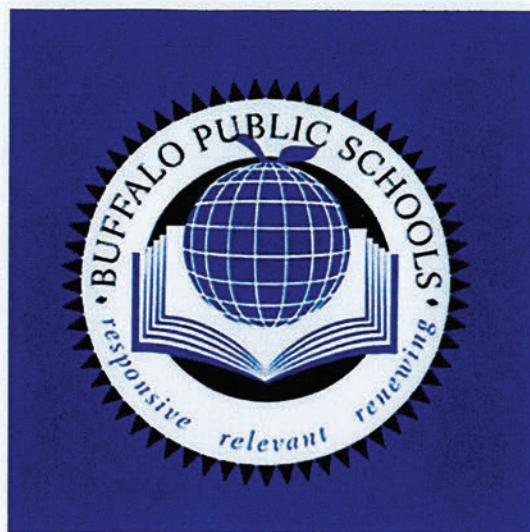


BUFFALO PUBLIC SCHOOLS



INDEPENDENT INVESTIGATION REPORT RELATED TO ALLEGATIONS OF IMPROPRIETY MADE IN APRIL 2025 AND LATER PODCASTS

Rupp ▶
Pfalzgraf LLC

Jill L. Yonkers, Esq.
1600 Liberty Building
Buffalo, New York 14202
(716) 854-3400
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INTRODUCTION

PREFACE AND SCOPE OF WORK

On June 18, 2025, the Buffalo Public Schools Board of Education (BOE) retained Rupp Pfalzgraf LLC as its Special Independent Investigator (SII) to review the facts leading to, arising from, surrounding, and resulting from allegations by a Buffalo Police Department SVU detective, Detective Richard Hy,¹ against the Buffalo Public Schools (referred to as BPS or the District) made initially in an April 26, 2025 podcast, and supplemented in later podcasts, regarding the District's handling of student-safety matters and related issues. The BOE recognized the critical importance of conducting a comprehensive, independent investigation to address community concerns and to ensure the safety and well-being of all students, in particular, within the District. The Board's decision to engage outside counsel as a Special Independent Investigator reflects a commitment to transparency, accountability, and the implementation of best practices in protection and safety.

Rupp Pfalzgraf LLC prepared this independent investigation report for release to the BOE, with the understanding that the BOE may release some or all of the report to the broader community. This report summarizes findings and recommendations following a thorough, confidential investigation into the allegations. We understand the BOE will review this report; it will examine the practices, procedures, suggestions, and other information; and it will use it to assess responses, leadership, and recommendations to prevent future incidents and to maximize the health, safety, and welfare of students, teachers, staff, administrators, and visitors to the District buildings and events.

To preserve privacy and maintain the integrity of the investigative and reporting processes, identifying information largely has been redacted or made without attribution. **Some of the information presented here is sensitive, and it may not be appropriate for those under the age of eighteen to read.**

PODCAST SUMMARY

In the podcasts, Detective Hy, along with others, alleged a systemic pattern of misconduct and cover-ups by the BPS administration and legal representatives. The general key themes underlying the podcast concerns included:

1. ***Obstruction of justice/interference with investigations:*** this included personnel deliberately ignoring subpoenas, advising staff not to cooperate with police, and destroying or concealing evidence.
2. ***Failure to protect children:*** administrators and staff are accused of repeatedly failing to report abuse and other misconduct, or underreporting

¹ Detective Hy did not make the allegations through his position with the Buffalo Police Department (BPD); the allegations were not made as part of any BPD investigation or on behalf of the BPD.

misconduct involving or affecting minors. There are also complaints that the BPS did not follow proper procedures related to 911 use.

3. ***Manipulation of records:*** the claim here is that school personnel intentionally mislabel incidents to hide their severity or to prevent full and timely investigations.
4. ***Retaliation against whistleblowers:*** the concern raised on this issue is that teachers and others who raised safety concerns reportedly faced harassment, paid-leave suspensions, or attempts at termination.
5. ***Unprofessional leadership:*** in addition to the retaliation addressed above, the assertions here included that school-board members and administrators engage in misconduct and prioritize reputational damage control over student safety.

We conducted this investigation with attention to thoroughness, objectivity, and fairness. Our investigative team sought to understand not only the specific incidents referenced in the public allegations but also the broader systemic issues, policies, procedures, and practices that may have contributed to or prevented appropriate responses to student-safety concerns. The investigation process included extensive document review; witness interviews; and the analysis of policies, procedures, reports, codes, and other documents. Our team interviewed 66 people, some of whom we spoke with more than once. Witnesses included current and former District employees, administrators, teachers, and other support staff; union officials, specialists, and lawyers; other lawyers; non-District personnel and partners; and other relevant parties with knowledge of the matters under investigation. We thank all those who spoke with us or who submitted information and documents for our consideration.

Throughout this process, we remained mindful of our dual obligations: to conduct a thorough investigation that would serve the District's need for accurate information and actionable recommendations, while also protecting the privacy and dignity of all individuals involved, particularly students who may have been affected by the matters under investigation.

LIMITATIONS

While this investigation was comprehensive in scope and thorough in execution, we need to identify certain limitations in the investigation and resulting reporting.

Absence of Subpoena Power

As an independent investigator retained by the Board of Education, we did not possess subpoena power or other legal authority to compel witness testimony or document production. Our investigation therefore largely relied upon voluntary cooperation from witnesses and the District's provision of documents within its control. We attempted to use Freedom of Information Law requests to entities subject to its requirements to obtain documents, but there are often other statutes preventing disclosure of certain information even within this law. This limitation is inherent in independent investigations of this nature, and it distinguishes our work

from investigations conducted by law-enforcement agencies or regulatory bodies with statutory authority to compel participation. The absence of certain information and documents limited our ability to confirm or refute certain aspects of the allegations, in whole or in part.

Witness Participation

Most of the witnesses we contacted were forthcoming and appeared credible. Everyone seemed to understand the safety implications to minors, and thus, were willing, and sometimes eager, to participate. Despite extensive outreach efforts, however, not all individuals identified as potentially having relevant information chose to participate in the investigation. Without the ability to compel testimony, some witnesses declined to be interviewed, some did not respond to one or more contact attempts, and some were otherwise unavailable during the investigation period. While we were able to interview 66 individuals who provided information, the absence of certain witness perspectives may have limited our ability to fully explore some aspects of the allegations or circumstances under review. As with the document limitations mentioned above, many witnesses could not address all of our inquiries due to confidentiality or other concerns.

Temporal Constraints

The investigation was conducted within a defined timeframe to ensure timely reporting to the Board of Education. While this timeframe was sufficient to conduct a thorough investigation, additional time would have allowed for follow-up efforts with certain witnesses or exploration of other issues that arose during the investigation.

Scope and Cost/Feasibility Boundaries

This investigation focused specifically on the allegations raised in the April 26, 2025 podcast and the related, later podcasts, and related systemic issues. It was not a comprehensive audit of all District operations or a historical review of all student-safety matters extending beyond the relevant period, which was largely from February to April 2025.

We acknowledge that some recommendations contained in this report may present implementation challenges related to resource constraints, physical limitations, or economic realities facing the District. As part of this investigation, we did not ask for access to its budgetary documents, nor did we investigate the costs associated with our recommendations, advice, and suggestions. Our recommendations are based on best practices and optimal approaches to student safety, but we recognize that the District must balance multiple priorities within finite budgetary, resource, and operational constraints. The District will need to evaluate each recommendation in the context of its available resources, physical-infrastructure capabilities, staffing limitations, and competing educational and safety priorities. We encourage the District to view these recommendations as goals to work toward over time, implementing those that are immediately feasible while developing strategic plans to address more resource-intensive improvements as funding and circumstances allow. In addition, some of our recommendations may have been implemented already, but they may not have been in place at the time of certain interviews and data collection.

Confidentiality Considerations

The need to protect student privacy and maintain confidentiality regarding sensitive matters necessarily limited the level of detail that could be included in certain portions of this report.

Where these limitations exist, we have endeavored to provide sufficient information to convey our findings and support our recommendations while respecting these important privacy interests.

This report is protected by the attorney-client privilege, although we are aware of the Board of Education's desire to share as much information as possible following its review of the report. It is within the BOE's power to waive this privilege.

Ongoing Matters

Certain matters identified during the investigation may be subject to ongoing law-enforcement (BPD and DA) investigations, pending litigation, or other proceedings. Our investigation was conducted independently of these processes, and our findings should not be construed as determinations of legal liability, criminal culpability, or other consequence.

Despite these limitations, we believe the investigation was sufficiently comprehensive to support the findings and recommendations contained in this report. The extensive witness interviews, document review, and analyses conducted provide a substantial foundation for understanding the issues under investigation and formulating meaningful recommendations for improvement.

Navigation

This report addresses many issues. Some of them are addressed in specific sections, while some are addressed alongside specific incidents. There may be some cross-over between sections, and we have endeavored to identify them throughout this report.

A NOTE TO THE COMMUNITY

We recognize that this report addresses matters of significant public concern and that its contents may generate strong reactions within our community. The allegations that prompted this investigation have understandably evoked passionate responses from parents, educators, students, community members, and others who care deeply about the safety and well-being of children and people working with children in the educational system.

We acknowledge that not all readers will agree with every finding or recommendation contained in this report. Reasonable people may interpret facts differently, and the complexity of the issues under investigation does not always yield simple or universally acceptable conclusions. We have endeavored to present our findings based on the evidence available to us, while recognizing that others might reach different conclusions.

Because some District personnel and others received threatening, vulgar, and harassing messages following the podcasts, we must emphasize in the strongest possible terms that disagreement with the findings in this report must not translate into harassment, threats, or intimidation directed at any individual or entity. This type of conduct is not only inappropriate and potentially criminal, but it also undermines the very goals of student safety and institutional improvement that we all share.

The individuals who work for the Buffalo Public Schools—whether they are teachers, administrators, support staff, or board members—have dedicated their professional lives to educating and protecting children. While this investigation may identify areas requiring improvement or instances where better decisions could have been made, these findings should not be weaponized against individuals who are doing their best in challenging circumstances.

We therefore urge all who read this report:

- To do so with an open mind and a commitment to constructive dialogue.
- To focus on the forward-looking recommendations rather than seek to assign blame.
- To respect the privacy and dignity of all individuals mentioned or involved in this investigation.
- To channel concerns or disagreements through appropriate, lawful, and respectful means.
- To remember that the shared goal is the safety and well-being of all students and personnel working with students.

The path forward requires collaboration, not division. It demands that everyone involved work together—parents, educators, administrators, staff, law enforcement, and community members—to implement meaningful reforms and to create the safest possible environment for students. This cannot be achieved through harassment or intimidation, but only through respectful engagement, constructive criticism, and a shared commitment to positive change.

We ask that as you read this report, you do so with the understanding that its purpose is not to inflame tensions but to provide a factual basis for improvement. The protection of the District's students is a responsibility we all share, and it is one that can only be fulfilled when we work together as a community, treating one another with dignity and respect even in the face of disagreement.

SCHOOL SAFETY: AN OVERVIEW AND THE BPS GENERAL SYSTEM

INTRODUCTION

School safety is a complex topic. It requires seamless to near-seamless coordination internally and externally, across multiple jurisdictions, agencies, and disciplines. The contemporary school-safety environment in New York operates within a unique regulatory and operational framework shaped by specific statutory requirements, Commissioner of Education regulations, and the heightened security consciousness following several school-intruder incidents around the country.

There are multiple layers to school safety. From a document standpoint, New York requires all school districts to have a comprehensive district-wide school safety plan, and all school buildings within each district to have building-level emergency-response plans tailored to their unique buildings, staffing, and location. These plans require annual review and updates that must be coordinated with state and local law enforcement. These plans must address not only traditional security threats but also natural disasters, medical emergencies, civil disturbances, and acts of violence, creating an all-hazards approach that demands extensive cross-training and inter-agency cooperation.

One of the critical relationships for safety purposes is between schools and law enforcement. The relationship among administrators, staff, school-security personnel, and local police requires careful delineation of responsibilities, particularly regarding response protocols, information sharing under FERPA and other constraints, and the handling of incidents that may constitute both educational disciplinary matters and criminal offenses. The sometimes-dual nature of school incidents—as both educational and potentially criminal events—necessitates sophisticated protocols for documentation, evidence preservation, and interagency communication.

Training requirements in New York schools reflect this complexity, with training encompassing violence prevention, mental-health awareness, emergency-response procedures, and trauma-informed practices, among others. Staff must be prepared to execute lockdown, lockout, evacuation, and shelter-in-place procedures while maintaining educational continuity and supporting student emotional needs. Students (and staff) undergo drills on emergency procedures every year. The integration of technological systems—from visitor management and video surveillance to emergency-notification platforms—requires ongoing technical training alongside traditional safety protocols.

The documentation and communication infrastructure supporting school safety must serve multiple constituencies with sometimes competing needs: ensuring immediate operational response capability while maintaining appropriate confidentiality; providing transparency to school community members while protecting sensitive security information; and creating accountability mechanisms that satisfy regulatory requirements without compromising tactical effectiveness. The discipline component adds another layer, requiring schools to balance policies with restorative-justice approaches, all while maintaining detailed records that may be subject to scrutiny long after an incident resolves.

School safety was the broad scope of our investigation. We examined many parts of this multifaceted topic within the Buffalo Public Schools. This included evaluating the effectiveness of current protocols, identifying gaps in implementation or coordination, and providing actionable recommendations for enhancement. Our report recognizes that school safety is not a static achievement, but instead, a dynamic process requiring constant vigilance, adaptation, and improvement in response to evolving threats and student and community needs. While we focus on particular portions of this issue in the following sections, below is an overview of the security framework and the broad safety issues we encountered during the investigation.

SECURITY TEAM INFORMATION

The Buffalo Public Schools has a Security Team that serves as a critical component of the District's comprehensive safety infrastructure. Among other tasks, the Security Team is responsible for protecting students, staff, and visitors across all school locations throughout the District. This includes responding to incidents, reviewing and revising safety plans, securing video footage, deploying/staffing security officers at the various schools, and implementing and revising safety protocols. This team works in partnership with multiple stakeholders, including the Buffalo Fire Department and the Buffalo Police Department. The team is comprised of a Chief Operating Officer and Chief of Safety and Security, several associate superintendents of school leadership, executive directors, supervisors of security services, security officers, and others.²

The District hires and places security officers throughout its schools. Candidates must either have 1) a high-school diploma, GED, or equivalent diploma, and six months of full-time experience as a security guard or 2) a high-school diploma, GED, or equivalent diploma, including or supplemented by fifteen credit hours from an accredited college or university in criminal justice, police science, or law enforcement.³ Generally, the security officers are responsible for the security of school property, the safety of students and school personnel, and the maintenance of order.⁴ Typical duties include assisting with orderly student movement within the building; monitoring students and others as they enter buildings; screening students with the E-volv security system; responding to and investigating incidents, as requested; escorting visitors, as requested; patrolling the building and its perimeter; developing reports related to safety; and communicating with local law enforcement.⁵ These officers are semi-uniformed, wearing a pocket emblem for identification instead of a shield.⁶

² See <https://www.buffaloschools.org/o/dept-security/page/security>.

³ See the current job description for security officer, available at: https://buffaloschools.applicantstack.com/x/detail/a2gakze7ie7?jobtitle=security&js_3459=&js_3460=&js_4038=&js_484358=1553567.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

All security officers employed by the District must complete rigorous training requirements, including the mandatory annual eight-hour New York State security-guard-training course as prescribed by New York General Business Law § 89-n, and the District's own onboarding and other training. The officers also follow a code of ethics designed to prevent, report, and deter crime. The required training ensures that officers maintain current certifications and stay updated on best practices in school-security protocols. The District has a MOU in place with the Professional Clerical and Technical Employees Association (PCTEA), which represents the school security officers, establishing minimum staffing levels. [REDACTED]

[REDACTED]

[REDACTED]

The Security Team functions as part of an integrated safety network that includes Buffalo Police Department School Resource Officers (SROs), community peacekeepers, and external security consultants. [REDACTED]

[REDACTED] The Board of Education formalized its desire to have a formal written agreement with the BPD to “execute effective communication, collaboration, and, ultimately, the safety of our schools and students” in a December 18, 2024 resolution, as it recognized the safety of its schools, staff, and students was of paramount importance. The terms and conditions of the agreement will provide clarity for the SROs and the personnel within the schools, as the SROs are to provide law-enforcement support within the buildings. The BPD has about ten SROs assigned to respond to calls from any school currently, but there are no SROs physically assigned to any particular building.

The District also has a contract with the community peacekeepers, who do not perform security services, but who focus on de-escalating situations outside of the school buildings and who inform District security and SROs regarding the concerns. They are largely the “eyes and ears” outside of the school buildings. The District has also contracted with Altaris Consulting Group to provide comprehensive security assessments, with recommendations for improvements, enhanced security planning, and specialized training to further strengthen the safety capabilities.

The security officers operate under comprehensive written procedures covering daily operations, event management, and professional standards. While these procedures demonstrate the District's commitment to structured security operations, their implementation is hampered by the communication, staffing, and technology limitations detailed in this report. The existence of detailed protocols makes the infrastructure improvements recommended in this report even more critical—the team has the procedural framework for excellence, but it lacks the tools and resources to fully implement it.

As this report will detail, the Security Team faces significant operational challenges related to aging communication systems, staffing constraints, and the need for clearer role definitions and standardized procedures. Despite these challenges, the team remains committed to its mission of maintaining safe schools through professional service, continuous training, and collaborative partnerships with school administrators, law enforcement, and the community. The findings and recommendations presented in this report are based on comprehensive interviews with security leadership and staff, and they are intended to strengthen the Security Team's ability to fulfill its critical mission of protecting our school communities.

Across all of the security-related interviews, there is strong alignment that the District's safety challenges are systemic in nature. Interviewees consistently described a system that depends heavily on individual experience, informal coordination, and personal judgment to compensate for gaps in staffing, communication, and process clarity. Most witnesses identified security challenges as stemming from structure, scale, and tools, not from lack of effort or commitment, and they recognized that safety outcomes are highly dependent on who is working that day, rather than on resilient systems.

We address 1) the general and 911-system-specific issues, 2) video/evidence management, and 3) physical security/vulnerabilities in other sections due to the importance and lengthy discussion of these particular issues. Recognizing that some of these efforts are currently under consideration and that some are subject to union or other negotiations, other priorities with respect to security addressed here include:

1. ***Staffing and supervision:*** the team suggested increasing the supervisory capacities and standardizing staffing protocols [REDACTED]

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

[REDACTED] The changes based on these issues could include:

- a. Adding additional security supervisors to increase daily field presence, to support officers during incidents, and to reduce reliance on informal knowledge [REDACTED]
- b. Separating supervisory functions related to staffing/overtime, video management, and field operations/building visits. [REDACTED]
[REDACTED]
[REDACTED]
- c. Increasing daily field presence and incident-support capabilities.
- d. Documenting staffing deployment decisions and criteria.
- e. Creating repeatable processes that do not depend on individual memory/experience.
- f. Establishing clear coverage plans for predictable absences.

Many district personnel outside of the Security Team welcomed the addition of security personnel in their buildings, whether through the District's security officers, dedicated SROs, or both.

2. ***Providing role clarity and utilization:*** there is a need to eliminate the static "doorman effect" and to improve coordination between the administration and security so that security officers are properly and fully utilized as active security professionals. This is particularly true at the elementary-school level, as the use of security there is newer and administrators in these buildings are

still adjusting to security presence there. To address this the District could consider:

- a. Issuing District-wide guidance identifying security officers as active safety professionals and identifying the expectations for the officers.
- b. Mandating patrols, hallway presence, and perimeter checks as core duties of security officers.
- c. Requiring principals to share daily schedules and integrate security into building-planning and safety-planning meetings.
- d. Reducing fixed-position officer staffing after arrival periods.

