the evidence:

Cut Services. I find Hernandez-Goff did not target Belle Haven by cutting services for the 2017-2018 school year. Further, she did not direct any action towards Belle Haven in an effort to make it appear that Gaviglio was “failing” as principal.

I make these findings for the following reasons.

First, the record supports that Hernandez-Goff approved the movement of one Belle Haven custodian and two staff members during the 2017-2018 school year. However, the record does not support that Hernandez-Goff directed such actions for any improper motive.

Second, I find it implausible that Hernandez-Goff would attempt to make it appear as though Belle Haven was “failing,” given her concerns that Menlo Park was attempted to absorb the school into its own district.

Additionally, the District laid off the Belle Haven custodian in August 2017, months before Gaviglio requested parental leave. Accordingly, it is unclear why Hernandez-Goff would lay off a custodian months prior to the requested leave if she was in fact motivated by Gaviglio’s parental leave, and alleged desire to remove him from Belle Haven.

Further, Gaviglio adopted his child in May 2017. If Hernandez-Goff did not want to keep Gaviglio at Belle Haven because he adopted a child, she could have moved him to a different assignment that summer, prior to the start of the 2017-2018 school year. Instead, she kept him at Belle Haven, which undercuts his allegations of improper motive.

Finally, I acknowledge that Gaviglio pointed to his offer to pay his paraeducators’ salary as indicative of Hernandez-Goff’s improper motive. I further acknowledge that Hernandez-Goff made ██████ a full-time offer of employment for the 2018-2019 school year, in contrast of her earlier assertion that she had no intention to keep ██████ on as a full-time employee. However, I ultimately found these points insufficient to overcome the rationale cited above for not sustaining Gaviglio’s allegation.

Asked Gaviglio to Resign. I find that during their February 9, 2018 meeting, Hernandez-Goff asked Gaviglio if he planned to return for the 2018-2019 school year or if he planned to resign. I also find she referenced his new child when doing so. While I find that Hernandez-Goff had legitimate business reasons for asking Gaviglio about his plans for the upcoming school year – namely, that she had to resolve if she needed to lay off principals, I find that she did not have legitimate business reasons to reference his status as a new father

I make these findings for the following reasons.

First, witness statements and documentary evidence corroborate Gaviglio’s assertion that Hernandez-Goff asked him to resign. Gaviglio sent to himself an email documenting the discussion same day as his meeting with Hernandez-Goff. Several witnesses verified he spoke to them about his meeting with Hernandez-Goff. Gaviglio wrote the email and talked to witnesses in February 2018, before he learned of any reassignments, and therefore before he had any potential motive to misrepresent what occurred.

Second, witness statements also corroborate that Hernandez-Goff referenced Gaviglio’s child when asking him if he planned to resign. Compellingly, ██████ credibly recalled that Hernandez-Goff told her that Gaviglio adopted a child and might not return for the next school year, which further corroborated Gaviglio’s allegation that Hernandez-Goff raised his status as a father when questioning if Gaviglio wanted to return the following year. Additionally, other witnesses

corroborated Hernandez-Goff's pattern of commenting on the family status of her employees, making it more likely she made the comment as alleged.

Third, additional information provided by Gaviglio further bolstered his allegations that Hernandez-Goff referenced his parental status during the meeting. He alleged Hernandez-Goff discussed her own difficulties parenting during the meeting. This was corroborated by Hernandez-Goff's own statements during her interview. Although Hernandez-Goff attributed the statements to discussions about the difficult facing birth moms placing their child for adoption, I find her explanation implausible.

Further, I find that Hernandez-Goff had a legitimate business reason to ask Gaviglio about his plans for the 2018-2019 school year. The record supports that the District was facing a severe budget shortfall and needed to make cuts to staff. Accordingly, it was reasonable for Hernandez-Goff to meet with her principals and ask if they planned to return the next school year. The principals interviewed corroborated that Hernandez-Goff met with them during this time frame to discuss next year's plans.

Finally, I find Hernandez-Goff did not have a legitimate business reason to reference Gaviglio's child when discussing the upcoming school year. Gaviglio's status as a parent is unrelated to the essential functions of his job. It is also protected by policy. Her references to his child demonstrated her viewpoint that Gaviglio should stay home as a full-time parent – a perspective that is unrelated to her business need to determine staffing.

Promotions. I find Hernandez-Goff did not deny ██████ or ██████ promotions because they recently had children or took leave.

Most compellingly, Hernandez-Goff promoted ██████ in July 2016, shortly after ██████ had a child. Although I found Hernandez-Goff made comments about ██████ new child (as explored in Section V.D., above), I do not find that she took action against ██████ based on those actions.

Ultimately the record did not support that Hernandez-Goff failed to promote ██████ because she recently had a child. ██████ was unsure of the rationale and was hesitant to attribute it to her status as a new mother. I found it compelling that the District was in flux related to Principal and Vice Principal assignments, as demonstrated by the repeated movement of administrators. Further, I note that the Principal position at ██████ was no longer open, as ██████ Principal ultimately remained in her role.

2. Policy Findings

Applying the factual findings above, I find that Hernandez-Goff did not violate district policy prohibiting discrimination. District policy defines discrimination as "unwelcome conduct" that "is so severe and pervasive that it adversely affects an individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile, or offensive work environment."

Although I find Hernandez-Goff referenced Gaviglio's new child during their February 9, 2018 discussion, I do not find that she took negative action against Gaviglio due to her comment.

Further, I do not find that the one comment rose to the level of adversely affecting or interfering with Gaviglio's work performance, nor do I find that it created an "intimidating, hostile, or offensive work environment."

VII. Allegation: "Retaliation" for Raising Complaints

A. Complaint

Gaviglio alleged that Hernandez-Goff "retaliated" against him on two occasions:

- **March 14, 2018 Reassignment.** On March 14, 2018, five days after Gaviglio emailed concerns about Hernandez-Goff to the County Office of Education, Hernandez-Goff notified Gaviglio that he would not return as principal for the 2018-2019 school year. Instead, she offered Gaviglio a position in the classroom, which he alleged was equivalent to termination; and
- **March 19, 2018 Reassignment.** On March 19, 2018, three days after Gaviglio filed his March 16, 2018 complaint with the District, Hernandez-Goff reassigned him to the District Office effective immediately.²⁰

March 14, 2018 Reassignment. During his investigative interview on April 3, 2018, Gaviglio alleged that he was released from his principal position in "retaliation" for his March 9, 2018 complaint to the San Mateo County Office of Education ("SMCOE") regarding Hernandez-Goff's use of Title I funds.

In February 2018, Gaviglio spoke with Sudaria. Sudaria shared her understanding that Hernandez-Goff was going to reassign him from principal to vice principal for the 2018-2019 school year. However, following his complaint to SMCOE, he received notice on March 14, 2018 that he would be reassigned to a classroom for the following school year.

