

CHS staff tried to discredit students' claims

Guidance counselor, art teacher attempted to disprove reports girls saw teacher kissing student

By CAITLIN ANDREWS

Monitor staff

A Concord High School guidance counselor and art teacher – in their roles as union representatives – tried to discredit and disprove three female students who reported seeing teacher **Howie Leung** kiss a fellow student in a car near the school in December.

Guidance counselor Karen Slick and art teacher Jeff Fullam, cochairs of the grievance committee, wrote letters that questioned whether the girls could have seen what they reported, cited the unreliability of eyewitness accounts and suggested that the girls could have been punished for harassing their classmate by asking her about the interaction with **Leung**.

“As you know, eyewitness testimony is widely considered among the most unreliable sources of evidence in factual determinations of this sort,” they wrote. “Recent research findings indicate that when witnesses have an opportunity to discuss their observations with each other prior to giving testimony, the likelihood of reporting factual errors rises dramatically.”

The two teachers wrote in their letters that they sat in their cars, looking through rearview mirrors to dispute the students’ ability to see **Leung** kiss the girl on the forehead, as they claimed.

Slick and Fullam defended **Leung**’s “close relationship” with the student, including emailing her after school about non-academic matters, driving her home from school events, giving her a \$200 gift for her mother and the frequent amount of time she spent in **Leung**’s classroom.

Slick and Fullam also questioned the accounts of two other adult staff members who work in **Leung**’s room and shared concerns about **Leung**’s regular hugging of students and hushed conversations with the student he reportedly kissed.

“As has been a pattern throughout this investigation, the underlying events have been presented in an unfairly negative light,” Slick and Fullam wrote to Superintendent Terri Forsten on Feb. 11.

The union representatives suggested **Leung** be given professional development opportunities to ad-

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dress “concerns around professional boundaries” instead of facing any disciplinary action.

Six weeks after the letters were sent, **Leung** was arrested and charged with repeatedly sexually assaulting a former student in Concord and at a boarding school in Massachusetts. The girl, who is not the same student **Leung** was accused of kissing in December, told police **Leung** frequently assaulted her in a car outside Rundlett Middle School and when he

of mandatory training, specific policies and consistent guidelines provided to guide the employees of the district in their interactions with students,” Fullam and Slick wrote.

The district is now moving forward with an independent investigation to examine how reports of inappropriate behavior by **Leung** were handled years ago, and as recently as 2018.

Fullam and Slick deferred comment to New Hampshire Education Association spokesperson George Strout for

isolated her at the Fessenden School's summer program in 2015 and 2016.

Leung remained at Concord High for 3½ months while school officials and police investigated. Forsten forwarded the district's findings to the state Department of Education, a step the union disagreed with. It was state education officials who eventually contacted police.

Principal Tom Sica recommended professional development training for **Leung**, according to the letters. Sica is now on paid administrative leave as an independent investigator examines the school district's response to complaints about **Leung**.

"We are troubled that Mr. **Leung** was told that the disciplinary response for his actions would be handled at the school level," Slick and Fullam wrote. "Yet, after a delay of roughly eight weeks, the superintendent reported Mr. **Leung** to the N.H. Department of Education for possible additional investigation and discipline."

Local and state union representatives say the union did what it was supposed to do when one of its members is being investigated. They also said the district set the tone for the investigation by not going to police first.

"I don't think anyone in the state would believe that it's okay for a teacher to kiss a student on the head or anywhere, regardless of if she was 18 or not," said Mike Macri, president of the Concord Education Association.

The investigation

The school's investigation was sparked by three students who said they saw a kiss between **Leung** and the student on Dec. 7, a Friday. At least two of the students say they saw the exchange through the rear-facing mirrors of a car.

School officials began investigating Monday, Dec. 10.

Slick and Fullam said that amount of time – and that "those girls were clearly disposed to discussing the incident" – could have distorted the facts. They said the girls in the car questioned the student about what they saw after the incident.

"Given the three days of delay before the girls were interviewed and the uncertainties as to how these girls could have seen what they claim to have seen, the preponderance of evidence simply does not support a

this report.