3. ***Enhancing entry screening:*** the E-volv screening system⁷ provides some deterrence, [REDACTED]

[REDACTED] The District could consider:

- a. Piloting hybrid screening models (E-volv plus x-ray bag scanners). In that regard, the Greece Central School District implemented a new safety-screening system in 2025 in all secondary schools, and it expanded the screening to include certain after-school events.⁸ All students and adult guests must walk through body scanners and have their bags scanned, similar to the security measures commonly found at airports.⁹
- b. Reevaluating staffing assumptions tied to entry screening/entry points.
- c. Reducing long-term reliance on officers being fixed at doors with alternate screening protocols.
- d. [REDACTED]
[REDACTED]
[REDACTED]

ADDITIONAL BROAD SAFETY CONCERNS

Many of the staff members and union officials raised concerns about overall student and staff safety. One repeated theme was that student discipline was inconsistent and ineffective, providing no real motivation for students to behave, and no real consequences to deter repeated offenses. Many expressed a concern about disciplined students returning too soon after an incident, reducing the gravity of the offense and removing the threat of consequences. Many of these examples, however, involved students who received special-education services. There is a separate part of the disciplinary process for these students, called a manifestation determination. In short, this is a time in the process where a school reviews the student's disability and the behavior subject to discipline to determine if the behavior resulted from the disability. In many instances, it appears that the conduct was determined to be a manifestation of the disability; the

⁷ See <https://evolv.com/use-cases/schools/>.

⁸ See <https://www.greececsd.org/o/eves/article/2586815>.

⁹ *Id.*

next steps under those circumstances are the Committee on Special Education conducting a behavior assessment and implementing a behavior-intervention plan, and, except in limited circumstances, returning the student to the original placement.¹⁰ Here, that would mean returning to the classroom. It is clear that staff throughout the District need to be better advised about the nuances associated with the discipline of students receiving special-education services to better understand the issue and not equate the process required with administrative indifference.

We also interviewed officers and some of the Labor Relations Specialists from the Buffalo Teachers Federation (BTF) given the BTF's presence in each of the Buffalo Public Schools, its level of outreach, and its receipt of information from union members—the teachers—as part of the investigation. The BTF often knows about specific concerns raised at the building level and beyond, and its members are sometimes more comfortable raising issues with union officials than their administrators. BTF has Labor Relations Specialists who are assigned to each building, which helps in building rapport with members and in understanding the unique culture of and particularized issues at each building.¹¹ In addition to other efforts, BTF uses surveys with its members to track a number of issues, and one of its recent surveys (from September 2022) concerned school safety.

Members who responded to the 2022 BTF survey identified a number of issues, including knowledge of emergency responses, with members seeking clarity and training on them; violence by students and the lack of appropriate and proportionate discipline; inconsistency of assigned security officers or absent security; access and entry; unauthorized or surprise parent/visitor access; insufficient communication; and inoperable or broken locks on doors, among others.

In general, the BTF did not agree with the scope of and details underlying the assertions made in the podcasts, and it could not provide support for those claims. But it did advise on a number of ongoing safety and other issues throughout the District, including many of the same concerns raised in the 2022 survey. This included inadequate door locking; student violence and its increased prevalence; inadequate or inattentive classroom management; the impact of manifestation hearings on student discipline; failed or inadequate disciplinary practices, including ineffective office discipline referrals (ODRs) for students; lack of follow through on issues raised to administration; underreporting of DASA complaints; lack of processes (video preservation, archival, SROs, security officers, and communication); uneven enforcement of the visitor policy; lack of training; and lack of prioritization. From the union's perspective, these are ongoing issues, which is supported by their reference to them in 2022 and again in 2025.

BTF encouraged the District to leverage in-house resources, like those members with IT experience for coding and other tasks, including training. It also encouraged a better and updated directory to allow more efficient and targeted communication. As an example, BTF encountered difficulty reaching people, including District cabinet members, based on the website information.

¹⁰ See Commissioner of Education regulation 201.4, 8 N.Y.C.R.R. § 201.4 (2026).

¹¹ See <https://www.btfny.org/index.php/about-btf/lrs-assignments>.

Many of these issues are outside of our investigation parameters, but we recognize the longstanding concerns raised by BTF on behalf of its members related to school violence, breaking up fights, visitors and buzzing them into buildings, and other general and specific school-safety issues.¹² We encourage the District to engage with union building delegates, building committees, and special committees and task forces to continue addressing these issues.

¹² Many of these topics are documented on the BTF website. *See, e.g.*, <https://www.btfny.org/index.php/latest-news/news-and-alerts>.

THE FEBRUARY 11, 2025 INCURSION AT DREW

INTRODUCTION

On February 11, 2025, the Dr. Charles R. Drew Science Magnet School (School #59) experienced a security incident that would become a catalyst for broader scrutiny of the District's safety protocols, actions and omissions by personnel, and its responses during emergencies. The incursion at Drew exposed critical gaps in the District's security infrastructure, communication procedures, and incident-documentation practices, prompting immediate concerns from parents, staff, and the broader Buffalo community.

The incident gained significant public attention through local media coverage and subsequent podcasts that raised questions about the District's handling of safety matters. The podcasts, in particular, brought to light allegations regarding delayed incident reporting, potential destruction or mishandling of video and other evidence, and systemic failures in emergency-communication protocols across BPS facilities.

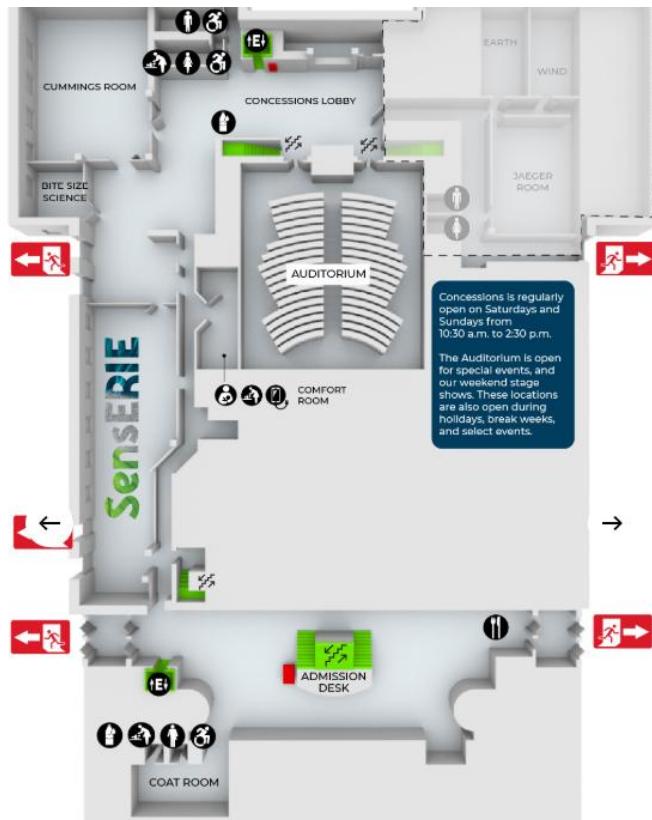
In response to these concerns and recognizing the need for transparent accountability, the BOE initiated a comprehensive investigation, largely to have an investigator examine the facts surrounding the incident at Drew and to provide a detailed report related to our findings. The incident at Drew comprised a large portion of our witness interviews, document review, and other investigatory work.

A General Description of the Intrusion at Drew

On February 11, 2025, an unauthorized individual gained access to Drew during regular school hours through the adjoining Buffalo Museum of Science (BMOS). The entrances to the school and BMOS are separate, but part of the same building. The intruder apparently first attempted to enter the school surreptitiously by engaging an adult who was walking with a child outside the building. He attempted to direct them to go with him to the main entrance of the school. The adult rebuffed these efforts, however, and entered the museum with the child, which was their intended destination.

The intruder then entered BMOS. His actions—recorded by video and reviewed by law enforcement and prosecutors—support that he did so in a way to intentionally bypass the BMOS admission desk and the receptionist, who was working with other guests at the time.

This is a map of the museum area at issue, showing the admission desk:¹³



The intruder engaged with at least one museum patron with a small child inside the museum. He then [REDACTED] entered the school. Contractors working on the museum side in the immediate area [REDACTED] told the intruder not to enter, specifically informing him that the area beyond the door was a school. The intruder apparently said he needed to find a bathroom in an attempt to justify his entry.

[REDACTED]
[REDACTED]
[REDACTED]

¹³

See <https://www.sciencebuff.org/plan-a-visit/museum-maps/>.

[REDACTED]

[REDACTED]

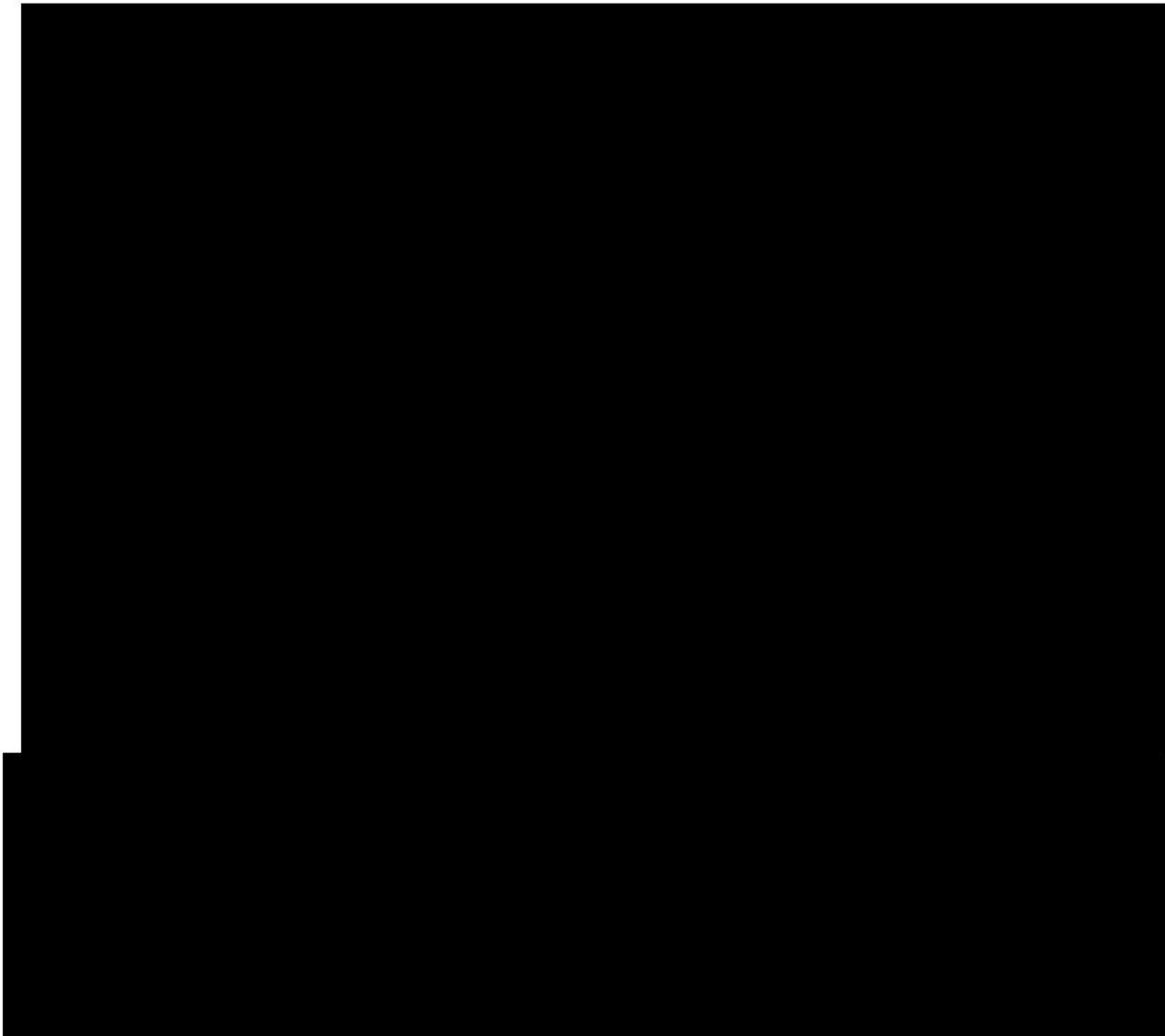
[REDACTED]

Thereafter, the intruder walked the halls, entered classrooms (or attempted to do so), and engaged Drew students and adults. He generally engaged in alarming behavior, including yelling/screaming (“where are the children?”) and throwing property. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



When advised by staff that an intruder was present in the building, [REDACTED] responded to the area. A shelter-in-place was called. There is disagreement as to whether the school was then placed in a lockdown, [REDACTED] [REDACTED] We discuss this discrepancy in more detail below. Nonetheless, [REDACTED] engaged the intruder, telling him that he was not allowed in the school, and [REDACTED] asked him to leave. The intruder then struck [REDACTED] [REDACTED] At the time of the incident, the principal was at an offsite meeting for principals, but the two Drew assistant principals were present. There was also a substitute principal at the building covering for the principal during his absence.

When he was unable to get any students to go with him and with security then upon him, the intruder fled the area, [REDACTED]. BMOS security and responding BPD officers then took him into custody.

The Drew Staff’s General Response to the Incident

In general, the staff at Drew identified this intruder incident as a fluke, once-in-a-lifetime, or perfect-storm event not likely of repetition. Many staff members had no security concerns after it happened. Some called for more security officers to be present thereafter. Some mentioned the emergency-response confusion. Many positively received the measures implemented within the first few months following the incident; we discuss the post-incident actions in more detail below.

Many Drew personnel listened to one or more of the podcasts. Some expressed their strong disagreement with much of the podcasts’ content, calling the assertions inaccurate and exaggerated with respect to Drew and the intruder incident. Many took offense to the concerns raised with strong indignation to the extent they were levied at Drew and the response at that school after the incident. Others agreed with some portions of the podcasts.

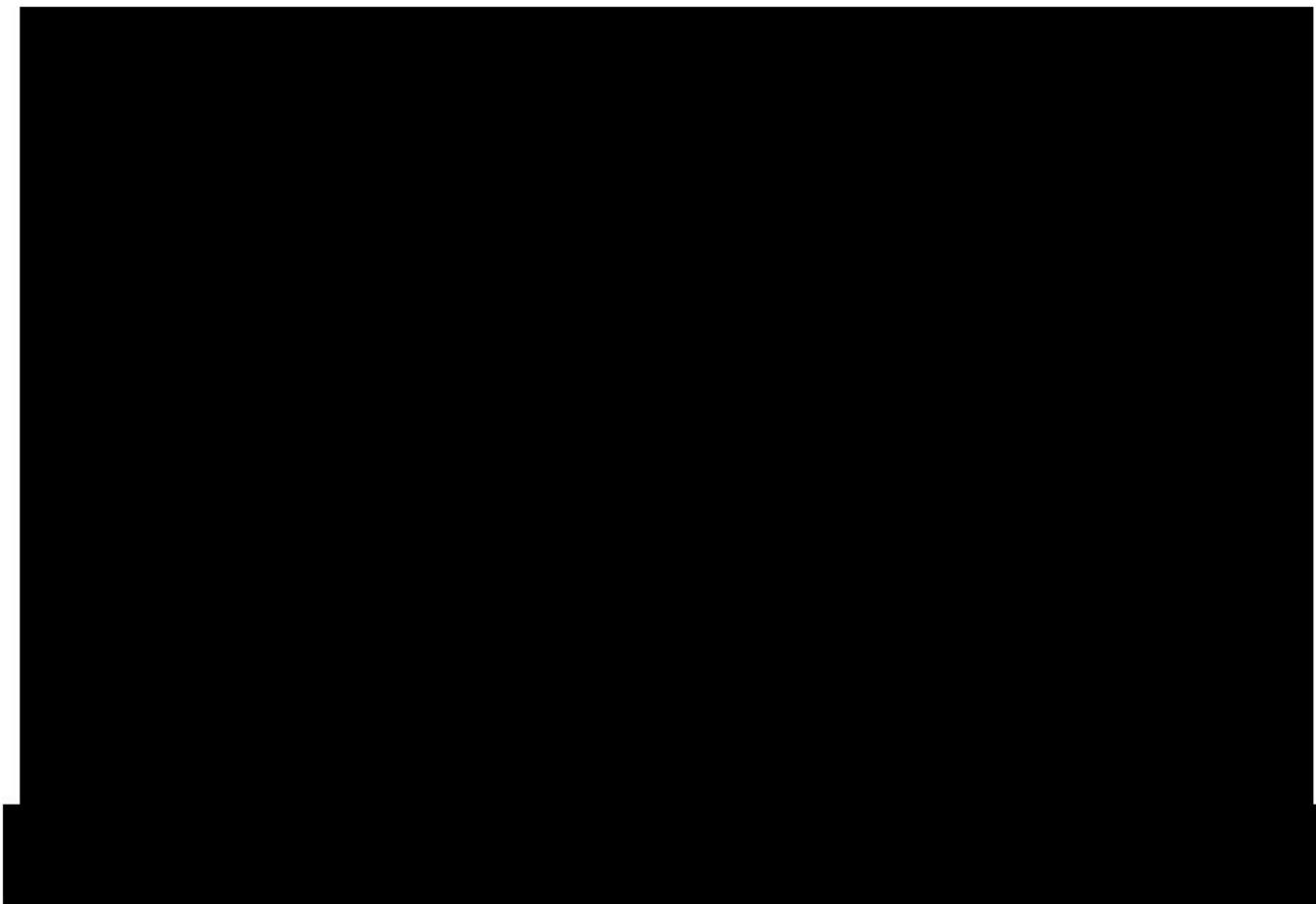
THE BUILDING AND ITS HISTORY

It is helpful for understanding the structural and other issues to provide a brief background on the school. The Dr. Charles R. Drew Science Magnet School (School #59) is a public elementary and middle school within the Buffalo Public Schools located at 1 Martin Luther King Junior Parkway in Buffalo. The school has been uniquely situated in the same building and on the same property as the Buffalo Museum of Science since 1990, allowing for an immersive academic experience that blends traditional curriculum with hands-on science learning. The school serves about three-hundred ten students in grades three through eight.

While the school offers considerable educational advantages, it also presents logistical and security challenges due to the shared nature of the building and the occasional overlap of public and student spaces. This dual use of the facility has led to the need for specialized safety protocols, clear access controls, and heightened staff coordination between the museum and the District—issues that were re-evaluated as part of this investigation.

Drew is located on the same campus as the museum, which is adjacent to a public park.





Thus, there is signage near the museum specifically identifying it and its entrance. Likewise, there is a prominent sign near the front of the school identifying it as School #59/Drew. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Buffalo Museum of Science-BPS Relationship

The early agreements between the District and the Buffalo Museum of Science (BMOS or the museum) in the 1990s acknowledge their shared space, maintenance obligations, and responsibilities for custodial services, repairs, and utilities, but they made no reference to coordinated security planning, access-control measures, emergency procedures, or restricted movement between the public and non-public spaces. While schools had been partaking in certain safety drills for decades at that time, the focus on school intruders, in particular, became heightened after the Columbine High School tragedy in 1999.

Thus, the BPS-BMOS legal and financial-risk-management structures were reasonably well-established by 2025, but the physical-security planning was lacking for a shared campus between a public museum and a school. The February 2025 incident served as a critical wake-up call, prompting comprehensive security improvements both in the short term and in the long term. The leaders from Drew and BMOS certainly partnered on and communicated about a number of matters and issues over the years, but the issues were largely focused on operations, not targeted safety. Obviously, in the wake of the February 2025 incursion, the parties renewed and enhanced their safety discussions, becoming more active, proactive, and collaborative with respect to safety matters, as discussed in more detail below.

THE EMERGENCY RESPONSE CALLS AND COMMUNICATION ISSUES AT THE TIME OF THE INTRUSION

A critical examination of Drew's emergency response to the incursion reveals fundamental disagreements among school personnel regarding which emergency protocols were initially activated and later employed, raising serious questions about both the decision-making process and the effectiveness of the school's emergency-communication system. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] Schools practice these drills in accordance with New York Education Law requirements. New York Education Law § 807 generally requires schools to conduct four lockdown and eight evacuation drills during each school year. Notably, this statute is designed to provide instruction to students "so that they may in a sudden emergency be able to respond appropriately in the shortest possible time and without confusion or panic." N.Y. Educ. Law § 807(1) (McKinney 2026). Adults participating in the drills should enjoy the same benefit, even if not statutorily stated.