Gaviglio noted that, according to the Education Code, an employee may not be fired for incompetence without an evaluation, and Hernandez-Goff never evaluated anyone, including him. However, he said that reassigning him to a classroom was the "equivalent of firing [him]" because it was very rare, and "almost unheard of" that when a principal is reassigned to a classroom, they actually stay.

In his case, Gaviglio said that Hernandez-Goff's stated reasons for reassigning him to a classroom were "pitifully bogus" and "very contrived." He asserted that the 2017 memorandum was "all misinformation."

²⁰ Gaviglio also alleged that Hernandez-Goff "defamed" him and "denied" him his "civil rights." I did not analyze, nor did I reach findings, related to these allegations.

Similarly, he disputed the validity of the March 12, 2018 written reprimand. He stated Hernandez-Goff originally told him things related to the fire alarm investigation were “fine.” Hernandez-Goff then “waited six months” to reverse her position and issue the reprimand.

[REDACTED]

[REDACTED]

March 19, 2018 Reassignment. Gaviglio alleged Hernandez-Goff removed him from his principal position and reassigned him to the District Office because Gaviglio filed his March 16, 2018 complaint against her. Additionally, he alleged that Hernandez-Goff “defamed” him by allowing his colleagues and others at RCSD to believe that he had done something wrong when he was removed from his principal position without notice or explanation.

Gaviglio explained that he filed his complaint at the end of the day on Friday, March 16, 2018 and was “pulled from [his] school” the next work day on Monday, March 19, 2018. He was “blindsided by being pulled from his school,” and was “not allowed to talk to anybody.” He added that the District “dragged their feet” in informing his colleagues so that people thought he was he was “AWOL.”²¹ Gaviglio asserted he was removed from his principal position in “retaliation” for his March 16, 2018 complaint, and that Hernandez-Goff did so with the intent of making him “look bad.”

During his investigative interview on May 16, 2018, I asked Gaviglio what specifically Hernandez-Goff did which he believed to be “defamation.” He responded:

The principal that left the district said she [Hernandez-Goff] would trash-talk me. I heard her do it to all people. One principal said she was always talking trash. Another principal leaked it out.

²¹ Absent without leave.

Gaviglio also asserted Hernandez-Goff denied him his “civil rights.” Gaviglio shared:

Gina gave me a letter which, in two spots, said that I was prohibited from having communication with staff, students, and parents of the school. And the very next day is Parent University—a huge event—and I was forced to be a no-show with no explanation of why I was not there. And the next day was the school site meeting, and again, I was a no-show. People were wondering what was going on, but I couldn’t talk to anyone.

I get free legal advice. I called the lawyer and he was shocked.²² He said it was a denial of my civil rights. It would have been one thing if that morning, she [Hernandez-Goff] went to the school and told them some plausible explanation as to why I was not there. But she didn’t. I think she waited until after school to talk to the teachers. On Thursday, a letter was sent home to parents. On the Spanish side, it had my name as “Tedd.” In education cases, you never take a principal out of the school unless there is moral turpitude, sexual harassment, or embezzlement. For me to just disappear, people were left to jump to conclusions.

It was traumatic for me. They were important events. I was sobbing leaving the meeting. It was a very important week and I couldn’t have communication with anyone. And it was retaliation. The work day before, I filed a complaint of discrimination, and Gina told me she notified the Superintendent. So it was clearly retaliation. I was out now, and then get things together later on to explain this. It was very traumatic to me. It caused irreparable damage to my reputation.

Usually when they do this, it might not be public, and the rumors are out there. It is unheard of that a principal would be pulled out in the school year. In her classic lazy form, she didn’t do her due diligence to notify the school right away.

B. Response

Hernandez-Goff denied the allegations. She stated she reassigned Gaviglio for reasons unrelated to any complaint he filed.

As an overall matter, Hernandez-Goff described Gaviglio’s performance as a principal as “very good” in some areas, and “irresponsible” in a couple of other areas. She described:

I think it is partly because of the way he delegates, and also the way he processes. Basically, he ignores a lot of district meetings. [...] My experience with Todd is he had tendency to blow off meetings that don’t

²² Gaviglio clarified that he had not retained the lawyer to represent him. I notified him that if he retained counsel, he should notify me so I could address future communications to his counsel.

pertain to him. Most of time, I follow-up to make sure he remembers we have a meeting. I have my secretary call his and try to find him after the meeting starts. Everyone has their own way of working. I know his tendency. But that also means he misses out on things. That has been my experience with him in that sense.

That being said, I think he has a lot of really good ideas. I think he has done exceptionally well with the parent engagement component and Parent University. He has connected with different community partners; they have evenings of different sessions; and parents go to different workshops. I see that as probably his crowning glory. It is probably the best and most effective thing I've seen.

With regard to not attending meetings, Hernandez-Goff stated she talked to Gaviglio about her concerns after the meetings. When she confronted him about being 45 minutes late, she said he would blame traffic. Hernandez-Goff acknowledged that traffic "can be really, really bad," but said there was "always something, always a reason," and that she felt it was "habitual," and had to do with "priority and timing."

Hernandez-Goff also stated she felt Gaviglio was motivated by "the political stuff going on right now," as well as by his ego. She explained further:

I'm sort of the opportune target right now. [...] The Mayor of East Polo Alto doesn't like me. [...] Plus the city would like to develop our properties. [...]

I don't know why [Gaviglio] wants to fight it. I don't understand. I think it is an ego issue, but I'm not sure.

March 14, 2018 Reassignment. Hernandez-Goff denied that she reassigned Gaviglio on March 14, 2018 because of his complaint to SMCOE. She said she was unaware he sent a complaint to SMCOE and did not find out until after the reassignment, via a phone call from Board President Ana Pulido on March 19, 2018. Hernandez-Goff explained there were several reasons she reassigned Gaviglio for the 2018-2018 school year:

- Budget concerns;
- Gaviglio's lack of experience with RSIP;
- The Fire Alarm Incident; and
- Gaviglio speaking negatively about the District in meetings with parents and the community.

Hernandez-Goff stated she moved Gaviglio into the classroom due primarily to budgetary restrictions: "The primary reason he was reassigned was because I had to cut someone." She explained:

Quite honestly, the primary reason was reductions in staff. We just did our budget and were in a shortfall. I've lost 1,000 kids in the last five

years. Just the deficit—that was the main reason. The other part of it was the restructuring of the District. So schools which have been K-8 are now going to be K-5. We started with a middle school—all six graders at the middle school—then sixth and seventh. Our schools our shrinking and losing students, so our numbers will be going now significantly.

Hernandez-Goff stated that, with the closing of McNair, she “was going to need to lose a principal.” Hernandez-Goff considered reassigning ██████████, to the classroom instead of Gaviglio. However, Hernandez-Goff ultimately decided to keep ██████ based on ██████ academic achievement, as well as Gaviglio’s performance history and lack of experience with the RSIP/full-inclusion model. She shared:

████████ had the highest academic gains last school year in the District. So there were pros and cons. The other reason is that there was the little investigation with Todd. [...]