The *Monitor* obtained the letters through a right-to-know request submitted to the Concord School District.

Rothenberg's report is referenced multiple times throughout the letter. Both the school district and the Department of Education had declined to release the report, citing a portion of the state's right-to-know law that deals with internal personnel practices.

Department of Education attorney Richard Sala also denied releasing the report. "The Department has a reasonable expectation that release of the documents could interfere with law enforcement proceedings." Sala later said the department has an open investigation regarding **Leung**.

'Not our call'

The letters were created in early February to go in **Leung**'s personnel file after Rothenberg's investigation was concluded and after **Leung** was disciplined.

That discipline included stepping down as the school's Save Our Cold Kids (SOCK) Club adviser and a performance improvement plan that included training on healthy boundaries with students. Macri said the union decided not to file a grievance over the punishment.

The letters were written after the school district informed the Department of Education of a possible violation of the DOE's code of conduct on Jan. 31, according to an email between Forsten and Diana Fenton, an attorney with the DOE's Commissioner Office.

Macri said he wasn't aware then that the school district had an agreement with police where school officials are expected to report all instances of possible sexual misconduct to authorities.

Leung was placed on paid administrative leave March 27 and arrested April 3.

During that weeklong gap, the district set up space in the SAU offices for police to question teachers during their breaks, said Jeff Faria, a regional employee for the New Hampshire Education Association.

Faria provides guidance to teachers' unions through contract negotiations and grievance cases. He said he didn't discourage teachers from talking to police, but

claim that the conduct ‘more probably than not’ occurred,” Slick and Fullam wrote.

Slick and Fullam also said it appeared Assistant Principal Steve Rothenberg, who was investigating the incident, was overly critical of **Leung**. They expressed concern that he did sit in the girl’s car to test whether they would be able to see what was reported.

They wrote that they “both independently attempted to observe the activity in the cars behind us at various intersections (and while driving several different cars).” Slick and Fullam said they found it to be “extremely difficult” to figure out what people in the cars behind them were doing.

Leung and the girl both said nothing inappropriate happened in the car. After **Leung** was arrested, he gave the girl \$25,000 in cash, according to a Massachusetts district attorney.

The district looked at other interactions between **Leung** and the student that included “friendly emails,” the “frequent” presence of the student in **Leung**’s classroom, **Leung**’s recruitment of the student to the Fessenden School summer program, and **Leung** giving rides home to the student and a \$200 gift to the student’s mother.

“Mr. **Leung** has a history of similar acts of giving to others in our school community,” Slick and Fullam wrote. “These gifts have ranged from many hours of volunteer time by Mr. **Leung** to the purchase of sporting equipment, headphones and cash donations for those in need.”

In each instance, the union representatives said it was unclear whether **Leung**’s actions had violated district policies.

They cited the need for more training in the district, which is something several parents have asked for and the school board has endorsed.

“This circumstance, amongst other recent incidents, highlights the fact that there is a glaring absence

told them they weren’t required to do so, since the investigation was coming from the police, not the school district.

The union has had no involvement with **Leung** since his arrest, Macri said.

“I think the CEA and the NEA did everything that they are required to do for a member up until they’re charged with a criminal offense,” he said.

Macri said if a stronger investigatory body – such as the police department – was involved earlier, the investigation may have ended with a “clearer set of facts.”

Strout wrote in an email that involving the DOE was surprising because the case didn’t appear to be “serious in nature,” he wrote, citing **Leung** not being placed on leave and Rothenberg leading the investigation.

“The fact this employee was not put on paid administrative leave set the tone for the entire process,” he wrote.

In a later email, he added: “Reporting the matter to the DOE as a result of the investigation appeared as though the superintendent was attempting to discipline the employee using the DOE process rather than the school district process.”

Macri said it was the district’s decision to keep **Leung** in the classroom after the investigation. He doubted Slick and Fullam’s letters had any impact on the district’s actions.

“It’s not our call,” he said, referring to **Leung**’s disciplinary action and keeping him in the classroom, “it’s the management’s call. It’s not what we get paid for.”