No matter the disagreement about the later radio calls/emergency action deployed at Drew, all of the witnesses confirmed that the first emergency action implemented was a shelter in place. As captured in the District's summary, a shelter-in-place response typically addresses external or unspecific hazards and threats that do not pose an immediate danger inside the building. The hallmarks of this response include controlled movement, perimeter security, and normal communications. A shelter-in-place response could be more extensive in duration, but offers provisions for student needs, including bathroom access, water/food, and modified instruction. Under the District's own plan requirements, and given that the presence of an intruder was evident from the outset, the response to the Drew incursion should have been identified as a lockdown situation immediately.

A lockdown is initiated when there is an immediate, active threat inside. This emergency response requires complete isolation, absolute silence, prohibited corridor access, and a communication blackout to prevent revealing staff and student locations. These are usually shorter-term, acute threats. The fundamental difference between these responses in protecting students lies in the proximity of the threat. Lockdowns assume a potential for direct violence requiring concealment and complete stillness to protect lives, whereas the shelter-in-place response generally assumes students are safer inside the building than outside, or in their classrooms rather than hallways, but they do not need to hide from an active aggressor. Students and staff must immediately understand which protocol is being implemented. Confusion between these responses can be catastrophic—students moving during a lockdown or hiding unnecessarily during a shelter-in-place response both create risks.

The Drew post-incident communication to parents and caregivers identified the response as both a shelter in place and a lockdown, which supports some of the confusion reported by Drew personnel:



Science. Art. Music. All. Day. Every. Day.



Dr. Charles R. Drew Science Magnet, BPS#59
Grades 3-8; 1 MLK Park • 716-816-3370
Buffalo, New York 14211

Mark Shoemaker
Principal

Ms. Chonelle Wallace
Assistant Principal

2-11-25

Ms. Jennifer Maherter
Assistant Principal

Dear Parents and Caregivers,

As protecting the safety of students and staff is our number one priority, we want to reassure you that we take extra precautionary measures to ensure the safety of all students and staff at our school.

This afternoon, the school was placed in a brief shelter in place and a lockdown for several minutes because of person entering the building without permission through the museum. School officials followed the safety protocols, including contacting the Buffalo Police, who immediately responded, removed the person from the school, and deemed the school safe to resume a regular schedule.

If you have further questions regarding this incident, please call the school directly. We appreciate your continued support. Thank you.

Sincerely,

Principal, *Mark Shoemaker*

The principal stated in his post-incident notes, however, that the BPD lifted the shelter in place around 1:30 p.m., without mention of a lockdown. As well, [REDACTED] wrote in [REDACTED] personal account that [REDACTED] called to place the building in a shelter in place and to call 911 after [REDACTED] assault. These responses are not interchangeable, as the District's documents recognize. But some people involved in the process here treated them as identical.¹⁶

More specifically, [REDACTED] asked whether to "lockdown/shelter in place," to which [REDACTED] apparently said yes. These are separate responses, [REDACTED]. [REDACTED] is identified as part of the building-level emergency-response planning team for Drew, but [REDACTED] indicated that [REDACTED] had no training and did not attend any safety meetings. All team members should be given a copy of the BLERP, asked to review it, and be invited to meetings discussing

¹⁶ In response to the September 2022 BTF survey, at least one member at Drew stated a concern that there was confusion over the emergency responses, saying that "lock out, lock down, and shelter in place[.] ALL seem to be used interchangeably." (Emphasis in original.)

its content. As someone who had to participate in an emergency response, [REDACTED] should be part of the drilling and training to prevent an improper response or the inaccurate conveyance of information internally or externally. As discussed further in the communications section of the report, training on radio calls may be of use, too, so that information can be shared efficiently and in a code or language immediately understandable by the reporter and the listener, and to prevent dissemination of information to others who could misuse it.

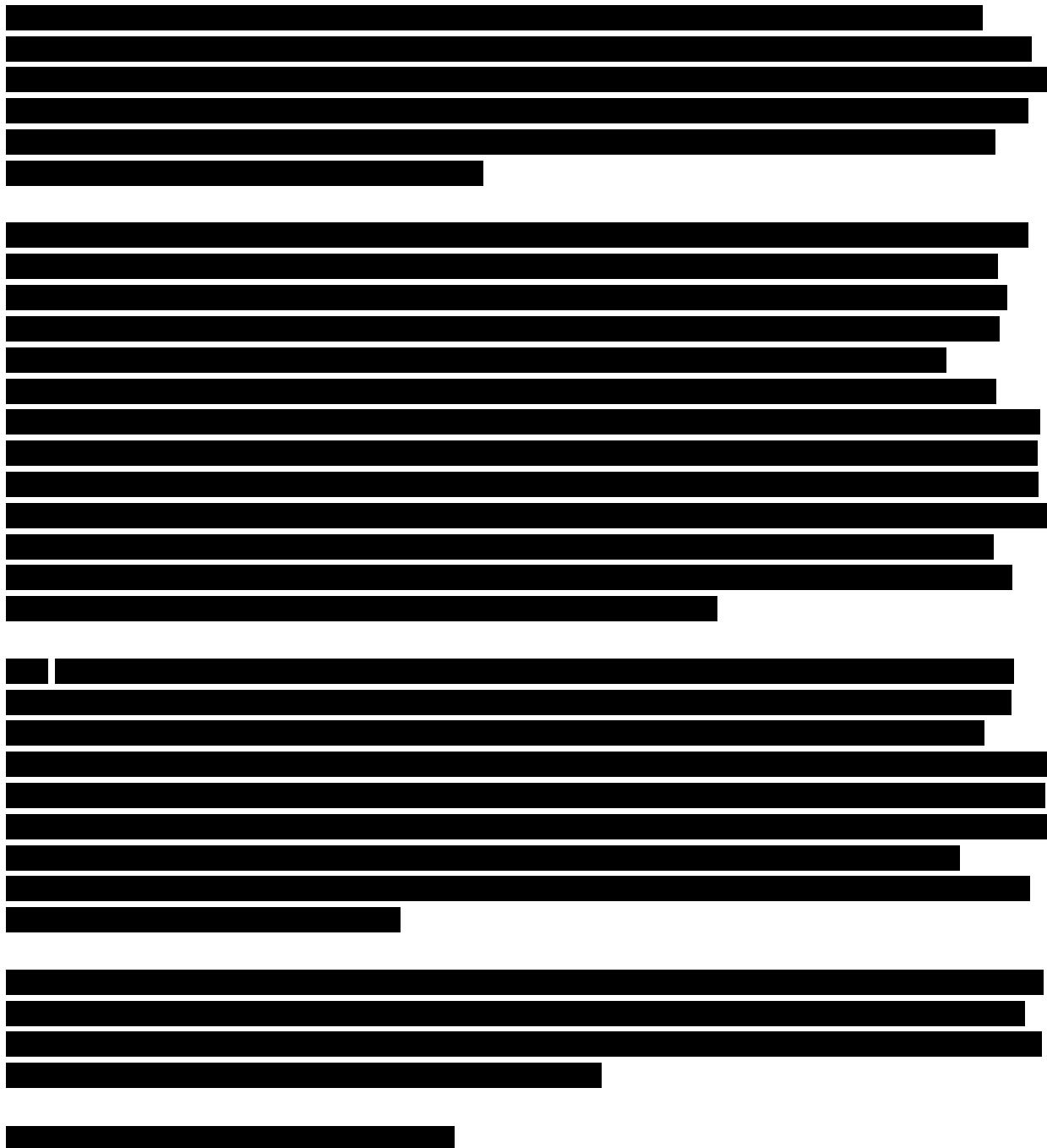
There are differing accounts as to which emergency response was called and the number of times it was called on the radio. The school could not, and thus did not, preserve the audio from the radio calls to check them afterward. [REDACTED] insisted that [REDACTED] called out 911/lockdown three or four times. [REDACTED] did not know why the school did not go into lockdown. [REDACTED] written statement has some inconsistencies, in [REDACTED] said [REDACTED] put the school into a shelter in place, and later called for lockdown, but then [REDACTED] references the BPD lifting the shelter in place, not referring to it as a lockdown. There are scenarios where a shelter-in-place response can escalate to a lockdown situation. While [REDACTED] maintains that [REDACTED] called a lockdown, multiple staff members report hearing only a shelter-in-place directive. We mention this not to cast aspersions, but to identify that this discrepancy in recollection underscores the critical importance of clear, unambiguous emergency communications.

The [REDACTED] certainty that contrasted with others' recollections suggests that even [REDACTED] may believe they have communicated one protocol, while others hear something different. The District must ensure that all building leaders understand and utilize the correct and most-protective protocol fitting the situation.

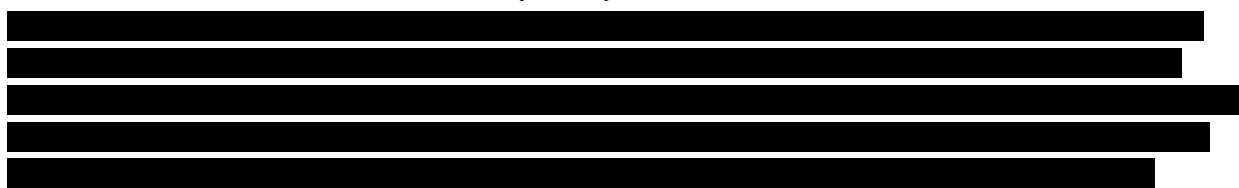
We likewise address the communication issues [REDACTED] in another section, but we note here [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

While the Drew incident concluded without physical harm to students, it revealed critical gaps in emergency communication and protocol implementation. The disagreement about what was initially announced—during an actual intrusion—represents an unacceptable risk to student safety and could lead to liability attributable to the District. The fact that this occurred during a genuine emergency rather than a drill makes immediate remediation essential.

[REDACTED]



Increased communication has been a key safety measure in the wake of the Drew incident, too.



All of these efforts are laudable, and they should enhance communication in emergency and non-emergency situations alike.

Crisis Intervention and Parent Contact

There was no criticism levied in the podcasts about the post-incident crisis response, specifically, but several personnel within Drew professed to needing additional resources and information in the wake of such a traumatic and widely publicized event. After dismissal, [REDACTED]

met to address their concerns and questions relating to the intrusion, as well as a support plan for the following day. The principal sent an email to staff to let them know about a planned first-of-the-morning meeting to discuss support for staff and students moving forward.

There was a concern raised in the podcasts about the family of a student who was directly engaged by the intruder not being specifically advised of or contacted about the incident by the school. The principal's notes indicate that he contacted the two families [REDACTED]

Two students are identified in the corresponding incident report. But the DA's motion related to obtaining a subpoena to obtain evidence from the school to overcome FERPA protections—which is part of another section of the report—reveals deeply concerning discrepancies that underscore the critical importance of timely and comprehensive video review following an incident.

18 See <https://www.alertmedia.com/products/mobile-app/> for more details.

understandably may have affected [REDACTED] ability to fully account for all students involved. The DA's and BPD's investigation revealed that while the school identified two students who had direct contact with the intruder, video evidence clearly showed three children were approached, with the third child's family coming forward independently and directly to the DA's office to provide information related to the incident. This discrepancy highlights why schools cannot rely solely on [REDACTED] staff members' recollections or defer entirely to police determinations about what footage is relevant. They have to exercise independent judgment, which is difficult and can be complicated given their other duties in the immediate wake of a traumatic event. We discuss the video-footage issues in a separate section. We provide additional feedback and recommendations about post-incident actions in more detail below.

Otherwise, [REDACTED] all went to the school the next day. Crisis support was available on site the rest of that week, Thursday and Friday. The school then was on break the following week. The school set up lunch bunches for students during this time, and it contacted families to offer additional resources through the community and through BPS. The Student Support Team (SST) and the Crisis Services Team members checked in with students. The Best-Self liaison and the SST visited classrooms to provide social-emotional lessons and restorative/community circles with students. There was an additional security presence outside the museum door used by the intruder for the rest of the week. The school continued to update parents and staff about safety and security updates as they occurred thereafter, through Class DoJo, School Connect, email, Saturday Academies, in-person meetings, community events, and otherwise.

There was at least one staff member who criticized the communications after the incident to parents and guardians, specifically. The letter sent by the Drew principal is copied above. The school sent the letter home with students, and it was posted contemporaneously in the School Connect system as well.

Although the District utilized multiple communication channels following the incident, the effectiveness of crisis communications must be evaluated not just by the quantity of messages sent, but by their clarity, timeliness, and completeness. One staff member's criticism about inadequate parent communication, though appearing to be an outlier view, nonetheless raises important questions about how schools balance transparency with avoiding panic, and also legal obligations with community trust.

The District's multi-modal approach to notification—utilizing both electronic systems for immediate alerts and physical letters for detailed follow-up—follows standard crisis-communication protocol. Effective post-incident communication requires sufficient information to allow parents to assess their child's potential exposure to trauma, to make informed decisions about follow-up care or counseling, to understand what safety measures are being implemented, and to have meaningful conversations with their children about the incident. The challenge for school administrators is providing this necessary information while managing legal constraints, ongoing investigations, and the need to maintain calm. The fact that only one formal complaint

about parent communication emerged could suggest either that most parents felt adequately informed, or alternatively, that parents either did not reach out to the school, or they may not have fully understood what information they should have received.

11. **What is the primary purpose of the *Journal of Clinical Endocrinology and Metabolism*?**

Term	Percentage
Climate change	100
Global warming	98
Green energy	95
Carbon footprint	92
Sustainable development	88
Renewable energy	85
Emissions reduction	82
Green economy	78
Carbon tax	75

A thick black horizontal bar, likely a redacted section of text.

[REDACTED]

RECOMMENDATIONS

We touch on a number of suggestions above, but we offer the following list for ease of review:

Communication Protocols

1. Eliminate ambiguous terminology during emergencies. Staff must never combine terms like lockdown and shelter-in-place as these are distinct protocols requiring different responses.
2. Implement standardized emergency language with clear, unmistakable commands that cannot be misinterpreted.
3. Require verbal confirmation from all building zones when emergency protocols are initiated.
4. Create a digital acknowledgment system for administrators to confirm receipt and understanding of emergency type, establishing an audit trail.

Radio-Communication Enhancement

1. Provide comprehensive radio-protocol training for all personnel involved in emergency communications, particularly office staff who manage multiple communication streams.

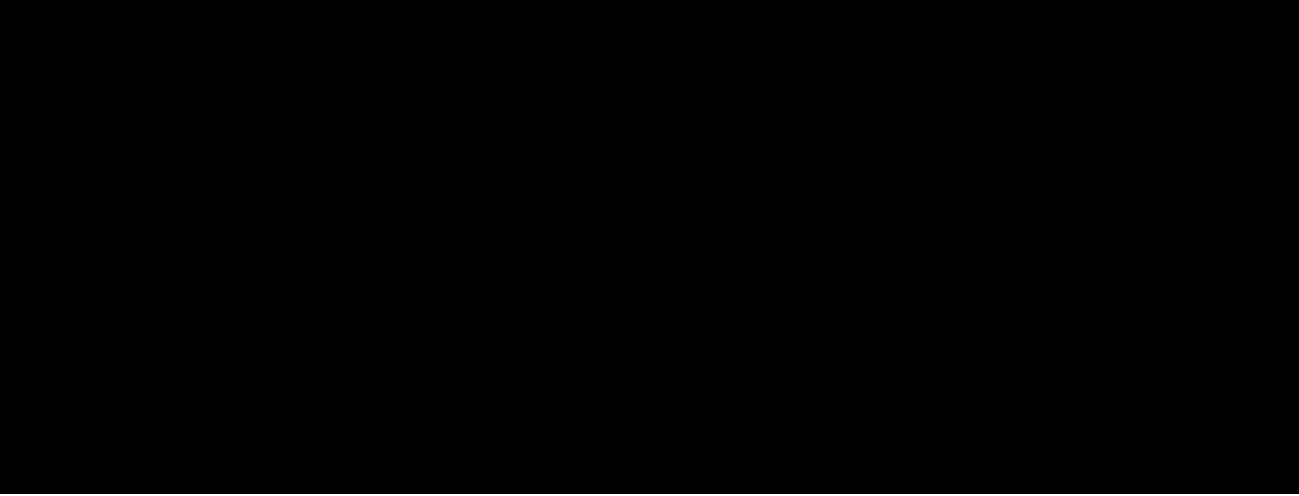
2. Establish clear codes and terminology that are immediately understood by all staff.
3. Ensure office personnel are not simultaneously managing 911 calls and radio communications during emergencies.
4. Consider dedicated emergency communication roles to prevent divided attention during critical moments.

Training or Retraining

1. Ensure all staff identified as part of the ICS read and understand the BLERP and are invited to participate in drills and tabletop exercises. Everyone should understand the differences between the emergency responses.
2. Conduct tabletop exercises to focus on the differences between emergency protocols at a frequency that makes sense based on experience and training of team members, addition of new members, and the like. Practice scenarios involving museum-school boundary breaches.
3. Implement post-drill assessments to identify, document, and address any confusion among staff or students. Tones and colors associated with the specific response can be incorporated, too.
4. The District could require building administrators to confirm receipt and understanding of the emergency type through a digital acknowledgment system, thereby creating an audit trail.
5. Include specific training modules for shared-campus challenges unique to Drew's configuration.
6. Train staff on managing traumatic incidents while maintaining accurate documentation.
7. Museum partners should be invited to and participate in as many of the training events as possible.

Incident Reviews

1. Implement multiple verification methods for identifying all affected parties, particularly when staff [REDACTED] may have incomplete recollections.
2. Provide immediate debriefing and support for staff involved in security/safety incidents.
3. Have additional reviews in place related to physical evidence, witness identification, and video-footage collection to prevent missing witnesses, evidence, and other data needed for internal and external investigations.
4. Ensure crisis response teams are activated for both immediate and long-term support.
5. Ensure all students directly affected by an incident are identified through comprehensive review, not solely staff recollection. This may include a review of video footage, which can then be documented on the incident report as reviewed and all pertinent parties identified.
6. Ensure parent notification occurs as soon as practicable following security incidents and updated, as needed, after incident review.



These recommendations address the gaps identified as a result of the Drew incident while recognizing the unique challenges of a shared campus. Drew and the museum have already implemented changes designed to increase communication, to make communication more effective, and to enhance their partnership and dedication to safety. This includes monthly meetings and shared security communications. Implementation of any further recommendations should be prioritized based on immediate safety concerns, with access, emergency-communication clarity, and training requirements taking precedence.

ALLEGATION RELATED TO DA SUBPOENA NON-COMPLIANCE

As part of our engagement, we were asked to evaluate the podcast allegations that the Buffalo Public Schools failed to comply with subpoenas issued by the Erie County District Attorney's Office in connection with criminal investigations, including, specifically, subpoenas related to video footage and other documents from Drew. At a high level, the allegation suggests that when law enforcement sought records or testimony from BPS, the District either did not respond as required or it otherwise obstructed lawful process.

Allegations of subpoena noncompliance are serious. Subpoenas—whether issued in criminal or civil matters—are court process, not informal requests. They are the mechanism by which courts, grand juries, and litigants secure testimony and obtain records that are relevant and material to pending actions or investigations. A public school district, as a governmental entity, has both a legal obligation to respond timely and appropriately to valid subpoenas and, in many instances, statutory duties to safeguard confidential information. Apparent tension between these obligations can give rise to disputes, but the disputes are meant to be resolved through defined legal procedures, not through unilateral refusal or disregard of process.

While the concern raised in the podcast focused on criminal proceedings, here is a general overview of the ways a requesting party can seek subpoena enforcement in civil and criminal matters, as the District is subject to both. The following sections set out the governing legal framework for subpoenas in New York—first in the civil context and then in the criminal context (including grand jury subpoenas). The legal framework below describes how subpoenas are issued, what compliance dictates from recipients such as BPS, and what remedies are available to issuing authorities in the event of noncompliance. Against that background, we then evaluate the subpoena-related conduct attributed to BPS and assess.