For Todd, he’s the newest one. He’s never taught here. We have a full inclusion program for special education. When people come in from the outside and have not been part of the full inclusion model, it is a unique model and hard to get used to. We get better results when we move people up from teaching in the system to being vice principals and principals.

Regarding her specific reasons for reassigning Gaviglio, Hernandez-Goff agreed that she “referred back to [the firm alarm situation]” during her meeting with Gaviglio on March 14, 2018. She explained she did not issue the Letter of Reprimand until March 2018 because it took “the investigator a long time” to finish the investigation. Hernandez-Goff said the Investigator thought he sent her the report, but did not.

Hernandez-Goff denied ever telling Gaviglio and ██████ “not to worry about it.” She stated, “No, because I was worried about it. I didn’t know what was going to happen.”

Additionally, shortly before issuing Gaviglio the March 14, 2018 reassignment, Hernandez-Goff spoke with the Chair ██████████ Foundation, ██████████. ██████ shared that she attended a meeting, in which Gaviglio spoke negatively about the district:

She was really surprised by the tone of the meeting. Todd acted like he didn’t know what I was talking about when I asked him about it. These were not illegal things, it is just things that decrease trust in the district. All of those things together really brought into question...I just didn’t think I wanted Todd to be at Belle Haven on a continuing basis.

Hernandez-Goff denied ever considering or discussing putting Gaviglio in a vice principal role.²³ She noted that she was “shrinking there too.”

Hernandez-Goff also denied being aware of Gaviglio’s complaints to SMCOE at the time that she decided to reassign him to the classroom. Rather, she asserted that she did not become aware of those complaints until around March 19, 2018, via a text message and then a phone call from Ana Pulido:

Ana Pulido, Board President, called me, I think it was the first weekend after I had given him the paperwork. I think it just happened really, really fast. I know she texted me March 19, 2018. She texted me at 11:00 a.m.—that’s a Monday. Somewhere between March 17 and 18 [Gaviglio] met Anne Campbell, the County Superintendent [to discuss his complaints].

In her August 21, 2018 interview with me, Hernandez-Goff provided a copy of the March 19, 2018 text exchange between herself and Board President Ana Pulido:

Pulido (11:00 a.m.): I got a call from Anna Campbell. Let me know when you can talk about it.

Hernandez-Goff: I am open after 3pm today.

Pulido (1:05 p.m.): Ok I’ll call you then, thanks.

Attachment 29.

During the call, Pulido told Hernandez-Goff that “Todd complained to Anne Campbell that I was being biased against him, something like that.” Hernandez-Goff never saw the written complaint Gaviglio emailed to Campbell.

Hernandez-Goff denied that reassigning Gaviglio to the classroom was equivalent to termination. She stated, “Not unless he wanted to leave. I was hoping he might want to go to the middle school.” Hernandez-Goff said she had reassigned other administrators to the classroom in the past: some had stayed, and some had left.

March 19, 2018 Reassignment. Hernandez-Goff denied reassigning Gaviglio to the District Office on March 19, 2018 for any improper reason. She asserted the reassignment had nothing to do with either of Gaviglio’s earlier complaints: the March 9, 2018 complaint to SMCOE and the March 16, 2018 internal complaint submitted to Sudaria. Instead, she attributed the decision to Gaviglio speaking negatively about her and the District to the media.

²³ As noted in Section IV.D.7, Sudaria recalled Hernandez-Goff discussed the idea of moving Gaviglio into a Vice Principal role during a February 26, 2018 cabinet meeting. She also documented the discussion in her notes. **Attachment 12.**

I asked Hernandez-Goff why she decided to transfer Gaviglio to the District Office in March 2018, rather than let him finish out the rest of the school year at Belle Haven. She said that after she notified him of the reassignment, she decided she needed to “pull him out [immediately].” She explained that Gaviglio’s complaint “didn’t faze [her],” but it was Gaviglio’s “media stuff,” which led to her decision. She described:

[Regarding Gaviglio’s complaint], I figured people get upset and they file a complaint. That didn’t really faze me. It was just the whole thing—sharing everything with teachers. Right now, I have teachers encouraging children not to come to school tomorrow because of the way he’s reacting to this. He’s making it very public, very ugly. I don’t know if I read it in blogs, but he’s shared his letter of reprimand—or at least part of it—with the media. I was shocked, because my Board didn’t really know about that. It was Human Resources. It was confidential. It was a letter in his file, that was it. [...]

Basically, it was because he started blogging the situation and contacted the media.²⁴

She also stated that during the March 14, 2018 meeting about his reassignment to the classroom, Gaviglio told her that she “had some questionable behaviors.” When Hernandez-Goff pressed for more details, Gaviglio declined to respond:

He said I think you’re doing things really wrong. I said, “You’ve never shared that with me.” And he didn’t really respond. [...]

I found out that he and the Mayor of East Palo Alto were old friends, I believe. And he’s been writing letters about my dishonesty, and I don’t think that’s appropriate for someone to be doing while working for me.

Hernandez-Goff “worked out” a solution by making Gaviglio the federal program monitoring point-person. She explained that both Belle Haven and Costano were selected for more in-depth accountability for federal monitoring, so she sent Principals Gaviglio and ██████ to a federal program monitoring workshop in August 2017 to learn “how to prepare school and collect documentation.”

Knowledge of the March 9, 2018 SMCOE Complaint. In her August 21, 2018 interview with me, Hernandez-Goff said she learned about Gaviglio’s SMCOE complaint during her March 19, 2018 call with Pulido, after she decided to reassign Gaviglio to the District Office:

Anne [Campbell] called Ana [Pulido] to give her a head’s up. [Campbell] ran into Gaviglio at a social function and [Gaviglio] told her some of the

²⁴ As part of this investigation, I researched numerous news articles about Gaviglio, Hernandez-Goff, and Ravenswood. I could not find any that were dated the weekend of March 16, 2018. Instead, most articles were dated March 30, 2018 or later. **Attachment 2.**

things he thought were wrong. She said it was evident it was a complaint, and wanted Ana to know about it as Board President.

Hernandez-Goff could not recall when precisely she decided to reassign Gaviglio to the District Office:

I really don't [remember]. The days roll into each other. [...] At that point, it was not really about [Gaviglio's discussion with Campbell]. He was divulging things to his staff. He was creating a lot of...his staff was getting extremely upset. I went over there for something, I can't remember [...] and people started yelling at me in staff meetings and being very, very negative. I think that was after the 19th.

But anyway, I moved him primarily because people were not focusing on instruction. [...] He was leading staff to come into board members and slam me. Talk about bringing out everything about the kitchen sink. So at that point, I thought, I am going to have to remove him.