CIVIL SUBPOENAS

Civil subpoenas in New York are governed primarily by CPLR Article 23 (Subpoenas, Oaths and Affirmations), together with the disclosure provisions found in CPLR Article 31 (Disclosure). Article 23 governs who may issue subpoenas, how they must be served, the mechanics of compliance, motions to quash or modify, and sanctions for disobedience. Article 31 governs the use of subpoenas as disclosure devices, such as, for example, for depositions and document production in civil actions.

While we will not identify all of the mechanics and requirements for subpoena issuance and service, as that is outside the scope of our investigation and reporting, we will address remedies for non-compliance, to confirm their existence. More specifically, when a subpoena recipient fails to comply, the remedies generally depend on whether the subpoena is judicial (issued by a judge and returnable in a court) or non-judicial (not returnable in a court. For instance, this could be a subpoena issued by an attorney for a deposition or an administrative subpoena issued by an agency.).

Failure to comply with a judicial subpoena is punishable as contempt of court. If the witness is a party, the court may strike that party's pleadings as a sanction. The subpoenaed person is liable to the issuing party for a statutory penalty and any damages caused by the failure to comply. The court may also issue a warrant directing the sheriff to bring the witness into court; if the witness appears but refuses without reasonable cause to testify or produce documents, the court may commit the witness to jail until compliance or lawful discharge. Thus, for a judicial subpoena, the requesting party may apply directly to the issuing court for contempt sanctions, a warrant, and other relief.

If a person fails to comply with a non-judicial subpoena, the issuer may move in Supreme Court to compel compliance and to seek other sanctions. If the court finds the subpoena was authorized, it must order compliance and it may impose costs up to a certain limit. The subpoenaed person is also liable for a statutory penalty (again, up to a specified limit) and damages caused by the failure to comply. Here, too, the court may issue a warrant to bring the witness before the body requiring the appearance, and it may commit a recalcitrant witness to jail until compliance or discharge, on proof by affidavit. There may be other relief granted, depending on the circumstances.

In short, if a requesting party believes that the District has not complied with a civil subpoena, the party's remedies are to move to compel and enforce it, and to seek appropriate sanctions or contempt if non-compliance continues.

SUBPOENAS IN CRIMINAL MATTERS

New York's Criminal Procedure Law (CPL) Article 610 governs subpoenas in criminal cases. It is entitled "Securing Attendance of Witnesses by Subpoena." Here, again, there are several key provisions that dictate all aspects of the subpoena's content, service, and compliance. Non-compliance is addressed under the CPLR and New York Judiciary Law, just as for grand-jury subpoenas, largely through orders compelling compliance, contempt sanctions, fines, and, where necessary, warrants to produce the witness.

Similarly, grand-jury proceedings are governed by CPL Article 190 (The Grand Jury and Its Proceedings). A grand-jury subpoena may command either testimony or the production of documents or other physical evidence. Because a DA-issued subpoena like this one is a court mandate, disobedience may be punished as criminal contempt. Alleged non-compliance with a grand-jury subpoena is normally addressed through the supervising court, which can order compliance and impose contempt sanctions (fines or imprisonment) if disobedience continues. Like its civil counterpart, courts may issue a warrant directing a sheriff to bring the witness before the court, and, if the witness persists in refusing to testify or to produce records without lawful excuse, the court may commit the witness to jail until compliance or discharge according to law. Under New York's framework, sustained non-compliance by an institutional witness in the face of a valid subpoena would normally generate corresponding enforcement activity by the district attorney and one or more orders or contempt rulings by the supervising court.

THE GENERAL BPS METHOD OF PROCESSING SUBPOENAS

We reviewed a list of nineteen subpoenas received by the District from October 2023 through May 2025. This subpoena list was responsive to a FOIL request it received. The list shows a number of subpoenas—including both document subpoenas (referred to as a subpoena duces tecum) and subpoenas seeking witness testimony (referred to as a subpoena ad testificandum)—received for various matters, including cases pending in New York State Supreme Court, Workers' Compensation Board proceedings, Family Court, Grand Jury proceedings, and Social Security matters. The BPS Legal Department advised that the vast majority of subpoenas received are for Family Court matters. The chart shows that the BPS Legal Department received the majority of these subpoenas anywhere within one day to fifteen days of receipt from the receiving individual or department, if the Legal Office did not receive the subpoena directly. This chart indicates compliance with the requests, with some instances of the BPS attorneys requesting a FERPA authorization or court order to release records. One example noted a request for further communication with the DA's office because its subpoena was sent to the incorrect school.

The Legal Department does not have a documented process related to subpoena receipt and submission to its Department for handling. Likewise, the BTF 2022 contract with the Buffalo Board of Education¹⁹ does not identify a process instructing members on actions to take when served with a subpoena. But the general process in the District involves subpoenas being served on the Board office or a specific employee. Usually, the subpoena is then sent to the BPS Office of Legal Counsel for review. The Office of Legal Counsel reviews the subpoena for statutory compliance, and if proper, it forwards the subpoena to the appropriate department or employee to provide the requested records or to appear to give testimony. The Office of Legal Counsel recognizes that it may not receive subpoenas for testimony unless the employee sends the subpoena to that office, or calls to advise about it or to ask questions. If the Legal Department receives an inquiry, it will review the subpoena for compliance with statutory obligations, and then, if valid, it will advise the employee about his or her appearance obligations. Employees are always free to ask their union representative or personal counsel about the subpoena, its propriety, and their obligations under it. The Office of Legal Counsel was not aware of any instances where a subpoena was issued and an employee did not cooperate or was advised to not cooperate. If contacted and if the subpoena is valid, the Office of Legal Counsel advises the recipient to comply.

Likewise, if a requesting party notifies the Legal Department that a department did not provide the requested materials after being advised of the subpoena, the Office of Legal Counsel follows up with the department and asks it to respond.

The Office of Legal Counsel further stated that if asked, it may advise a recipient unsure about answering a question due to confidentiality concerns to direct the concerns to the questioning party, explain the concern, and request guidance from the DA or the court. The General Counsel was aware of one instance since December 2023 of that happening, and in that case, the attorney speaking with the witness advised the witness to voice any concerns related to confidentiality,

¹⁹

Available at: https://www.btfny.org/cba/2022_btf_contract.pdf.

and further advised that the witness could answer the question in that case if provided with a court order or judicial permission.

From this information, it is clear that the District's handling of subpoenas relies on notification by the subpoena recipient. A person or department could ignore a subpoena, without the Legal Department ever knowing. If the requesting party does not copy the Legal Department on the subpoena, or work through that office, there can be instances of non-compliance or delayed compliance. The onus is on the requesting party, however, to undertake enforcement or other follow-up action, as addressed above.

THE SUBPOENAS INVOLVING THE DREW INCURSION

The DA's Office engaged in the subpoena process described above, in part, to address documents and other information needed for its investigation, and ultimately, to request charges against the Drew intruder. For example, the District's Board office received a grand-jury subpoena on February 20, 2025 for footage from Drew that showed areas of the school from 10:00 a.m. to 2:00 p.m. This subpoena was not served on the Legal Department; the Legal Department had no role in the production of the footage. Instead, [REDACTED] the Security Team put together the response, and [REDACTED] advised the DA's Office that it was ready for retrieval that same day. [REDACTED] was not provided a copy of the subpoena, itself, but he was timely advised of the content of the request and the date by which the DA's Office wanted to retrieve the footage, which was a few days later.²⁰ [REDACTED] indicated that the DA's Office picked up the footage on February 24, 2025. As a best practice, the District should provide a copy of the subpoena directing the production of documents/things or witnesses for testimony to the individual compiling the records or appearing. This could help prevent any confusion in the requests, while at the same time, it would enforce the seriousness of the process.

The DA's Office also sought documents, including the Drew incident report and witness names and contact information, from the District through a separate subpoena. The DA's Office recognized the expedited nature of the request (serving the subpoena and asking for compliance within four business days) with the anticipation of presenting the case to the grand jury on the 5th business day. That office further advised of its hope that the grand-jury presentation would obviate the need for District employees to have to testify at a felony hearing in Buffalo City Court.

The District Office of Legal Counsel received this subpoena, and it noted at least one procedural deficiency immediately, in that the subpoena was not signed. But more concerning to BPS Legal at that time was a substantive issue—the potential violation of the Family Educational Rights and Privacy Act (commonly referred to as FERPA, 20 U.S.C. § 1232g; 99 CFR Part 99)—should it disclose the requested records in response to the subpoena.

FERPA protects the privacy of student education records by generally requiring parental consent before schools can disclose them to third parties. There are a number of specific exceptions for

²⁰ We discuss the content of the footage in a separate section of the report related to video-footage preservation and production.

legitimate purposes, however, including compliance with judicial orders and lawfully issued subpoenas. This law generally aims to balance student privacy with necessary disclosures for educational, health, safety, and legal purposes.

From late February through May 2025, BPS Legal and the DA's Office had several communications about documents and witnesses. With respect to the incident report and witness names, specifically, the District initially provided the Drew incident report with student data redacted to prevent any FERPA violation. The DA's Office then asked BPS Legal to identify the FERPA provision it was relying upon, but further advised that it would seek a judicial subpoena to compel the student witness names as part of the ongoing criminal investigation. BPS Legal had requested a judicial subpoena to allow for the release of the unredacted incident report that would include the student names and contact information. Having a judicial subpoena require production is one of the most efficient ways to overcome FERPA protections from the record-holder's perspective. The parties had a clear disagreement about the protections afforded under FERPA. This led to some understandable frustration, but the parties were able to resolve the issue.

Because of some of the allegations in the podcast specifically claiming obstruction, we address the obvious frustration between the parties in more detail, but we remark that this seems to have been an aberration in an otherwise legally cooperative relationship between BPS Legal and the DA's Office. After the initial email exchanges, one of the assigned ADAs sent an email to BPS Legal advising both that it made the motion to obtain the judicial subpoena, asking again for the portion of FERPA that the District was relying upon (to address it further, as needed, in the motion), and advising of [REDACTED] belief that their "ability to fully and completely investigate what may amount to an attempted kidnapping from BPS School 59 is currently being obstructed by the continued withholding of relevant and material information." The attorney affidavit accompanying the motion acknowledged that BPS requested a subpoena to produce requested materials; provided the belief that BPS did not disclose all requested materials in a meaningful manner, referencing the redacted report and further advising of the belief that BPS and School 59 had ordered witness staff members not to provide BPD or the DA's Office with the names of any minor student victims; repeating the position from the above-mentioned email that "withholding of the names and contact information for these children obstructs the ability of the District Attorney's office to fully investigate and prosecute this matter, holding the defendant responsible for his actions"; and referencing the District's reliance on FERPA as the reason underlying the non-disclosure decision. Ultimately, the court issued the subpoena, and the District provided the unredacted report and witness names in response to the court-ordered subpoena.

The District's initial hesitation and request for a judicial subpoena was supportable from a compliance standpoint, as undergoing that process ensured that it had clear legal authority to provide the records, and it potentially avoided any notification complications. With a court-ordered subpoena in a criminal matter, BPS could comply fully without the administrative burden and potential investigation interference that parental notification might create, since, unlike other student-record requests, there is no parental notification required when the subpoena is issued in circumstances like this and the court orders the contents of the subpoena or the information provided not be disclosed. We also understand the urgency and laudable goals of the

DA's Office to bring an alleged perpetrator to justice in a matter of widespread importance locally and with respect to school safety more broadly.

There were some additional follow-up communications between the District and the DA's Office about the breadth of information provided, to seek clarification on requests, and to provide additional witness information. Some of these communications occurred after the podcasts aired, which demonstrates the lack of a meeting of the minds between the parties on the scope of the subpoenas. The District was under the impression that it had complied with all requests, but it appears the DA's Office interpreted its subpoena for documents as broader. This discrepancy may have been resolved with earlier communications, had the parties known about the other's positions.

In the end, the adult witnesses were made available for interviews, and several were called to testify in grand-jury proceedings; written statements were provided; and the footage was authenticated and used to prosecute the defendant. The DA's Office has not advised that any delays compromised its investigation and ability to charge the intruder. Indeed, it appears that the ADA was able to introduce the required evidence. This resulted in the intruder entering a guilty plea on November 6, 2025 to felony attempted kidnapping (second) and four other charges in Erie County Court before Judge James F. Bargnesi. The defendant is scheduled to be sentenced on January 21, 2026. Again, as mentioned in the section on video evidence, although the outcome may not have been ultimately affected, the District does not want to foster an environment or process that increases chain-of-custody or discovery risks; the District should not act or fail to act in any way that would impede a criminal or internal investigation.

Obviously, the concerns raised in the podcasts were great enough that the Erie County District Attorney's Office issued a statement on April 28, 2025 statement in response, saying that its office:

is committed to the thorough investigation and prosecution of any crime against a child. We continue to handle any allegation of sexual assault, child abuse and tampering with evidence with the utmost seriousness. The District Attorney is aware of the statements made by a member of the Buffalo Police Department regarding the Buffalo Public School District in a recent podcast. While we understand these statements have raised concerns about the safety and well-being of children in our community, our office cannot comment at this time as to not compromise any potential investigation that may relate to those public comments. Additionally, some statements made during the podcast involve an ongoing criminal case, and our office does not comment on any matter currently pending prosecution.²¹

This situation reveals a classic tension between two legitimate governmental interests that was ultimately resolved through proper legal channels. The District had a statutory duty to protect student education records under FERPA, which generally prohibits disclosure of student information without parental consent. While this position was legally conservative, it was

²¹ See <https://www4.erie.gov/da/press/statement-erie-county-district-attorneys-office>.

legally defensible: the District wanted judicial authorization before releasing protected student data to avoid potential FERPA violations, which could lead to the loss of federal funding. On the other hand, the DA's Office was investigating what it characterized as a serious crime involving a minor—potential attempted kidnapping. The prosecutors needed complete witness information, including student names and contact information, to conduct a thorough criminal investigation and prosecution. The DA's Office viewed the redacted document and non-disclosures as obstructing its ability to fully investigate and hold the defendant accountable.

While we can understand the attention brought to this issue when words like obstruction are used in communications and formal legal documents, we did not find support that this was a case of purposeful, targeted obstruction or non-compliance, but rather two government entities working through legitimate legal tensions. The process the parties went through demonstrates how competing legal obligations can be reconciled through established procedures rather than unilateral action by either party. Further, it is our understanding that no other issues related to compliance have arisen between the parties, making it more likely than not that this was an aberration in an otherwise collaborative and compliant relationship.

THE 2023 INCIDENT SUBPOENA

We were advised of another example of alleged subpoena non-compliance provided by Detective Hy involving a 2023 incident that resulted in a BPD report (complaint) being issued. The allegation was that a BPS principal was subpoenaed by the DA's Office, but refused to appear, let alone respond to the subpoena. The District did not have record of receiving any subpoena related to this matter in its chart. We sent a FOIL request to the BPD for the case to further investigate this, but our request was denied. We were informed that the BPD matter was closed, but we do not know if it was closed through arrest or otherwise.

As discussed above, BPS Legal may not have known about the subpoena if the principal did not advise about its receipt. We could not investigate this, otherwise, as we could not obtain the school number or the principal's name. Likewise, the DA's Office could not provide information related to any purported subpoena non-compliance due to legal or policy constraints. Understandably, even after the fact, disclosure of investigative details could compromise witness safety, alert suspects, taint jury pools, violate victims' privacy rights, and potentially expose the DA's Office to civil liability for defamation or privacy violations, while also risking criminal prosecutions being dismissed due to prosecutorial misconduct or due-process violations.

Thus, we found no evidence to confirm or dispute the report of subpoena non-compliance. We do not know if the person in this instance complied, if the DA withdrew the subpoena, or otherwise. But we have outlined how the process can be changed, if needed, and the enforcement mechanisms available to the DA's Office, which can be utilized for instances of any non-compliance.

SUMMARY

FERPA creates a complex legal framework that significantly impacts how schools respond to law-enforcement investigations and subpoenas, but it should not serve as a blanket excuse for non-cooperation with legitimate criminal investigations involving child safety. The concern in the podcasts that the District was misusing FERPA as a shield, claiming privacy concerns even when presented with proper legal process, is concerning, but was not supported from the documents and information we gathered or reviewed. As long as there are no other instances suggesting the misapplication of FERPA—and that statute and the cases interpreting its application are too voluminous to address in this report, and are largely outside of our scope of reporting—there should be no concern that the District is prioritizing institutional protection over child safety.

Based on the information we obtained, we suggest the following:

1. As much as possible, the BPS Legal Office should receive all subpoenas for timely tracking and responding. Making this office the hub could prevent allegations of delay and unjustified lack of response and reduce frustrations by the requesting party and the producing party. A subpoena-tracking system could be developed to:
 - a. Centralize a log accessible to Legal and key administrators.
 - b. Automate alerts for compliance deadlines.
 - c. Tracking the status (received, under review, responded, closed).
 - d. Generate compliance reports, as needed.
 - e. Implement the use of a dedicated email address related to subpoena receipt, such as subpoenas@buffaloschools.org. These emails could be automatically forwarded to the Legal Office.
2. The District should consider developing a comprehensive protocol that:
 - a. Documents the chain of custody (from receipt of the subpoena to production).
 - b. Provides mandatory timeframes for internal escalation (e.g., provide by email, or other transmission method, within 24 hours to Legal).
 - c. Advises on the procedure for different types of subpoenas received, if needed, such as criminal, civil, grandy jury, and administrative.
 - d. Documents each step of the process.
3. Implement training to cover the legal significance of subpoenas, the potential liability for non-compliance, protocols developed, and the impact of FERPA. The District may want to include this as a required element of training mentioned in union contracts. The District may also want to speak with union officials about encouraging members to contact the BPS Legal Office related to subpoena matters, with contemporaneous notice to the union representatives.

ALLEGED DESTRUCTION OF EVIDENCE - VIDEOS

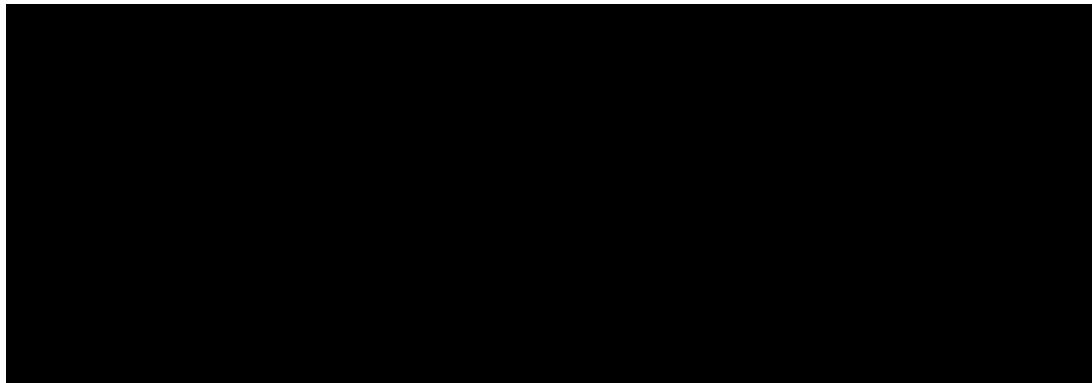
INTRODUCTION

Our investigation into the podcast allegations, including those surrounding the February 11, 2025 incident at Dr. Charles R. Drew Science Magnet School, has revealed gaps in the Buffalo Public Schools' video-surveillance-retention-and-production protocols. While the District maintains extensive camera coverage across its facilities, the current system for identifying, preserving, and producing video footage relies heavily on individual administrative discretion, and it lacks standardized procedures for comprehensive evidence preservation. The current approach has resulted in the irretrievable loss of potentially relevant video footage, which could complicate both internal investigations and responses to external legal requests.

There is nearly universal agreement among the people interviewed that the District camera systems, themselves, are functional and provide sufficient coverage of the BPS properties, inside and outside. But video preservation depends on timely, accurate, and clearly scoped requests. Auto-overwrite is an inherent system feature, and it may not be fully understood by staff outside of the BPS Security Team, which could lead to loss of evidence.