In response to questions posed by me during our August 21, 2018 interview, Hernandez-Goff said she "probably did" know about Gaviglio complaining to Campbell at the time she decided to reassign him to the District Office. She recalled counsel drafted the reassignment letter, but could not recall when she made the request of counsel. However, as noted above, counsel provided a copy of March 18, 2018 correspondence between herself and Hernandez-Goff discussing the reassignment.

Knowledge of the March 16, 2018 Internal Complaint. Hernandez-Goff acknowledged she knew about Gaviglio's March 16, 2018 complaint before she reassigned Gaviglio on March 19, 2018, but denied that the complaint was a factor in her decision.²⁵ However, she said she "didn't know" if her initial recollection was accurate: "the further time goes, the less I remember the details."

Hernandez-Goff opined that Gaviglio "doesn't understand" Title I funding. Therefore, she hoped that in getting Gaviglio more familiar with the federal review and how the District can use Title I funds, he would gain a better understanding of the process. She explained:

I thought it was probably good for him to go and collect data. Because some of the things he's saying, he doesn't understand. You can journal money from one budget into another. It is not illegal. I thought he could be the point person for federal program monitoring—to submit and load them. He could help the Business Office and Human Resources and Student Services, and get a really good how of how crooked and unethical I am.

²⁵ As noted below, Sudaria denied telling Hernandez-Goff about the March 16, 2018 complaint. Sudaria believed Hernandez-Goff was mistaken.

Hernandez-Goff recalled that right after she decided to transfer Gaviglio to the District Office, she prepared an email for Belle Haven staff. She also noted that she had a letter prepared for parents, which was “pretty positive” and put a “positive spin on helping [the District] with federal program monitoring.”

Hernandez-Goff stated she had “some very angry teachers” who were upset about Gaviglio’s transfer. She described:

Basically, they said he was the key to running the school, and they did their best work because he was there. I don’t remember the specifics. It was just kind of a hodgepodge of different comments, and they wanted to know why they didn’t have a say in it. I said, “Because right now, this is an assignment I’m asking him to do. It is something that has to be done. We need it done—our funding and accountability.” [...] A couple of teachers got really nasty, sort of where the [REDACTED] and [REDACTED] [REDACTED] at Belle Haven started yelling at me. I said, “You have to remember—this is your job. You work here. It is not a democracy where you get to vote on every decision. It was my call, and I made it.” I said, “I’m sorry you feel that way.” That was it.

Hernandez-Goff agreed that she directed Gaviglio to refrain from discussion his location change to the District Office. She explained that it was because he “started slandering right now.” She added that he organized a “walk-out” and told parents “not to bring their kids to school.”

Hernandez-Goff stated that, after he was transferred to the District Office, Gaviglio asked her if he could return to his office to retrieve his laptop and other items. She told him he could go pick them up, so long as he went after school hours. He also asked if he could be part of a Board presentation about the highlights of the school, which she allowed him to attend.

C. Additional Information Considered

Two witnesses had multiple communications with Hernandez-Goff about Gaviglio and his future in the District – [REDACTED]. Neither believed that Hernandez-Goff reassigned Gaviglio because of his complaints. Instead, they attributed the reassignments to budget concerns, Gaviglio’s performance, and Gaviglio’s statements to the media about the District.

However, [REDACTED] supported Gaviglio’s recollection that Hernandez-Goff met with both of them in early 2018 regarding the fire alarm incident and did not indicate discipline would result.

March 14, 2018 Reassignment. Several witnesses agreed Hernandez-Goff had valid concerns about Gaviglio’s performance as principal, although [REDACTED] expressed frustration that Hernandez-Goff had not documented her performance concerns. [REDACTED] concurred with Gaviglio’s assertion that they did not believe discipline would result from the fire alarm incident.

Witnesses were split as to how often Gaviglio was late to meetings. ██████, ██████, and ██████ did not recall Gaviglio being late to meetings. ██████ recalled that Gaviglio would sometimes be late, but noted that he “normally had a reason,” such as traffic or a parent meeting, and did not seem to be late more frequently than others. ██████, ██████, ██████, ██████, and ██████ stated that Gaviglio was “always” late or “never showed” to meetings. ██████ indicated that Hernandez-Goff never commented on it; and instead, would “make excuses for him.” However, ██████ recalled an instance when Hernandez-Goff was “upset” and commented, “Where is Todd? Get someone from Belle Haven on the phone. He needs to be here.”

██████ did not believe discipline would result from the fire alarm incident. Additionally, he stated he did not receive discipline for his role in the incident. ██████ recalled meeting with Hernandez-Goff and Gaviglio in January or February 2018 to discuss the situation:

She reminded us that what happened wasn’t ethical, and don’t do it again. That was the extent of the conversation.

██████ agreed that she did not notify Hernandez-Goff of Gaviglio’s complaint to SMCOE. She did not believe that Hernandez-Goff was motivated by any desire to retaliate against Gaviglio. Instead, ██████ attributed the reassignment partly to the need to reduce the number of principals within the District and partly related to concerns about Gaviglio’s performance. However, ██████ stated she wished Hernandez-Goff had better documented her performance concerns with Gaviglio:

I just wish there was more focus on his performance, and following through on those performance concerns, with documentation and evaluation.

March 19, 2018 Reassignment. No witness interviewed had direct information as to why Hernandez-Goff reassigned Gaviglio on March 19, 2018. ██████ thought it had to do with negative comments Gaviglio made about the District. ██████ thought Hernandez-Goff should have removed Gaviglio as principal years prior.

██████ advised Hernandez-Goff that she should have released Gaviglio from probation in 2016 based on his performance. Hernandez-Goff did not because she “gave [Gaviglio] every benefit of the doubt.” In his consulting role, ██████ was tasked with looking at staffing and distribution of resources at every District school. He said Hernandez-Goff “never” directed him to pay more attention to Belle Haven. Instead, ██████ felt Hernandez-Goff let Gaviglio get away with poor behavior:

I was never asked to focus on Belle Haven. In conversations with the Superintendent about Belle Haven, she was much more accepting of this principal’s behavior than I was. She had excuses for him constantly. She gave him the benefit of the doubt. [...]

I would have never kept him on as principal. Never. Not because he bucks authority, but because he disregards the structure of the

organization. He doesn't seem to think about his school and that he as an employee fits into the District structure.

Sudaria said she had no involvement in the decision to reassign Gaviglio on March 19, 2018. Instead, Hernandez-Goff gave her a letter to present to Gaviglio, notifying him of the reassignment. She thought the reassignment related to "concerns around him galvanizing the community and not speaking positively about the district." Sudaria agreed that during the March 14, 2018 meeting with Gaviglio and Hernandez-Goff, Gaviglio accused Hernandez-Goff of unethical behavior: "He said he was going to give her time to reconsider his reassignment before taking action."