In that regard, the current practice—where building administrators must specifically request retention of identified footage segments—creates multiple points of potential failure. As evidenced in the Drew incident, discussed in more detail below, footage that was not initially requested—including video of the perpetrator's interaction with students in a hallway—was subsequently lost to automatic system overwriting before the footage was recognized as relevant. The podcast characterized this loss as intentional. We found no evidence to indicate that this omission was purposeful, but it was neglectful. This section of the report therefore examines the current video-retention practices and provides recommendations for implementing more robust protocols that ensure comprehensive evidence preservation while maintaining compliance with privacy regulations and legal requirements.

The form used to request footage has been updated and exists electronically, [REDACTED]



This form confirms that the requester decides which footage to secure, and that there is no secondary level of review of the request before the automatic overwriting occurs.

Any requested footage is archived in a number of ways for preservation purposes, but any footage not requested is not retained. The Security Team attempts to avoid inadvertent footage non-retention, specifically advising its security officers that video requests should be made promptly, as video capture only lasts one to two weeks, depending on the camera and the school.

The Security Team training manual specifically advises security officers to follow the following protocol with respect to video requests:

The following procedure should be followed.

- Text the supervision thread of the incident.
- Do an incident report of the incident.
- Request the video using the form located on the security web site located on the district website.
- Email the supervision team with the description of the event, the beginning time, the end time, date and camera numbers.

But again, this system relies on a one person's determination of the proper video evidence to capture, and it is somewhat inconsistent with other reporting, such as that on the District incident report form, signed by the building principal. In the incident-report form's additional-details section, there is an area to note the capture of video evidence, the camera locations, and the time stamps:

ADDITIONAL DETAILS

VIDEO EVIDENCE YES NO

CAMERA/S LOCATION & TIME STAMP: _____

While the most important action is preservation, the District needs to harmonize its practices. It is not clear who takes the lead on making the decision about the duration and area of footage to collect. The potential lack of consistency in preservation requests could create unnecessary confusion. But when in doubt, the requesting party should retain more footage, not less.

More specifically, in talking with District personnel, including administrators and members of the BPS Security Team, the existing video-retention protocol at the District operates on a reactive, request-based system that places primary responsibility on building-level administrators or security officers to identify and request preservation of specific footage. This approach presents several potential vulnerabilities:

1. Limited Scope of Initial Preservation: Building administrators or security officers, often responding in emergency situations, may not immediately recognize all relevant footage requiring preservation. This may result in the inadvertent loss of information. Administrators and officers need to consider a number of factors relating to the incident, more broadly, and they need additional training on proper retention parameters. While administrators may have more experience with footage needed for disciplinary matters, it is not clear if either category of personnel have specific training in evidence collection.²²
2. Absence of Standardized Retention Parameters: The current system lacks clear guidelines for determining the temporal and spatial scope of footage preservation. Administrators or security officers must make real-time decisions about which cameras to review and what timeframes to preserve without established protocols for comprehensive coverage. This ad-hoc approach risks overlooking footage from adjacent areas or extended timeframes that may later prove crucial for understanding incident patterns, identifying additional witnesses, or establishing timelines of activity or omissions.
3. Communication Gaps or Inconsistencies in the Request Process: The multi-step process from incident occurrence to footage preservation creates opportunities for miscommunication. The chain of notification—from building administrator (or security officer) to the Security Team members responsible for preserving the footage—introduces potential delays and misunderstandings about the scope of preservation needed. The Drew incident demonstrates this vulnerability, where despite multiple administrators, more than one BPD officer, and a security officer generally being involved, critical footage was not identified for preservation.
4. Inadequate Documentation of Preservation Decisions: how the reporting person decided to capture the footage is not reflected in any reports or protocols. Reporters should consider many factors in this regard, including the potential for evidence and witnesses in other physical areas and outside of the specific time of the incident. They need to understand the disciplinary, evidentiary, and legal ramifications, or have go-to resources to confirm them.

²² We recognize that the security officers are asked to confiscate and process contraband and weapons, but this gathering process is much different than determining evidence needed. *See* § VIII of the High School section of the security officer's information packet, pp. 12, 43.

5. Legal and Investigative Implications: The current video-retention practices create significant challenges for legal compliance and investigation support. This is particularly true when subpoenas or other requests for information arrive outside of the video-retention period, i.e., after the footage is automatically overwritten. The District may be hampered in performing its own investigations or in reviewing security incidents in addition to being unable to respond to outside requests.

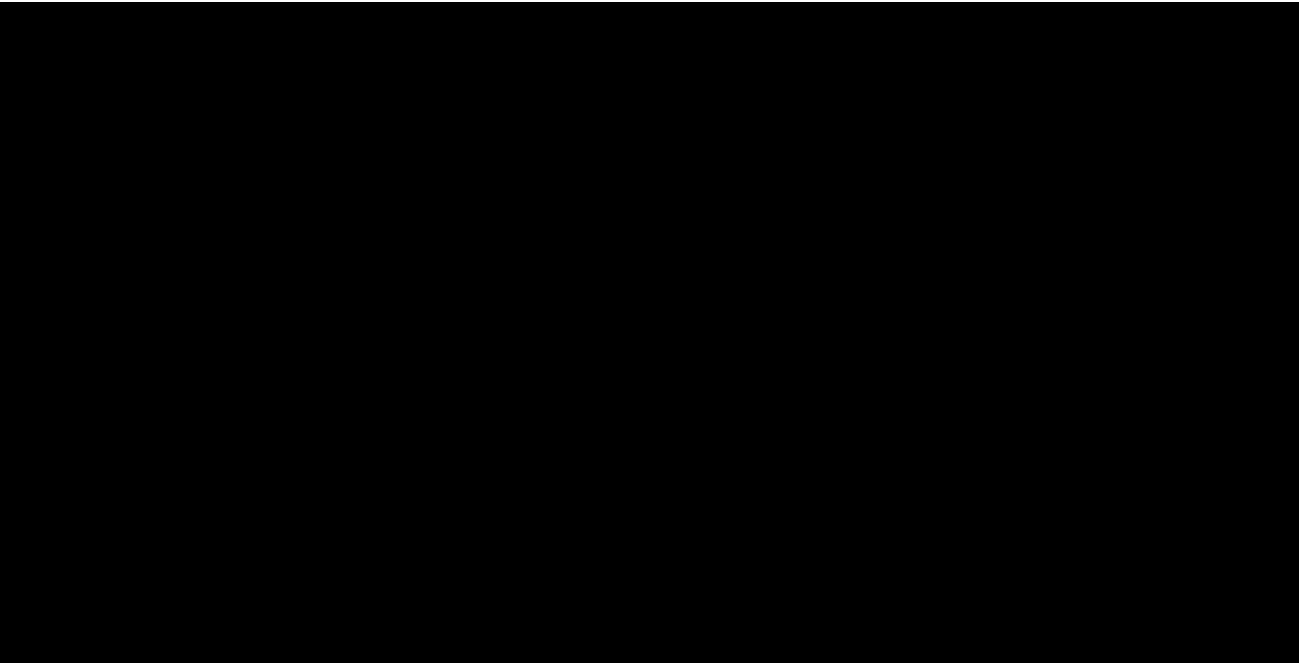
APPLICATION TO DREW

These issues can be better understood with a specific example. The allegation in the podcasts relates to footage relevant to the Drew incursion that was not retained by the District. More specifically, the podcasts indicated that the school deleted a video of the attempted abduction, that the DA's Office only received a copy because someone within the school had the wherewithal to record it on their own phone, and without this person's action, the video evidence would not have been available for investigators and to the DA in pursuing charges. Our investigation confirmed that footage of the incident from one camera was not preserved.²³ Footage from three other cameras, however, was immediately preserved.

The Drew video-footage non-retention was widely described by District personnel as an unfortunate process failure, driven by assumptions that someone else had requested footage, informal or verbal requests, and the lack of a single mandatory workflow related to preservation requests. All of the interviewees denied any intentional destruction or concealment of footage. After the fact, there was disagreement about who preserved the footage and why, which, when combined with the potential loss of evidence, evinces the need to create better protocols and to support communications and training efforts related to them.

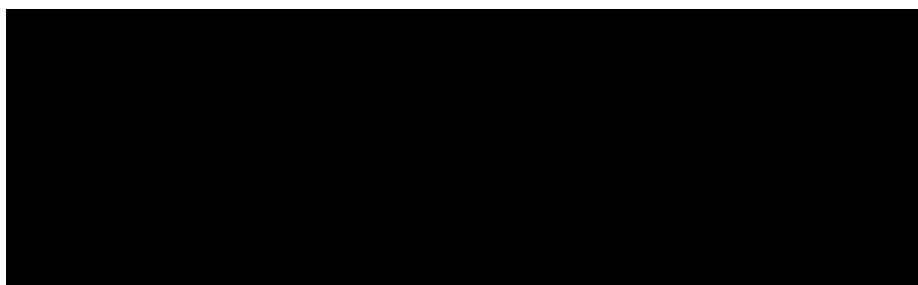
At the time of this incident, the District's incident report form (effective November 4, 2024) had a section for additional details that specifically elicited information on the availability of video evidence, the applicable camera location, and the time stamps of relevant footage.

²³ Please *see* the separate section on subpoena compliance for other information and details related to the video-preservation issue that are not specifically addressed here.



This form identified [REDACTED] cameras by location [REDACTED] as well as what appears to be the starting footage time and a brief description of what is portrayed. The description here is helpful for identifying the information captured. The time entries should be clarified as the starting times. An even better approach would be to identify the duration of the footage, with express starting and ending times noted. This would help the Security Team preserve the footage.

[REDACTED] helped write the Drew incident report [REDACTED] As a measure of caution, [REDACTED] on the day of the incident or the next day to review the content of the form, and to get [REDACTED] agreement on it before signing. [REDACTED]

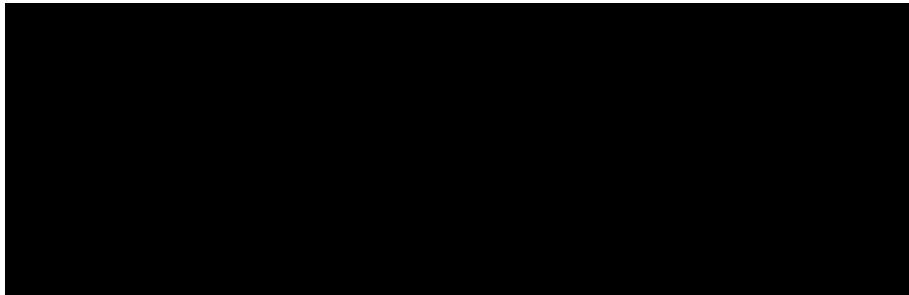


[REDACTED] These documents all report consistently that the administrative team met to discuss the incident and to agree on the content of the resulting incident form.

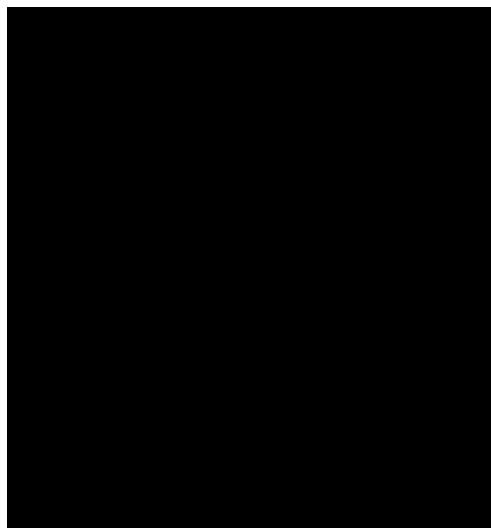
Typically, an administrator would complete the form, him or herself, [REDACTED] The unusual circumstances presented as a result of this incident added a layer to the process. Both this additional layer and the emotion elicited in the wake of it has made it difficult for us to fully reconcile witness recollections after the fact. The situation was further complicated by the

principal's absence from the school at the time of the incursion. This is noticeable with respect to the collection of the video footage times needed for preservation.

[REDACTED] met with a BPD officer, who wrote down the camera information on a sticky note:



[REDACTED] they identified the times and cameras that had the most relevant information. It is not clear exactly what happened to the post-it note identifying the camera information thereafter. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



The information from this post-it note was generally captured in the school incident form. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The school seems to have been completely deferential to the BPD in its identification of applicable footage. This is understandable, as the police were commencing a criminal

investigation and the school personnel capturing the video-footage information were not trained criminal investigators; the school personnel would not have the training, education, or experience to fully know the goals of the BPD and the evidence it would need to bring its contemplated charges. As well, [REDACTED] Security was present during the video review at Drew, which the school personnel may have placed further reliance upon instead of conducting the review independently itself. While the school properly deferred to the police from an evidentiary standpoint, it should have exercised some independent judgment for its own purposes, particularly since it was the entity still holding the original evidence (the complete footage).

For example, there may have been Workers' Compensation implications for any injured staff members. Affected students may have submitted claims for care and treatment. In other scenarios, the school may have needed footage for disciplinary reasons or to seek reimbursement for damages. The BPD would not be concerned about these issues, only the criminality of the event. When a school automatically defers to police determinations about what footage is relevant and then allows everything else to be overwritten, it abandons its independent duty to protect students, staff, and its own institutional interests. The case of the Drew footage underscores the impact of blind deference after the fact: not only the loss of potential evidence but a claim of deliberate destruction that potentially violates not just its moral obligations but also various legal duties related to record retention, workplace safety, and educational transparency.

The expressed concern about an allegedly missing fourth video seems to have arisen in a couple of ways. First, there were four cameras in the area of the intrusion, and the split screens in the school's office showed these four different viewpoints. Second, [REDACTED] recorded video on [REDACTED] personal cellphone of a fourth camera angle, although [REDACTED] [REDACTED] thought [REDACTED] footage was the same as the camera footage from at least one of the other three cameras. [REDACTED] made it difficult to reconcile with the podcast claims and other information we gathered. It is not clear why [REDACTED] captured this video, but there has been some indication from other sources that [REDACTED] did so to support any future injury claim or to thwart any claim of injury by the assailant [REDACTED]

The District Security Team received an initial verbal request [REDACTED] [REDACTED] [REDACTED] to preserve footage. At that time, [REDACTED] [REDACTED] retained certain footage. [REDACTED] thought they had all relevant footage; anything from a different angle looked the same [REDACTED] They retained at least eight minutes of footage right away in case the assailant made claims against their security officer, [REDACTED] Again, this shows the narrow thought process at the time, to the detriment of broader purposes.

The District Security Team was unaware [REDACTED] captured certain information until one of the security supervisors, [REDACTED] met with the DA's Office in preparation for grand-jury testimony involving the capture of video footage at Drew, as the Security Team handles the preservation requests. At that time (April 1, 2025), [REDACTED] was informed that the DA's

Office was able to download the video retained by [REDACTED] for evidentiary purposes. [REDACTED] was able to authenticate the footage from the other three cameras, and [REDACTED] was informed that [REDACTED] [REDACTED] authenticated [REDACTED] footage as part of the criminal process. When [REDACTED] returned to the office after testifying, [REDACTED] attempted to retrieve the fourth camera's footage, but it had been automatically written over due to the passage of time. No one previously requested [REDACTED] office to preserve that footage.

We address more details related to the subpoena efforts by the DA's Office relative to the Drew video footage in another section of the report. While we found no evidence of intentional destruction of footage, this matter exemplifies the issues that can arise during emergencies, including the potential breakdown in communication and loss of evidence. In particular, the District's inability to produce comprehensive footage in response to the Erie County District Attorney's subpoenas highlights the legal risks inherent in the current system. The time of the request may not always be known to the District, but the level of incident should have triggered a higher level of review, with additional safeguards, such as another level of review.

The DA's Office has not advised that the loss of footage from the District compromised its investigation and ability to charge the intruder. Indeed, it appears that the ADA was able to introduce the footage before the grand jury through the testimony of [REDACTED]. Further, the intruder entered a guilty plea on November 6, 2025 to felony attempted kidnapping (second) and four other charges in Erie County Court before Judge James F. Bargnesi. The defendant is scheduled to be sentenced on January 21, 2026. Although the outcome may not have been ultimately affected, the District does not want to foster an environment or process that increases chain-of-custody or discovery risks; the District should not act or fail to act in any way that would impede a criminal or internal investigation. Strengthening its processes will also help the District avoid criticism about its commitment to student safety and transparent cooperation with law enforcement.

Since the incident at Drew, the Security Team implemented an updated video-request process. Post-incident improvements included creating a Google Docs form for video requests with a checkbox system with initials for verification, but it is not clear that these reforms fully resolve the issue. Further, neither the old form nor the new one specifically identifies who determined the information to preserve, nor do they indicate that there were any internal checks in place to ratify the initial determination. The absence of an audit trail for preservation decisions complicates both quality control and subsequent investigations. Otherwise, the Security Team reinforced the prohibition on personal-device recording due to chain-of-custody and discovery risks. Interviewees largely believed that the purported missing-videos narrative stemmed from external speculation rather than intentional withholding, although as discussed above, the communication gaps were certainly real.

RECOMMENDATIONS

Based on all of the information collected and reviewed, and after identifying the issues above, we recommend that the District:

1. Establish Automatic Preservation Protocols: Implement automatic preservation triggers for any incident involving:
 - 911 calls from school facilities.
 - Activation of emergency-response protocols.
 - Reports of unauthorized individuals on school property.
 - Any incident requiring law-enforcement or other emergency-provider response.
 - Student or staff injury requiring medical attention.
 - Weapons.

These triggers should initiate preservation of all camera footage from affected buildings from the school day, from regular starting time to regular end time, with the possibility that more footage should be preserved, depending on the circumstances. In addition, all cameras in the immediate vicinity and all entrance/exit points should be retained, as well as the areas from the entry point to the specific area of the incident. Having an automatic retention requirement will help reduce the possibility of losing evidence following the emotion, confusion, and activities in the wake of an actual emergency. Reconstructing the response sequence could be of vital importance.

2. Standardize the Preservation-Request Process: The District needs to align the process so that properly trained personnel are making the retention request in the first instance. This would likely be an administrator or a member of the Security Team. Whoever is not the first decision maker on the retention can serve as the reviewer, checking both the duration requested and the areas requested. This will help prevent loss due to incorrect, incomplete, or untimely requests. While it may not be required, the District could implement a third tier of review by someone outside of these roles as a measure of caution. All people making and reviewing the requests should be documented.
3. Enhance the Request Form: The video-request form should require the requestor to specify the nature of the incident, all involved parties, and all potentially affected areas of the building or exterior. In addition, there could be a section asking whether extended timeframes (outside of the regular school hours or outside of the incident timeframe) was considered (yes/no answer checkbox). Similarly, there could be a checkbox for the review of entrance/exit footage, and whether that needed to be retained. There can be an advisory comment on the form acknowledging that the preservation requirements may be broader in scope than what is immediately apparent to help reinforce this idea. The form should also inform requesters to make requests within a specific period of time due to the system automatic overwriting that will otherwise occur.

4. Enhance Training and Support: Develop a comprehensive training program that educates administrators, the Security Team officers, and others on the importance of broad initial preservation. Guidelines should identify potentially relevant footage beyond the immediate incident scene, to include hallways, entrances, and exits. Training could also identify and emphasize clear escalation procedures for complex preservation decisions, when more than one decisionmaker should be involved.

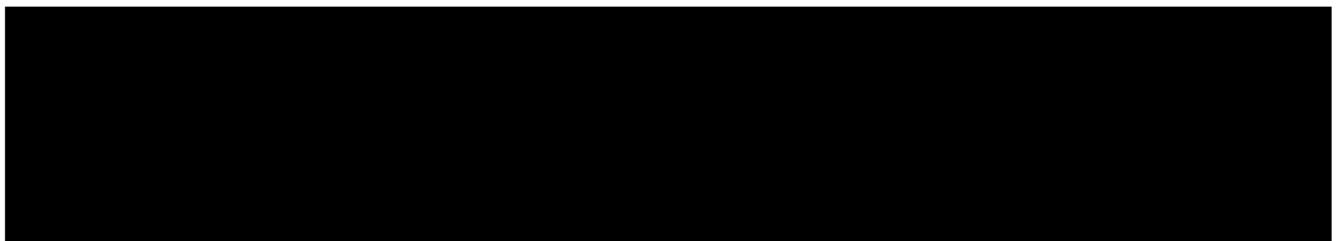
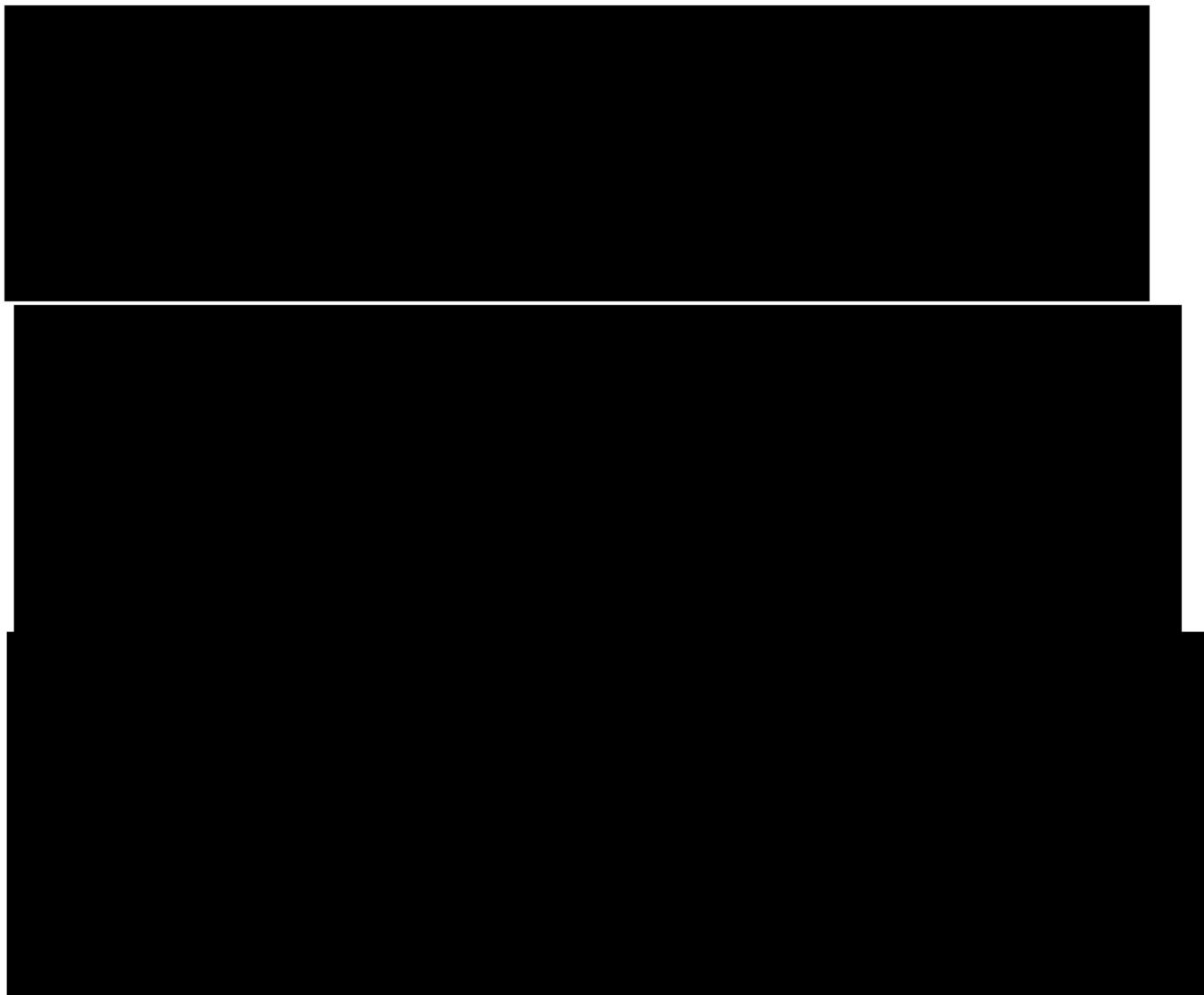
BUILDING-LEVEL EMERGENCY-RESPONSE PLANS (BLERPs)

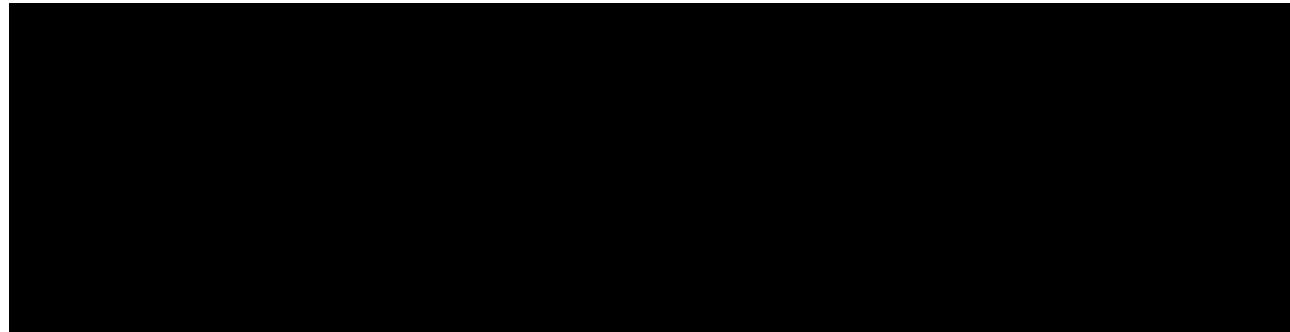
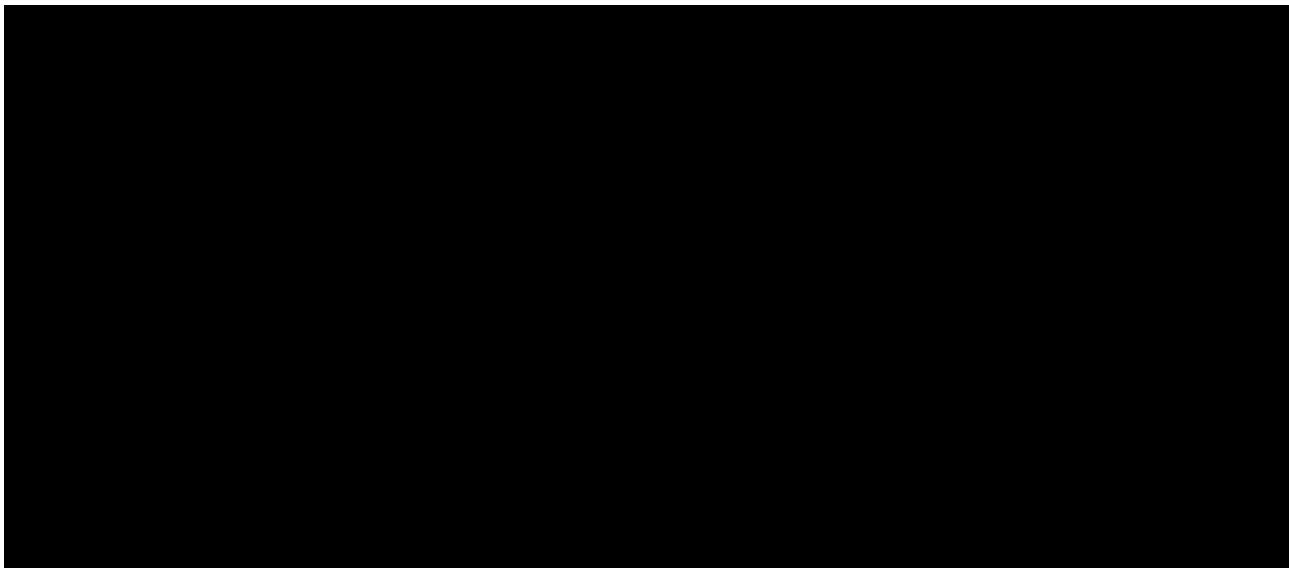
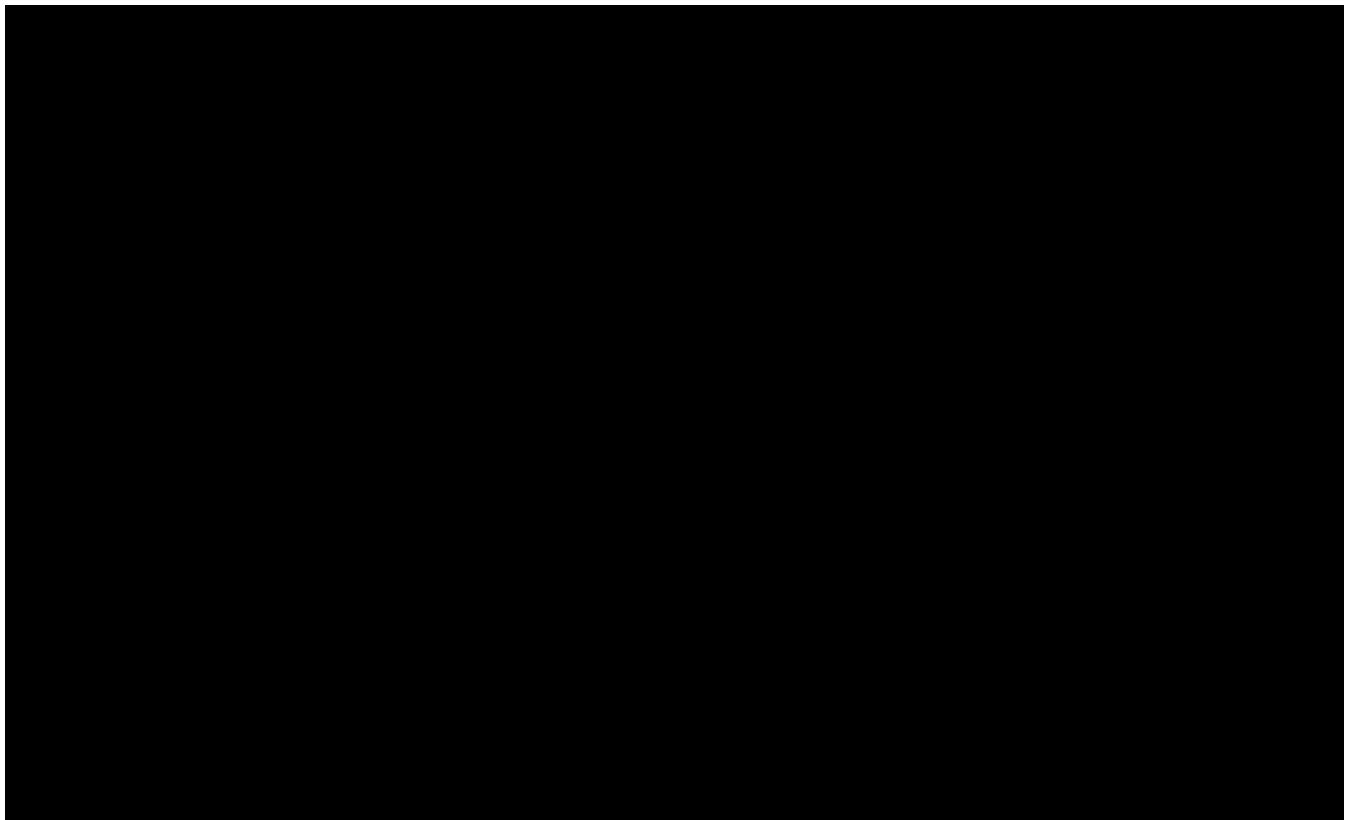
As part of our investigation, it was important to understand the documents underlying District safety. One of the key documents for each school is a building-level emergency-response plan (BLERP). We reviewed a number of these safety plans utilized by the District's schools. Unlike the district-wide safety plan, each school develops its own tailored BLERP which is confidential by law. The BLERPs offer insight into safety protocols and planning, which speaks to many of the issues under our investigation. As a result, we provide a brief background on BLERPs here for context.

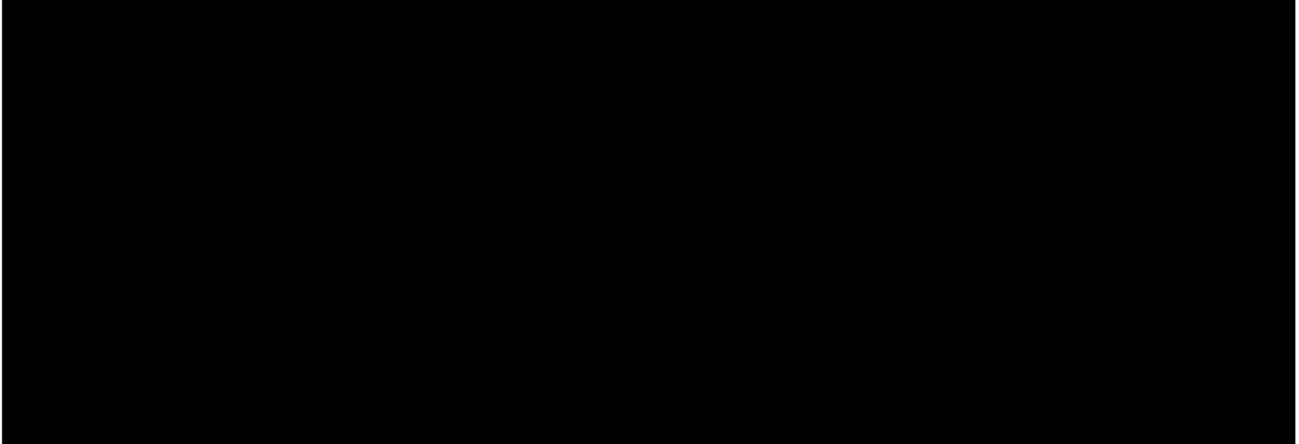
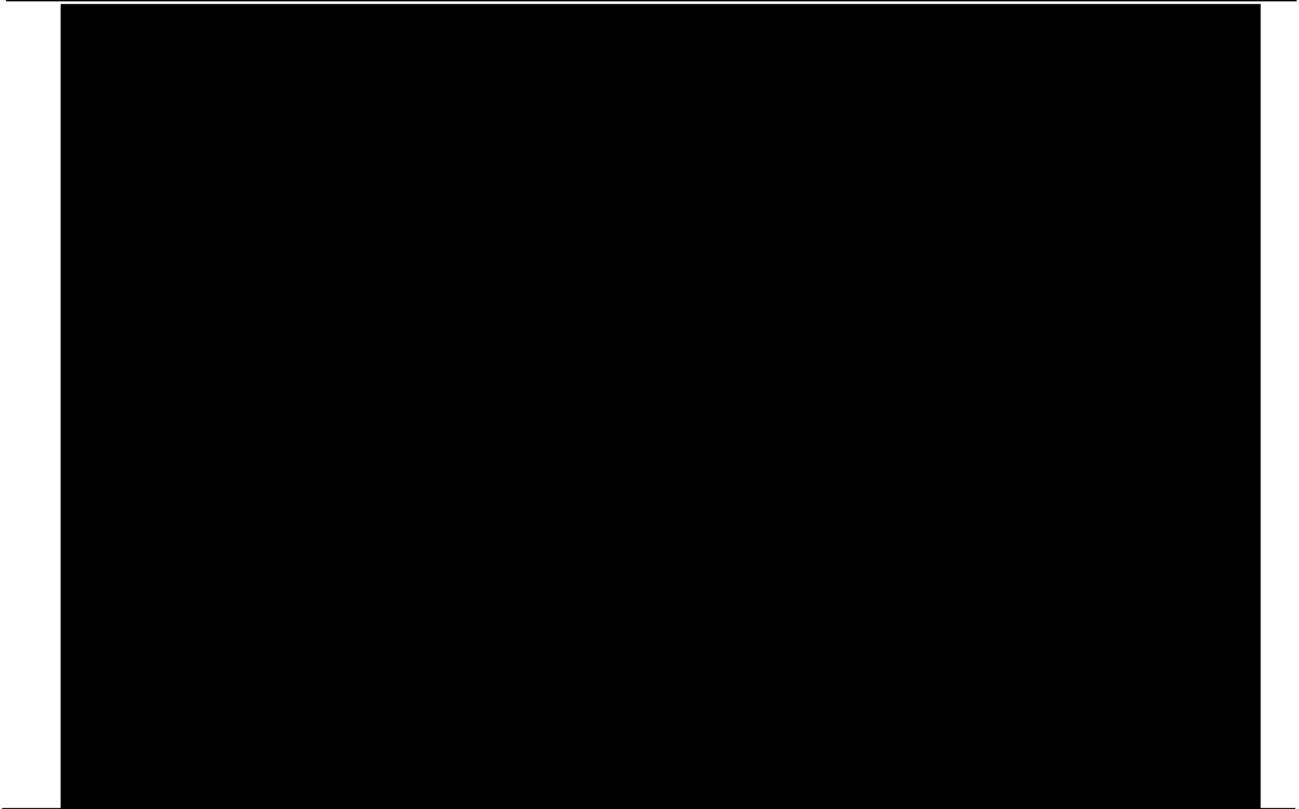
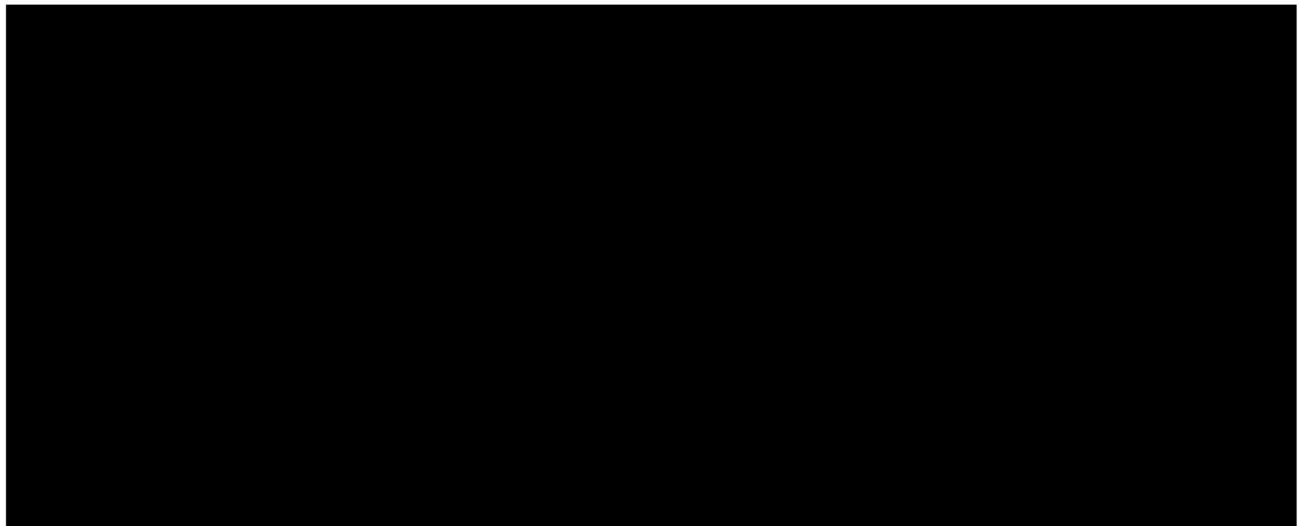
The content and requirements for BLERPs are specified in New York Education Law § 2801-a and the New York State Commissioner of Education's Regulation § 155.17. They require all public schools to develop, to annually update, and to maintain BLERPs. These comprehensive plans must detail how school personnel and students will respond to various emergency situations, incorporating standardized emergency response terminology for evacuations, sheltering in place, lockdowns, and lockouts. Each school's BLERP must include critical components such as detailed floor plans and area maps, with specific labeling requirements; functional annexes and emergency-response procedures, including those required for evacuation, sheltering, lockdowns, lockouts, and sudden cardiac arrest; and the designated personnel for the Incident Command System roles during emergencies.²⁴ Plans must be adopted each school year and filed with the appropriate local law-enforcement agency and with the New York State Police within thirty days of adoption. The confidential nature of these plans ensures security while providing essential operational guidance to school personnel and emergency responders. The content of these plans change from time to time, largely to add protocols addressing specific emergency situations.