D. Analysis And Findings

1. Factual Findings.

After a thorough review of the record, I make the following findings by a preponderance of the evidence:

March 14, 2018 Reassignment. I find Hernandez-Goff reassigned Gaviglio on March 14, 2018 for reasons unrelated to his March 9, 2018 complaint to the County Office of Education.

I note this was a close call. I considered multiple factors that weighed in favor of sustaining this allegation. First, I considered proximity in time. It suggests a connection because Hernandez-Goff reassigned Gaviglio on March 14, 2018, five days after he emailed his March 9, 2018 complaint to SMCOE.

Second, Hernandez-Goff provided multiple inconsistent reasons for Gaviglio's initial reassignment, calling into question her actual rationale for reassigning Gaviglio.

Hernandez-Goff cited Gaviglio's performance in explaining her decision to reassign him. However, she received the investigation report related to the fire alarm incident five months prior and took no written action against him. Instead, ██████ corroborated Gaviglio's assertion that Hernandez-Goff met with them in January 2018, discussed the incident, and both employees left with the impression that no further discipline would result. Compellingly, Hernandez-Goff did not issue discipline to ██████, although ██████ recommended that both ██████ and Gaviglio receive discipline.

Hernandez-Goff also cited budgetary reasons as the "main" reason Gaviglio was reassigned. However, there was no mention of budget or cutbacks in Gaviglio's Notice of Reassignment.

Additionally, I note that although I do not sustain this allegation, Hernandez-Goff made several comments and decisions that reasonably raise concerns. She appeared unable to recall critical dates and interactions and did not have written documentation to refresh her recollection. She also provided inconsistent direction and guidance to her subordinates, creating confusion within the District Office. These factors, in addition to the factors outlined at the beginning of this section, raise reasonable concerns about Hernandez-Goff's judgment and professionalism.

However, in spite of these factors, I find the March 14, 2018 reassignment decision was unrelated to Gaviglio's March 9, 2018 complaint to SMCOE.

Most compellingly, the record supports Hernandez-Goff did not learn of Gaviglio's complaint to SMCOE until March 19, 2018 – five days after she officially reassigned him.

Further, I note that the email Gaviglio forwarded to SMCOE on March 9, 2018 was the same email he previously sent to Hernandez-Goff on January 24, 2018. It is less plausible that Hernandez-Goff took negative action against Gaviglio in March 2018 based on concerns she was aware of since at least January 2018.

March 19, 2018 Reassignment. I find Hernandez-Goff reassigned Gaviglio on March 19, 2018 for reasons unrelated to his March 16, 2018 complaint against her. I make this finding for the following reasons.

Again, this was a close call. I considered multiple factors that weighed in favor of sustaining this allegation. I considered proximity in time. It suggests a connection because Hernandez-Goff reassigned Gaviglio on March 19, 2018, three days after he filed his March 16, 2018 discrimination complaint. I also considered Hernandez-Goff's statement that she was "probably" aware of Gaviglio's March 16, 2018 complaint when she decided to reassign him.

However, these factors were overcome by more compelling information gathered, which supported not sustaining Gaviglio's allegations.

First and most compellingly, ██████ credibly denied that she notified Hernandez-Goff of Gaviglio's March 16, 2018 complaint. I found ██████ denial more credible than Hernandez-Goff's vague recollection, especially given the inconsistent dates provided by Hernandez-Goff throughout this investigation.

Second, I considered Hernandez-Goff's proffered explanations for the second reassignment. She cited complaints Gaviglio made to the media regarding his employment with the District as well as negative comments Gaviglio made generally about the District. Although Gaviglio's comments in the media did not appear until March 30, 2018, over ten days after Gaviglio's second reassignment, parties credibly recalled Gaviglio complaining about the District and Hernandez-Goff in their March 14, 2018 reassignment meeting. ██████ corroborated Hernandez-Goff's assertion that Gaviglio accused Hernandez-Goff of being unethical and gave her a timeline to correct her actions.

I ultimately found ██████ corroborations reliable, given her willingness to share information unfavorable to both Gaviglio and Hernandez-Goff. This demonstrated she relayed information as she remembered it, and was not swayed by perceived loyalties to either party.

2. Policy Findings

Applying the factual findings above, I find that Hernandez-Goff did not violate district policy prohibiting retaliation when she issued the two reassignments to Gaviglio.

VIII. Allegation: Unethical Conduct

A. Complaint

Gaviglio alleged Hernandez-Goff behaved unethically. Specifically, he alleged the following:

- ***Withholding Student Information.*** Starting in 2016, Hernandez-Goff instructed school administrators not to provide police or social workers with students' contact information. Additionally, she instructed administrators to call her first before calling the police to address safety concerns;
- ***"Ignored" IEP Directives***—Hernandez-Goff "ignored" students' individualized education program ("IEP") directives, including maintaining inadequate staffing, thereby causing schools to be noncompliant with students' IEPs;
- ***Inspection "Falsification"***—Hernandez-Goff directed schools to "falsify data" for textbook inspections by moving textbooks from one school site to another solely to satisfy auditor inquiries; and
- ***Misuse of Title I Funds***—Hernandez-Goff "misused" Title I funds by paying Library Instructional Materials Specialists through Title I funding.

Withholding Student Information. Gaviglio alleged that Hernandez-Goff directed District Principals to withhold student contact information from law enforcement officers and social workers. He said she initially provided the instruction to principals verbally, shortly after the November 2016 presidential election. Hernandez-Goff then repeated that instruction when asked for guidance by principals.

Gaviglio recalled that during a meeting with Hernandez-Goff in March 2017, she took a call from ██████████ Principal ██████████. During that call, Hernandez-Goff instructed ██████████ she "could not give police the contact information for students." Gaviglio memorialized the exchange in Gaviglio's email to himself dated March 16, 2017 (typed verbatim):

During our meeting, [Hernandez-Goff] took a call from ██████████, the Principal ██████████ regarding the police requesting the address of a student. The Superintendent, told the principal to not give information to the police. She mentioned to me that she did not want to help ICE.

Attachment 23.

IEP Directives. Gaviglio alleged Hernandez-Goff instructed the principals in the District to ignore IEP directives. Specifically, he stated that Hernandez-Goff "scolded" principals and told them, "Do not give paraeducator minutes to students. It is a waste of money."

Gaviglio did not provide specific examples of when Hernandez-Goff provided the directive to principals. He said Hernandez-Goff "doesn't put anything in writing. The biggest problem is that

nothing is done formally. She gives mandates and edicts verbally.” Gaviglio attributed this to Hernandez-Goff’s management style:

She’s a slacker. [...] She’s also an avoider. She avoids decisions until she is like a cornered rat and then she lashes out. I see her as very lazy. I don’t know how she got this far. She doesn’t follow-up, follow-through, or remember things. It’s bizarre.