There is a review system in place for school safety plans. Other than one audit in 2019—related to determining whether seventeen school districts and two charter schools used their financial resources to develop, adopt, file, and implement district-wide school safety plans and building-level emergency response plans in compliance with the New York State Safe Schools Against Violence in Education (SAVE) Act—the Office of the New York State Comptroller has not audited any school districts on their safety plans to our knowledge. With this background, we provide information on the other public-facing schools, which includes some of their BLERP information. In addition, we address 911 communications from BLERPs in another section of the report.

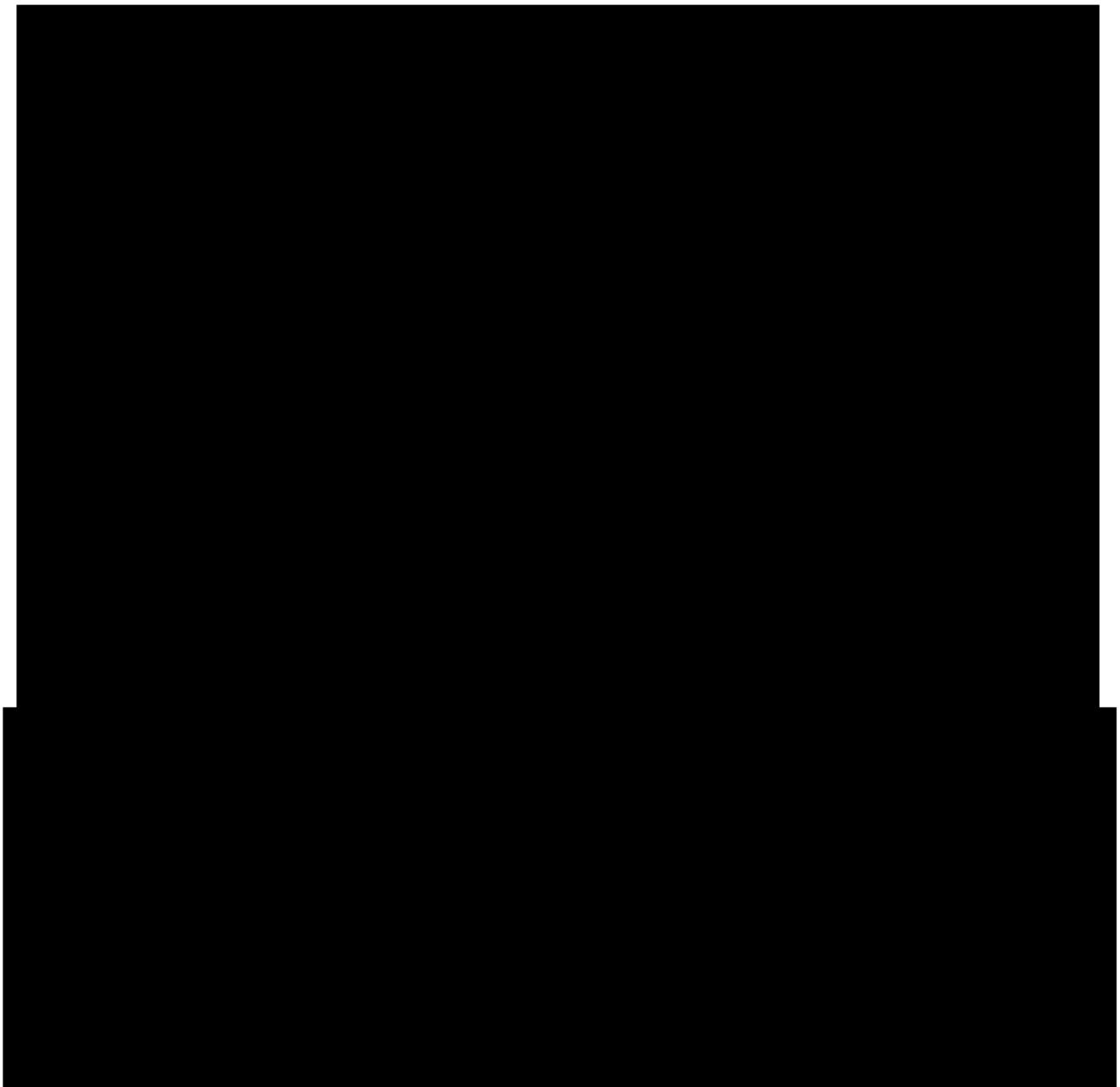
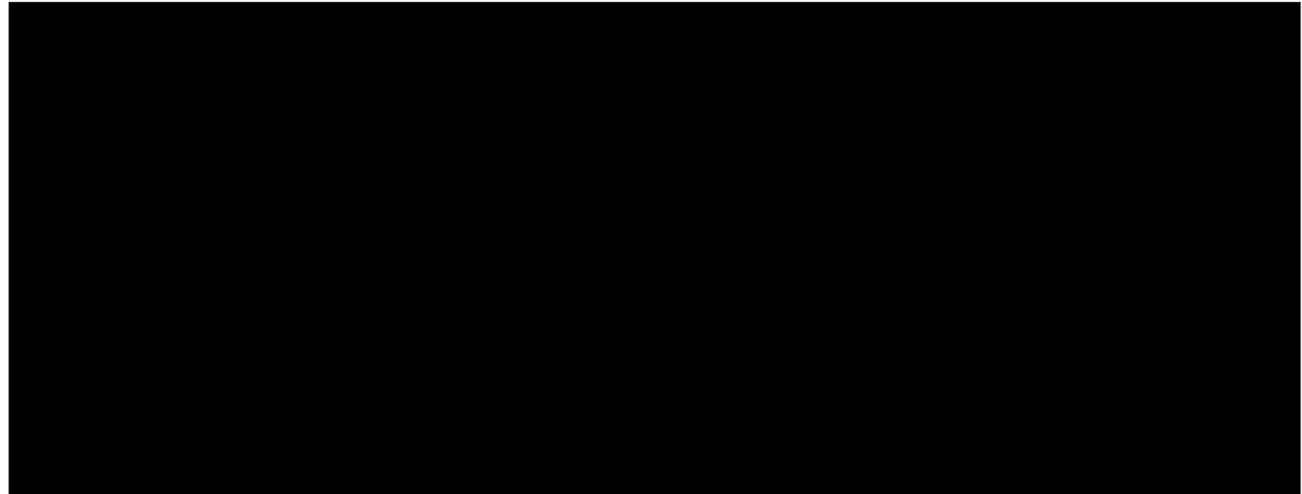
²⁴ The district-wide school safety plan has to include protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings. N.Y. Educ. Law § 2801-a(2)(i) (McKinney 2026).

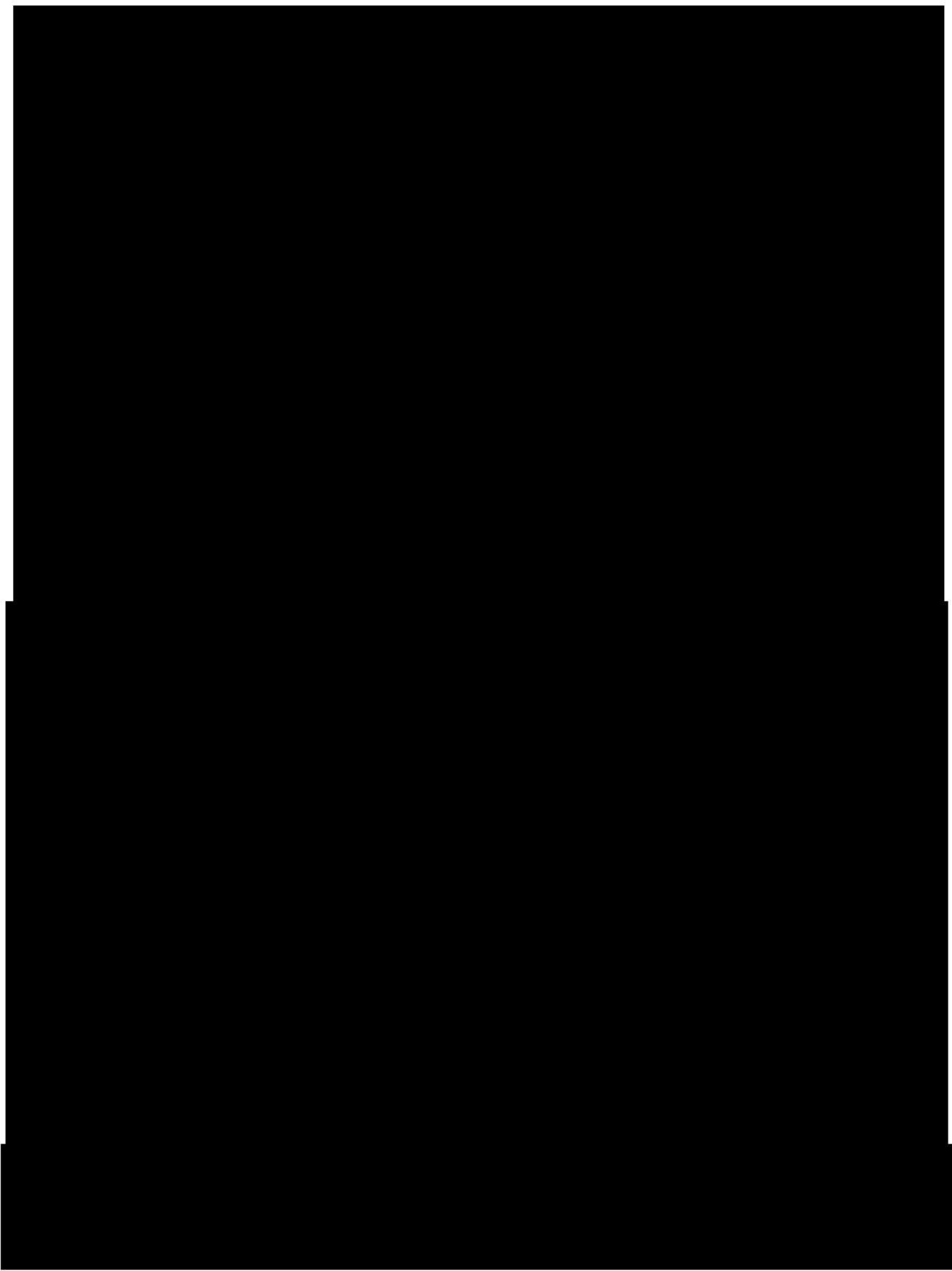


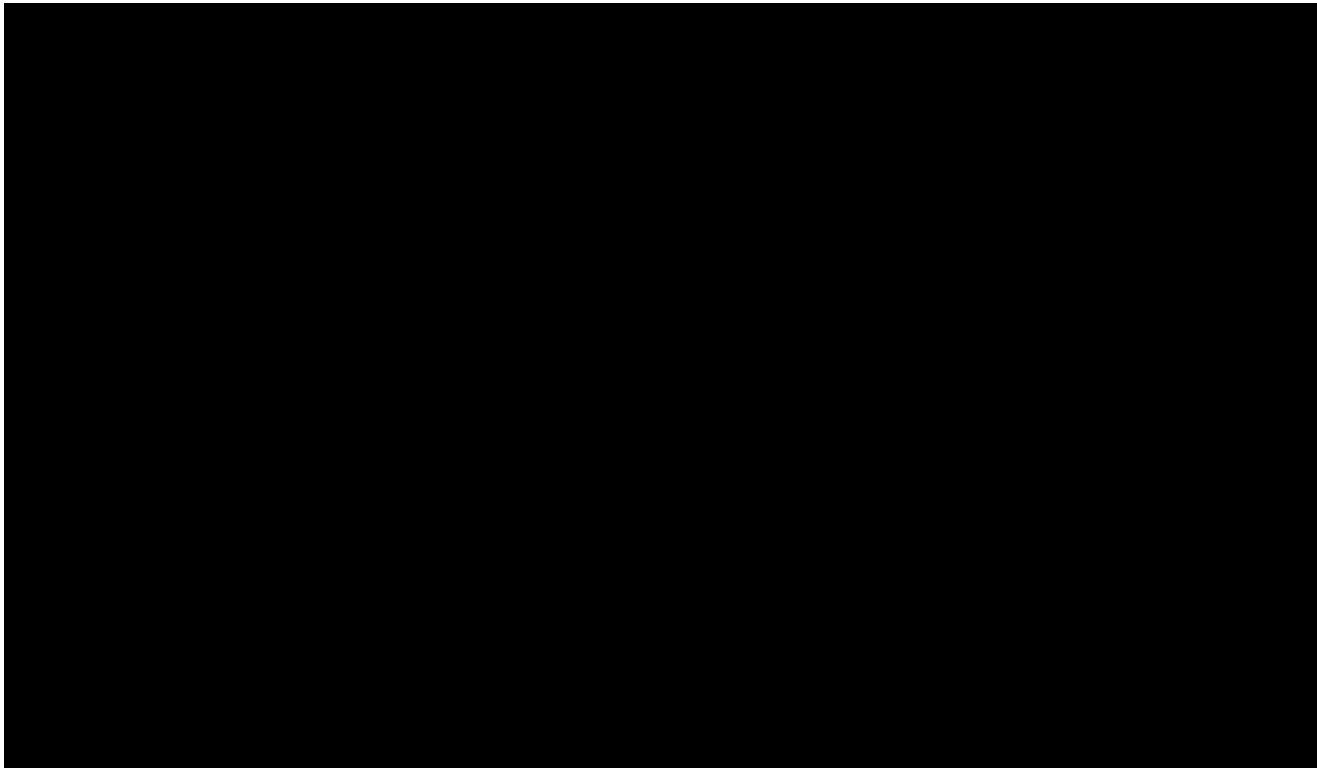
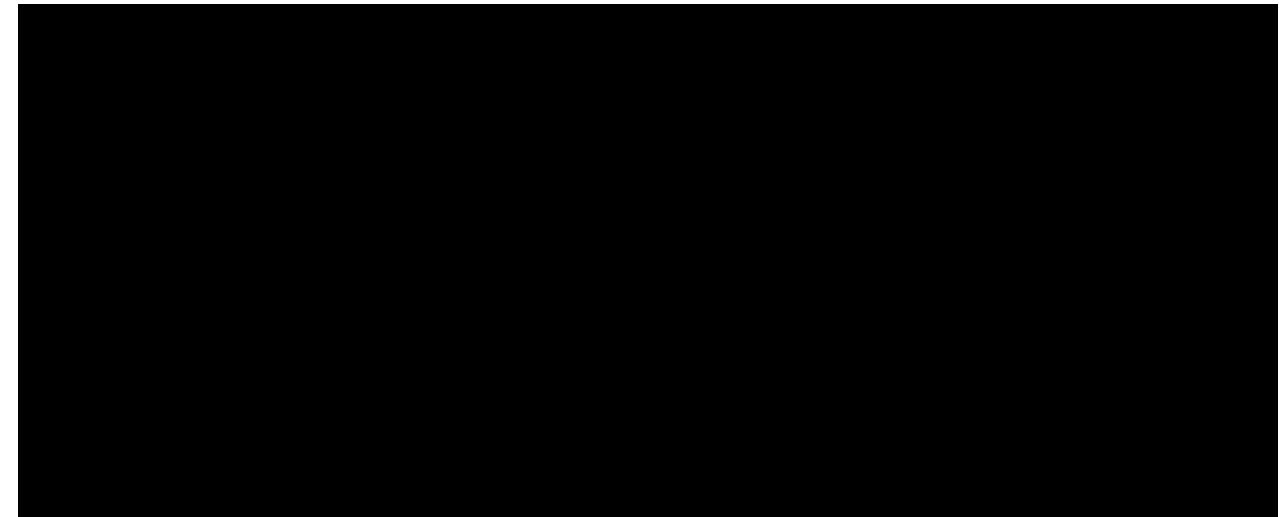
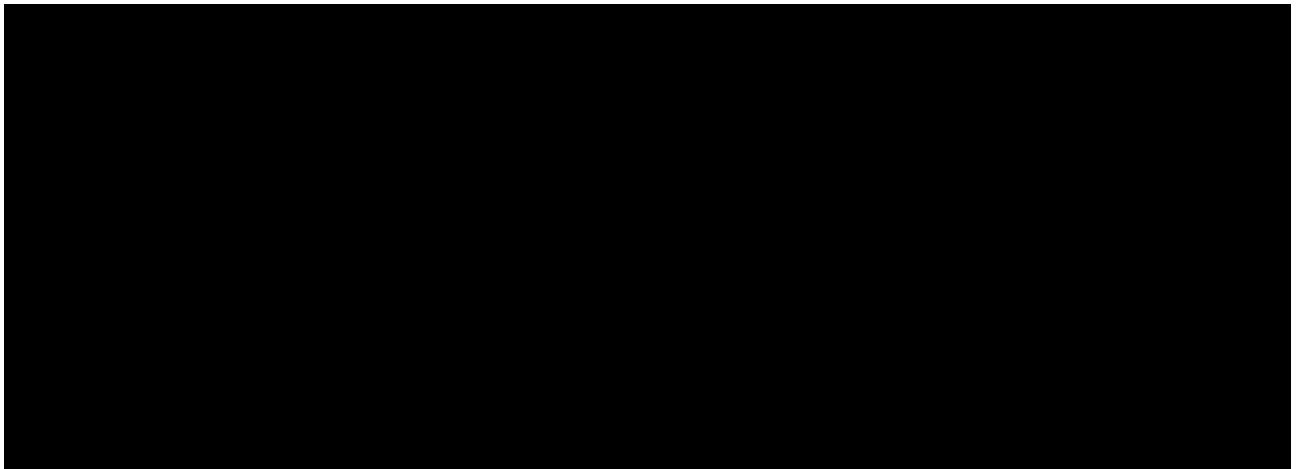