Gaviglio described Hernandez-Goff’s instructions relating to IEPs as making “everyone very frustrated”:

The Superintendent is preventing us from serving students. She makes unilateral decisions that we’re forbidden to do “blank”—a list of things. And the children don’t get served. It is a complete disregard of her legal obligations.

Gaviglio added that his school was required implement the Schoolwide Applications Model (“SAM”) with regard to special education. He described it was a very “rigorous” process:

We are required to implement the Schoolwide Applications Model—SAM and SAMAN review²⁶, where an external reviewer comes to review us on 15 critical elements. It is really rigorous. They come twice per year in the Fall and Spring, and we get a score. Leading up to it, we will analyze previous scores, make a plan, assess ourselves, and collect evidence to show that we resolved any issues. It is very rigorous. Ironically, one of the 15 critical elements is District support of school, which is where we are lacking the most.

Gaviglio stated that when his school had their SAMAN review, they were found to be “fundamentally flawed.” According to SAM, there was a flaw in how kids were assigned to Belle Haven,” as it “defied proportionality.” Gaviglio explained that 15 to 16 percent of his students had IEPs, whereas other schools in the District had six or nine percent. He said that the discrepancy made it harder for his students to succeed. He noted that it was “shocking” that his students’ scores had gone up in areas such as math, despite the challenges they had. When I asked Gaviglio why he thought the District did not take steps to change this, he stated, “They honestly don’t care. I think because Belle Haven is in a different city, we are kind of out of sight, out of mind.”

Inspection “Falsification.” Gaviglio alleged that Hernandez-Goff directed employees to “falsify” data related to their numbers of textbooks. Specifically, Gaviglio asserted that the District faked compliance with Williams Act Inspections.²⁷ Gaviglio said he was aware of the District moving

²⁶ SAMAN refers to Schoolwide Applications Model Analysis System. It is an assessment instrument designed to enable schools themselves to link specific interventions to academic and social outcomes for all students. See https://kuscholarworks.ku.edu/bitstream/handle/1808/5915/AGC8_Rethinking_inclusion.pdf?sequence=1&isAllowed=y

²⁷ Williams’ Act Inspection refers to a lawsuit and settlement reached in 2004. The settlement requires California public schools to provide one textbook for each subject matter for every student. Accordingly, the State conducts yearly audits to verify schools have the appropriate number of textbooks for enrolled students.

books for each of his three years working for the District. He stated that [REDACTED], was the person responsible for facilitating the moving of books, but he believed Hernandez-Goff was aware of the practice and allowed it to occur. Gaviglio also stated he had an email, in which [REDACTED] directed the moving of books, and stated he would provide it after his interview. As of the date of drafting this Report, I have not received an email from Gaviglio related to this topic.

Gaviglio explained that before a textbook inspection occurs, schools moved textbooks around solely to make it appear that they had sufficient books for each student. After the inspection, the books were then moved back to the originating school site:

Each of the three years I've been in the District, what's been done is right before inspection, literally the morning of or a day before, we are given books from another school where there were gaps and we did not have enough. The next day, we would have to return them. So it was falsified. And we, as site administrators, have to sign off that they were only there a couple hours.

Gaviglio said that schools are "sometimes given a date" as to when the audits would occur, but they could also be on a "surprise list" and not find out until the night before. He "felt conflicted from the very beginning," and described it as a "moral dilemma." He stated he was "pretty sure all the schools might be affected that lose books for a day or two."

Title I Funding. Gaviglio alleged that Hernandez-Goff misused Title I Funds. Specifically, he alleged that she inappropriately used the funds to pay for Library Instruction Materials Specialists ("LIMS") and that she had done so since the beginning of his tenure with the District. He alleged that Hernandez-Goff and the District Office used Title I Funds for purposes which did not supplement student success, as required by law.

Gaviglio stated he believed the District misused Title I funding "for years" and said he had been "trying to bring it to their attention since [he] got [to the District]." He shared:

The lion's share of money in Title I is supposed to be invested in things to improve student achievement. The district is supposed to analyze if it [whatever the money is spent on] improved student achievement, and then either rescind, renew, or modify [spending]. [However], the District predetermined that they want to use the money for textbook curriculum and libraries.

I said to her [Hernandez-Goff] in writing that we didn't do this process and can't have this position [LIMS]. The other requirement is that Title I is supplemental; it is not meant to supplant other resources. So the person in charge of ordering and inventorying textbooks—that's not supplemental, that's supplanting district responsibilities.

Gaviglio discussed his concerns about Title I spending with Hernandez-Goff on January 9, 2018. He stated he tried to "diplomatically advise the District" that LIMS should be funded out of the

general fund, rather than the Title I fund, as was the practice at Belle Haven. One month later, on February 9, 2018, he “circled back” with the Superintendent but received “no answer.” On March 9, 2018, he then forwarded the emails to Ann Campbell, the County Superintendent of Schools, as explored in Section IV.D.8, above.

Gaviglio stated he tried to inform the District regarding the improper use of funds, but never received a response. He shared:

I let them know that [the LIMS should not be paid out of Title I funds]. I offered them suggestions. I was trying to get it fixed so that there would not be a finding against the school. But she [Hernandez-Goff] will do predetermined things. She’ll dictate. She doesn’t let the process unfold to determine the process.

Because I sent these emails, they switched my LIMS at Belle Haven out of Title I to the general fund. I was thinking of giving them to the State to prove I was not using funds inappropriately.

Gaviglio stated that the specific process of changing how things were funding had “no transparency” and was “secretive.” He recalled attending a principal meeting once where they passed out a budget. He described it as seeming “like such fake numbers.” Gaviglio said that, following the meeting, Hernandez-Goff “directed Steve to collect them [the budget documents].” He asserted that “public information shouldn’t be all secretive.”

B. Response

Hernandez-Goff generally denied the allegations. Her response to each specific allegation is outlined below.

Starting in 2016, Hernandez-Goff instructed school administrators not to provide police or social workers with students’ contact information. Additionally, she instructed administrators to call her first before calling the police to address safety concerns;

Withholding Student Information. Hernandez-Goff denied that she gave a blanket instruction to withhold all student contact information from police and/or social workers. Instead, she stated that her directives to her principals regarding when to divulge student contact information depends on the situation.

Hernandez-Goff explained that she will not “just let the police come interrogate parents.” However, if it is necessary for the police to be involved, her directive is to call the police first, and then call her to let her know. She noted, “I don’t like surprises.” Hernandez-Goff added that her directions to principals was impacted by the recent media attention focused on Immigration and Customs Enforcement and deportations of individuals.

“Ignored” IEP Directives. Hernandez-Goff denied being involved in any decisions regarding paraeducators providing IEP. She explained that such decisions would be under the purview of the Special Education department. She added that the District was under a special federal court

mandate for their special education program. It involved having a court monitor, Mark Mlawer, look at every IEP and data regarding service minutes. She added that the court monitor had to “personally approve every administrator hired at the District.” Therefore, they were “very, very by-the-book” when it came to IEPs.

Hernandez-Goff stated that ██████████ raised concerns about the number of paraeducators at Belle Haven. Specifically, ██████████ thought Belle Haven was “overstaffed.” Hernandez-Goff told Owens, “I don’t know. I hear complaints that there are not enough people. We have to meet certain requirements and IEP goals and service minutes.” Hernandez-Goff told ██████████ to work with the special education coordinators to “look at IEPs, staffing, and come up with an analysis.”

Hernandez-Goff also stated that Gaviglio “never brought up any direct concerns other than to tell [her] that it was unfair to him to push special needs kids into his site at enrollment time.” Hernandez-Goff did not think the concern was valid:

He was always thinking “Poor me, I don’t have this.” He wasn’t the only one. All the schools had similar issues and concerns. His school was a little better off, they didn’t have as many homeless kids.

Inspection “Falsification.” Hernandez-Goff denied that she, or anyone within the District, moved books from one school site to another for the Williams Act inspections. She first learned of the allegations in one of the media reports after Gaviglio shared his complaint. Hernandez-Goff responded to the reports as follows:

I’m like, “Really?” With declining enrollment. Even if that was the case [in the past], it wouldn’t be the case since I’ve been here.

She explained that the District lost 1,000 students since she became Superintendent, yet they have continued to buy new books, and even adopted new literacy and math curriculums. Thus, they have enough books for every student, and they are “all updated.” Hernandez-Goff stated the District spent “something like \$400,000” on the new math curriculum and new literacy curriculum, each paid over two-year periods.

Misuse of Title I Funds. Hernandez-Goff asserted that using Title I funds to pay for a Library Media Specialist was permitted. She explained:

It’s a supplemental program. It provides extra support to students and teachers in terms of access to digital media and providing them access to research materials. These are things teachers may not have time to do. It supplements learning. We checked all this out. We were audited by the county and our auditors, and have been compliant every time.

With regard to Gaviglio’s assertions that the Library Media Specialist supplants district responsibilities, Hernandez-Goff noted that his perception was “part of the problem.” She stated:

This is why I wanted Todd to come here and do the federal program monitoring. It is all about collecting data for review. Todd brought it up and said, "Something you allowed was inappropriate. Library media people and categorical programs." I said, "Regulations change all the time." I didn't say I know all the regulations, but I was the categorical program person for Twin Rivers in Sacramento. I know categorical programs; I know what's allowed.

As an overall matter, Hernandez-Goff denied that schools need to ratify using Title I funds for centralized services. She explained that the District uses a "multi-tiered system of support" with regard to the use of Title I funds. For example, she noted that schools have asked for mental health counselors for their schools.

Hernandez-Goff recalled that Gaviglio first made his allegations about Title I funding on March 14, 2018, the day that she told him his position was going to be reduced and he would have the option of teaching at a middle school. She described him as "basically threatening [her]," and saying something to the effect of, "You have 24 hours to rescind [your decision] or you're going to be sorry." Hernandez-Goff stated she told Gaviglio that she would be reducing the number of administrators for this year and the next because the District was "losing students" and they had "too many administrators."

I asked why she would want to transfer him to the District Office if he "threatened" her, to which she replied, "If he came here and saw what we were doing, he would know we're not lying or misappropriating funds."

C. Additional Information Considered

Withholding Student Information. Administrators generally supported Gaviglio's assertion that Hernandez-Goff directed them to withhold student contact information from police and social workers. However, they attributed it to concerns related to deportation. The witnesses also did not support Gaviglio's assertion that Hernandez-Goff's direction compromised the safety of individuals:

- "[Hernandez-Goff] has been concerned about the whole thing with the Hispanic population and ICE coming in. The only thing she has talked to our office staff about is being careful." – [REDACTED]
- "She has been very clear – she wants to be the first in line in determining if it is a necessary step [to call the police]. She thinks the District has a reputation of police involvement, and she doesn't want police on site unless it is absolutely necessary. I think if it is a crisis, administrators are to use their judgement. If they can't get ahold of her, they call the police." – [REDACTED]
- "Right around the time of [the presidential] election I think, she was trying to limit how much information we disclosed to police or social services. [...] We would have to call the Central Office, notify the District that someone was coming to speak to someone, and get

that cleared. [...] I will say that I called the police this year for weapons [concern]. I tried to notify the District Office first, but I couldn't get ahold of anyone." – ██████████

- "There was a lot of fear in our community around ICE and police. Gloria shared that we should not give out any information to outside agencies on campus without her permission. We have to call the District Office first. [...] I think that Gloria's intention was to be helpful and clear with the community about how we support them." – ██████████
- "We were told once at an admin meeting to contact her [Hernandez-Goff] prior to contacting the police, and get her approval. It was the same with social workers. It is still the expectation. Not that I actually follow it. Because I know that legally, you need to work with the police. For example, today, I called the police regarding an investigation. There was the possibility of some trafficking. I called her office like ten minutes after. [...] She was like, 'Oh, thank you, it seems like you have the situation at hand.'" – ██████████
- "[She provided the direction] right after all the ICE raids. We had to call for her permission to let anyone, social workers or police, talk to the kids. We had to get her permission to call the police in the event of anything other than an absolute emergency." – ██████████
- "She wanted to protect kids and their families. When we needed to call the police, it was call her, then call the police, unless it was a super-serious situation and we needed to call the police right away. [...] I didn't feel it compromised safety." – ██████████

"Ignored" IEP Directives. The witnesses uniformly stated they were concerned about meeting their IEP minutes, but disagreed that the difficulty in meeting the minutes was due to Hernandez-Goff or lack of concern from the District. Instead, the witnesses stated the District strove to hire more employees to meet IEP minutes, but struggled with absenteeism and difficulty recruiting:

- "I know that as a teacher, my resources felt limited. I was able to meet the minutes listed on the IEP, but I never felt like we had enough minutes." – ██████████
- "I am concerned about insufficient staffing to implement IEPs. [...] I don't think anyone is not trying. I think it both a lack of people who can do the job, and a lack of approval to hire. [...] [The District] has been responsive, but I don't think anyone has a quick or easy answer." – ██████████
- "I think it has been hard to fill positions for our paraeducator staffing. So I think our minutes are reflective upon that. But I know that we are doing our best. I think that in general, staffing is hard in our district. I just think it is a difficult place to hire good people that show up to work in our district." – ██████████
- "The standard from the Educational Code is that a Resource Specialist can have up to 28 kids on their caseload. In Ravenswood, the caseload for Resource Specialists is 13. I started to see a pattern of overstaffing. [...] I also went in and looked at attendance data

for paraeducators. There is significant absenteeism. Their work year is 184 days. Some of the [paraeducators] this year were absent 36 days, or 28 days. It was just a really inordinate number of absences. [...] We need to get them to come to work, or discipline, or fire them” – ██████████

- “If a paraeducator is absent, or we don’t have a paraeducator, then the Special Education Teacher supports in that role. So it is a combination of missing teacher minutes and paraeducator minutes. We have an issue with paraeducator absences overall. There has been an absenteeism challenge since I’ve been here.” – ██████████

Inspection “Falsification. The witnesses agreed that schools had advance notification before a Williams Act inspection. However, they disagreed as to whether books were moved from school sites solely to satisfy auditors: some witnesses stated they were aware of the practice, but did not believe it occurred in the last year. Others, including the LIMS responsible for the audits, stated they never heard of the practice. No witness attributed the alleged moving of text books to Hernandez-Goff:

- “The first several weeks of schools, auditors visit each school to count the books and ensure that our materials are in the classroom with sufficient amounts. [...] I have heard of books being moved from one campus to another, in the past. I’ve been involved in the audit the last two years. [...] I am trying to think of a specific example that occurring recently, and I am not thinking of one. I know we have to move a lot of inventory. There are lots of times when one site has too many books, and another site not enough. There is definitely a lot of that.” – ██████████
- “I know there’s been times where our books have been borrowed for other sites’ audits. The books are then returned to us. It happened last year [2017]. [...] I think I heard it from ██████████. I didn’t even know the books were taken.” – ██████████
- “One time a school borrowed books from us for an audit and returned them. Because they wanted newer books. I think it was two years ago. Their order had not come in yet, and they needed books. I don’t remember the school [that borrowed the books]. I don’t know if I heard from ██████████ about it. I can’t say definitively.” – ██████████
- “We have been asked to temporarily give books to another school when an order has been place for textbooks but they have not arrived yet. I can’t recall if it happened this year or not, but we have loaned books to other schools.” – ██████████
- “We have borrowed books and lent books to other schools. There are times where a couple days before our audit we might get an email or notification saying that someone is coming to pick up books because another site needs them to pass the audit, and then you get the books back before your audit. I can’t remember if it was done last year, but I’m pretty sure it was done the year before. I can’t recall who sent the email. It usually comes from the C&I department.” – ██████████

- “Books have not been moved to my knowledge. [...] I haven’t provided direction to move books because of auditors. We have been losing enrollment. Over the last five years we have lost 1,000 kids. We should not have problems with enough materials.” – [REDACTED]

The two LIMS employees interviewed were unaware of books being “borrowed” and returned for purposes of the audits:

- “We only move books if we have extra copies. It is not cheating where ours were already counted, and we take them to another school. The only time I’ve been asked to send books to the District Office or another school is when we have extra copies. [...] There is a lot of moving parts, but it has never been the case of robbing Peter to pay Paul. I have never heard of that occurring.” – [REDACTED]²⁸
- “I have never not had the right number [of books for an audit]. [*Question: Have you ever moved books to another location before an audit, and then had the books returned?*] Not to my knowledge. After I finish the Williams visit, my hands are off at that point.” – [REDACTED]

The Associate Superintendent in charge of C&I, Lorena Morales-Ellis, denied that she instructed schools to move books from one site to another solely for the purposes of satisfying auditors.

Misuse of Title I Funds. Chief Business Officer Steven Eichman denied that Title I funds were misused within the District. He agreed that the District paid for LIMS employees through Title I funds, but denied that it was inappropriate to do so. He also provided a document, dated February 28, 2018, demonstrating the allotment of Title I funding for all District schools.

Attachment 27.

D. Analysis And Findings

After a throughout review of the evidence, I do not sustain Gaviglio’s allegations. I make the following findings by a preponderance of the evidence:

Withholding Student Information. Hernandez-Goff instructed school administrators to use discretion when divulging student contact information to police and social workers and to consult with her first when possible. She provided the direction in an effort to make students and families feel safe within the District.

I considered that both witnesses and Hernandez-Goff corroborated Gaviglio’s assertion related to this allegation. However, they did not corroborate his assertion that she made her instruction a universal directive.

Instead, the record supports that principals called Hernandez-Goff before communicating with police and social workers when the situation did not involve an emergency. Further, the record

²⁸ [REDACTED] was the LIMS at Belle Haven school. She was laid off for the 2018-2019 school year due to budget cuts.

supports that Hernandez-Goff issued the guidance at a time when deportations were publicized and likely a cause of great concern for District families.

“Ignored” IEP Directives. Hernandez-Goff did not “ignore” students’ IEP directives. While the District struggled generally with achieving required IEP minutes, the struggle did not result from any action taken or not taken by Hernandez-Goff.

None of the witnesses interviewed corroborated Gaviglio’s allegation that Hernandez-Goff was to blame for schools struggling to meet their required IEP minutes. Instead, the witnesses corroborated Hernandez-Goff’s assertions that the District tried to hire the required number of individuals, but struggled with retention and absenteeism. I find these witnesses credible, since these same witnesses raised concerns about Hernandez-Goff’s leadership and professionalism. The fact that they did not fault Hernandez-Goff for IEP-related issues further bolsters her statements that she was not the driving force behind the District’s struggles in this area.

Inspection “Falsification.” Hernandez-Goff did not direct schools to “falsify data” for textbook inspections.

I considered evidence that supported Gaviglio’s allegations. Several principals recalled hearing of book “borrowing” for purposes of audits. Some recalled it specifically happening, but could not recall the precise date and who directed the transfer.

Ultimately, the record does not support that Hernandez-Goff directed the transfer of books solely to satisfy auditor inquiries. Nor does the evidence support that Hernandez-Goff was aware of such a practice. Instead, all parties agreed the Williams Audits were managed by the C&I department, which was overseen by Morales-Ellis.

Further, I find it compelling that the two parties most intimately involved in the Williams Audits – the two LIMS employees – denied knowledge of any book “borrowing.” Instead, they corroborated Hernandez-Goff’s response that the District actually had a regular surplus of books due to declining enrollment numbers. LIMS [REDACTED], who worked with Gaviglio at Belle Haven, was adamant that she never heard of, nor participated in, any book borrowing. I find her perspective compelling, given that she had notice of her layoff for the upcoming school year at the time of her interview with me. Accordingly, she had little motive to misrepresent facts in an effort to protect her job.

Misuse of Title I Funds. Hernandez-Goff did not “misuse” Title I funds. The District’s use of Title I funds was overseen by Chief Business Officer Steven Eichman, and was reviewed, and approved, by regular audits from outside agencies.

The record supports that the District was open in how they spent their Title I funding. The District was also regularly audited, and passed their audits without concerns raised on how Title I funding was spent. Eichman’s involvement in funding distribution also calls into question the plausibility of Gaviglio’s allegations related to Title I funds.



This concludes the investigation.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Liz Paris". The signature is written in a cursive style and is contained within a thin black rectangular border.

Liz Paris