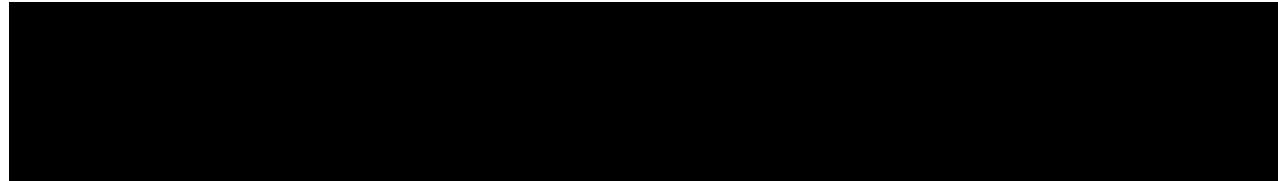
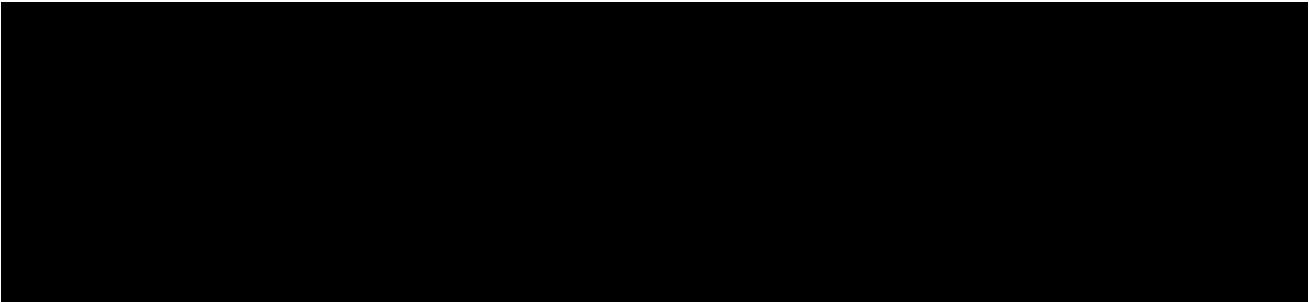
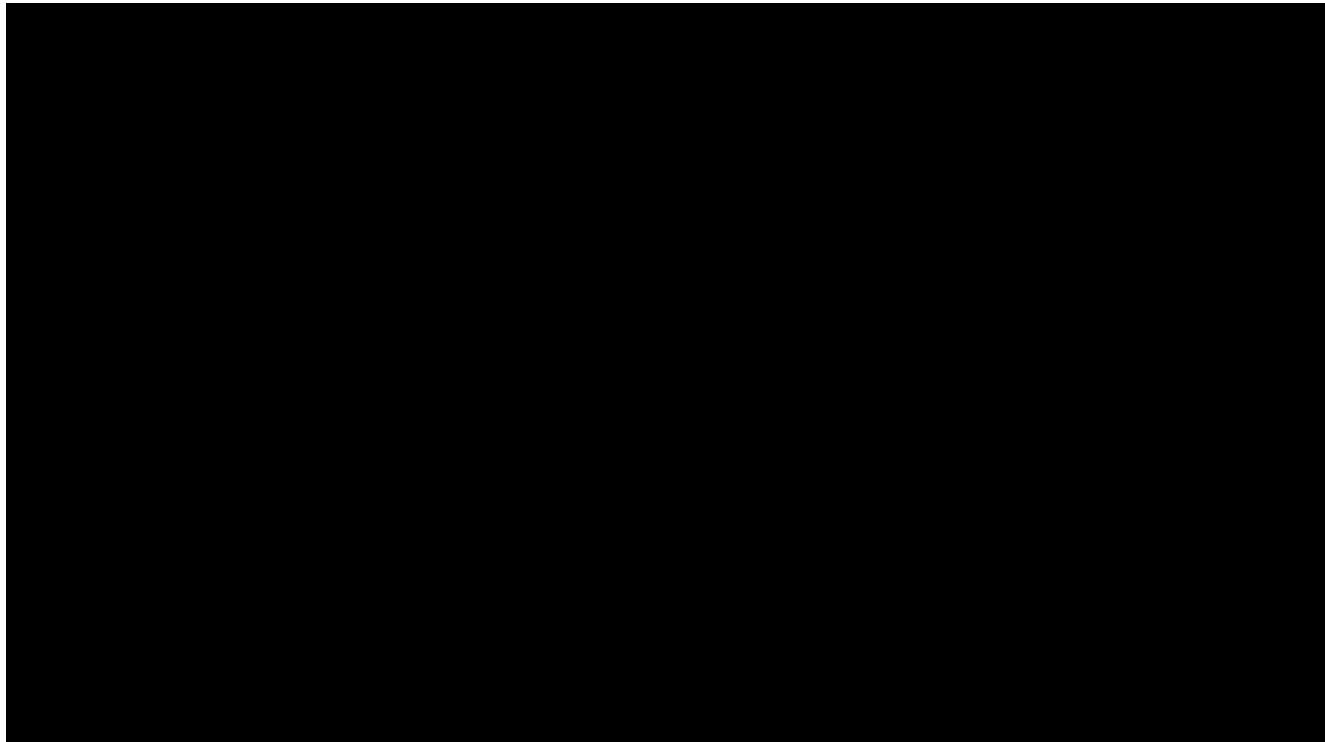


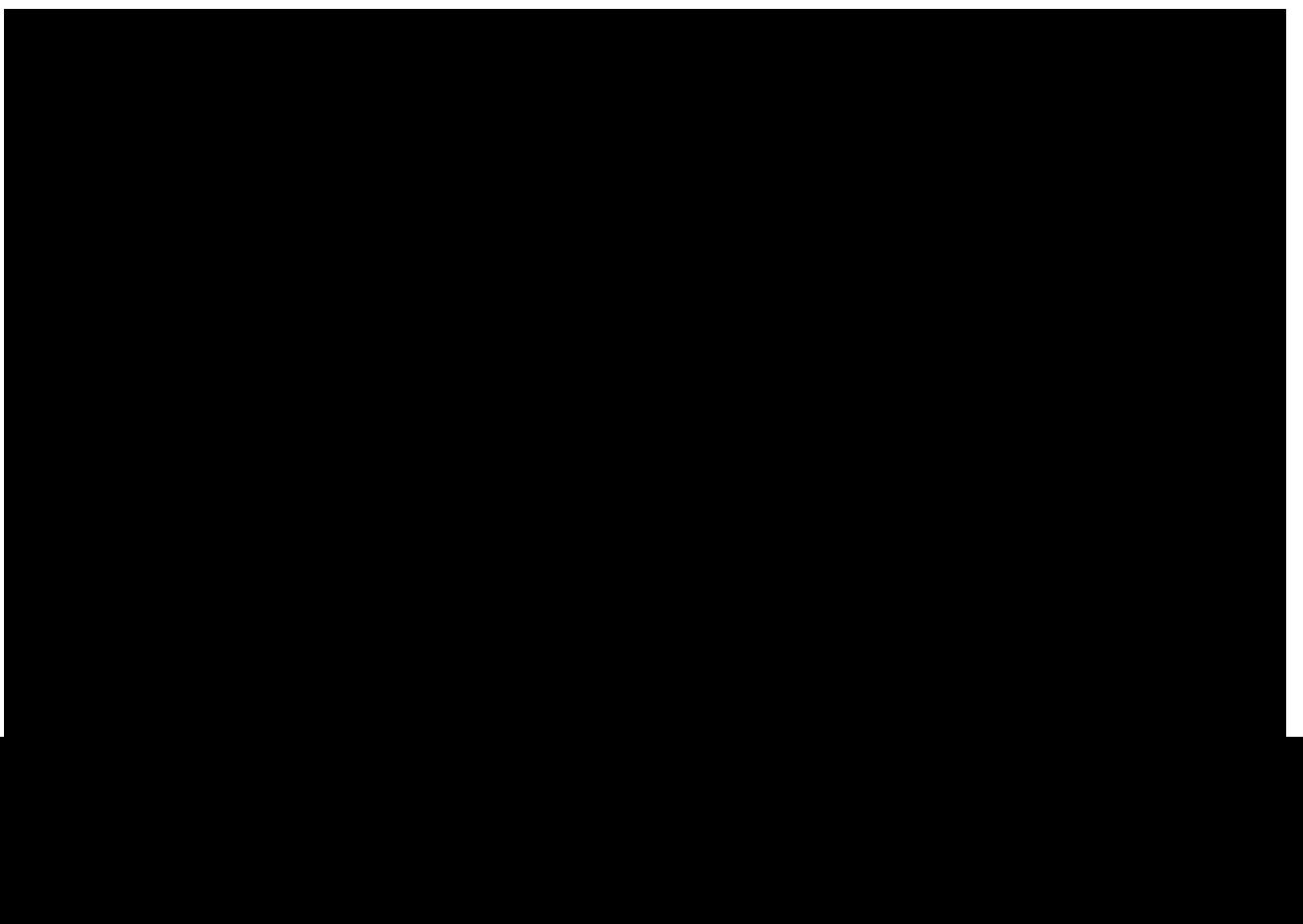
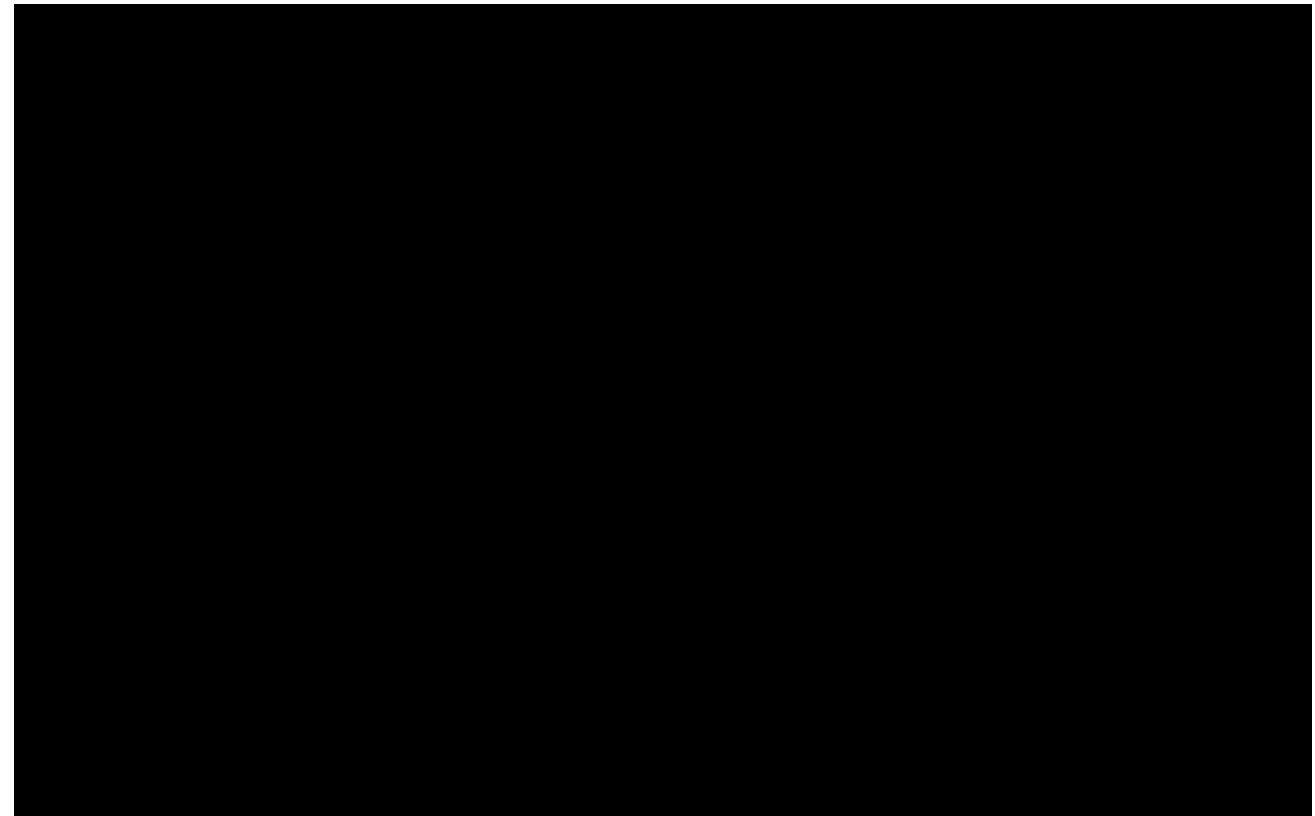


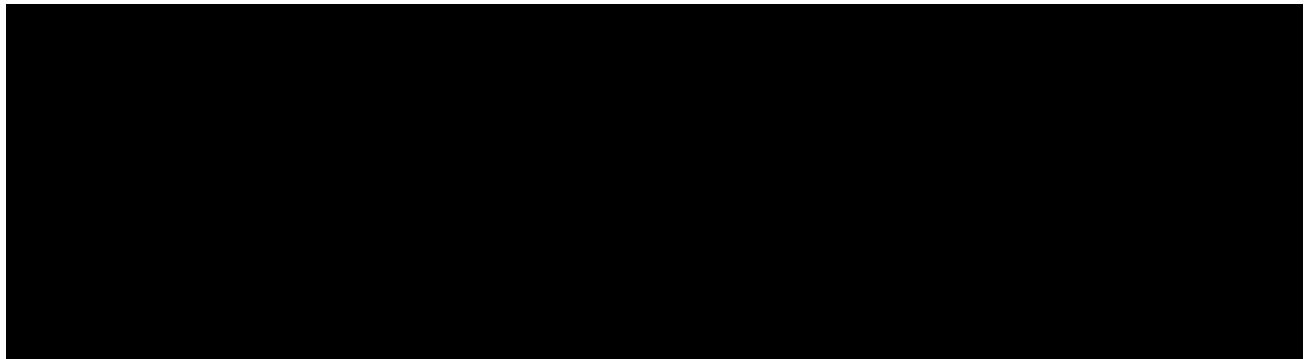








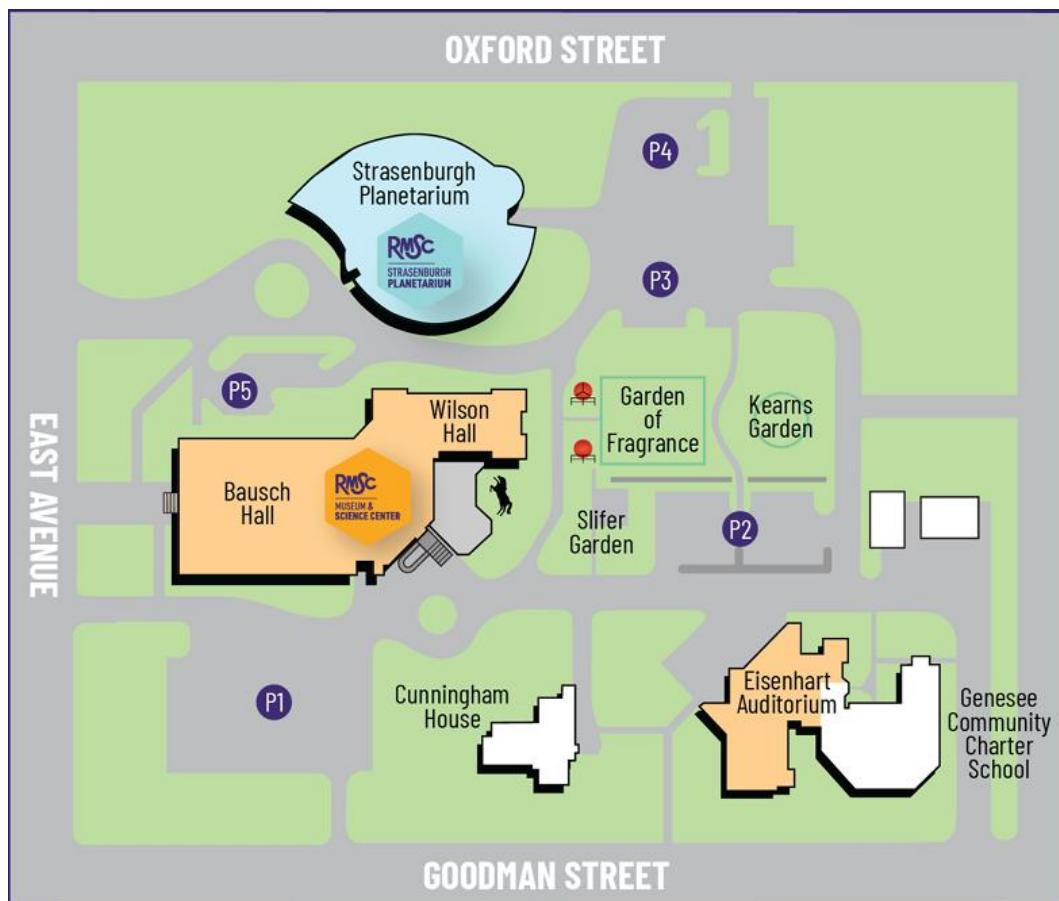




GENESEE COMMUNITY CHARTER SCHOOL COMPARISON

The direct connection between Drew and the Buffalo Science Museum is unique. We found no other schools that share a direct, physical connection with a museum proper in New York, but there is at least one on the same campus of a science museum, the Genesee Community Charter School in Rochester, New York. The Genesee Community Charter School – RMSC (River) campus opened in 2001 on the campus of the Rochester Museum and Science Center (RMSC).³⁴ It serves students in grades K-6; the school comprises up to 224 students.³⁵ A map of the campus shows the school's location, directly adjacent to the Eisenhart Auditorium, and across and down the street from the main science center.³⁶

Here is a copy of the campus map:



³⁴ See <https://gccc-school.org/history-mission/>.

³⁵ *Id.* Confirmed in November 25, 2025 interview with Magalay Rosario, Executive Director, and Kemouy Bhalai, School Director.

³⁶ See https://rmsc.org/wp-content/uploads/MapHandout_with_pngs_Jan2023.pdf.

Despite not being physically connected to the main museum (identified as Bausch Hall and Wilson Hall, above), the GCCS included personnel from the RMSC, including the RMSC Director of Security/Assistant Director of Facilities and the RMSC Director of Facilities, on its district-wide-school-safety team.³⁷ GCCS specifically identified RMSC personnel in its plan and it included RMSC personnel on its safety team to “ensure safe and effective protocols and procedures when responding to implied or direct threats of violence . . .”³⁸ In addition, an RMSC staff member is on the school’s board, which GCCS expressly identified as an enhancement to their already positive communication and collaboration.³⁹ By including RMSC as part of its safety planning, GCCS took into account their close physical connection and their need for cooperation, coordination, and communication during emergencies.

Further evidencing their strong communication and collaboration with RMSC, the school conducts weekly meetings and a shared events calendar with RMSC. The flow of critical information between the pair is clear, immediate, and detailed. This includes during times of planned events and unplanned incidents.

In its safety plan, GCCS identified potential issues based on its location on the public campus, including school security, arrival/dismissal safety, playground safety, training, and communication. There are specific protocols and practices in place to give effect to safety, including a secure building (locked doors) only accessible through key, punch code, or magnetic key cards issued to RMSC and GCCS staff.⁴⁰ GCCS utilizes cameras, with cloud-based recording, at the entrance door; a system where visitors are buzzed into the building and advised to sign in at the main office; signs directing visitors to the main office (which is a direct pathway from the front entrance); and training of GCCS and RMSC staff to identify unfamiliar people and escort them to the main office.⁴¹ Visitors have to log their reason for visiting on a log and wear a badge during their visit.⁴² Further, the classroom teacher is advised by phone about the visitor’s arrival, and the visitor may be escorted to the classroom.⁴³

There are weekly GCCS events held in the adjoining auditorium. The public-facing doors have alarms or keypad entry only.⁴⁴ Connecting doors are kept locked by campus security during the

³⁷ A copy of the GCCS district-wide safety plan can be found at: <https://gcschool.org/wp-content/uploads/2025/07/GCCS-%E2%80%93-RMSC-Campus-District-Safety-Plan-2025-2026.pdf> (GCCS safety plan).

³⁸ GCCS safety plan, p. 2.

³⁹ Interview of GCCS (Magalay Rosario, Executive Director, and Kemouy Bhalai, School Director).

⁴⁰ GCCS safety plan, p. 8; Interview of GCCS (Magalay Rosario, Executive Director, and Kemouy Bhalai, School Director).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Interview of GCCS (Magalay Rosario, Executive Director, and Kemouy Bhalai, School Director).

day, but during non-GCCS events, the school has “do not enter” signs posted in addition to the protective steps identified above. In the event of any inadvertent access, an auditorium-event attendee would enter the school at the main lobby, which serves as a security advantage.⁴⁵

The RMSC provides campus security; its security personnel undergo a background check before working.⁴⁶ Security personnel generally make two rounds per school day for building-security purposes.⁴⁷ GCCS has two-way radios used by and within the school, itself.⁴⁸

In addition, GCCS relies on CrisisGo⁴⁹—a digital safety platform that provides emergency management and communication tools for organizations like schools—on personal and school-provided electronic devices to communicate during emergencies. RMSC security, the RMSC Director of Facilities and Operations, and the GCCS Director of Operations have access to this application and receive alerts to direct action, as needed.⁵⁰ CrisisGo is the primary tool used by GCCS for emergency alerts.⁵¹ This does require staff to be reliable in carrying their cell phones or having them immediately available. For those staff who do not wish to store this app on a personal phone, however, the school provides iPads with the app on it. Backup communications—in case of power outage, app issues, or otherwise—include walkie-talkies, emails, and direct phone calls. GCCS utilizes an incident-command type of communication system in the event of an emergency. This includes notifications to key GCCS personnel, use of CrisisGo, notification of RMSC security, and notification of other emergency personnel.⁵² It has specific interventions and responses planned for bomb threats, intruders, and missing or kidnapped children.⁵³

GCCS also relies on annual training, which includes proper playground supervision; responsive classroom training; use of CrisisGo; reporting threats, conflicts, and weapons; and emergency procedures, including evacuation, shelter-in-place, lockout, lockdown, and hold-in-place.⁵⁴ RMSC participates in the evacuation drills only.⁵⁵

⁴⁵ Interview of GCCS (Magalay Rosario, Executive Director, and Kemouy Bhalai, School Director).

⁴⁶ GCCS safety plan, p. 8.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ See <https://www.crisisgo.com/education>.

⁵⁰ GCCS safety plan, p. 8.

⁵¹ Interview of GCCS (Magalay Rosario, Executive Director, and Kemouy Bhalai, School Director).

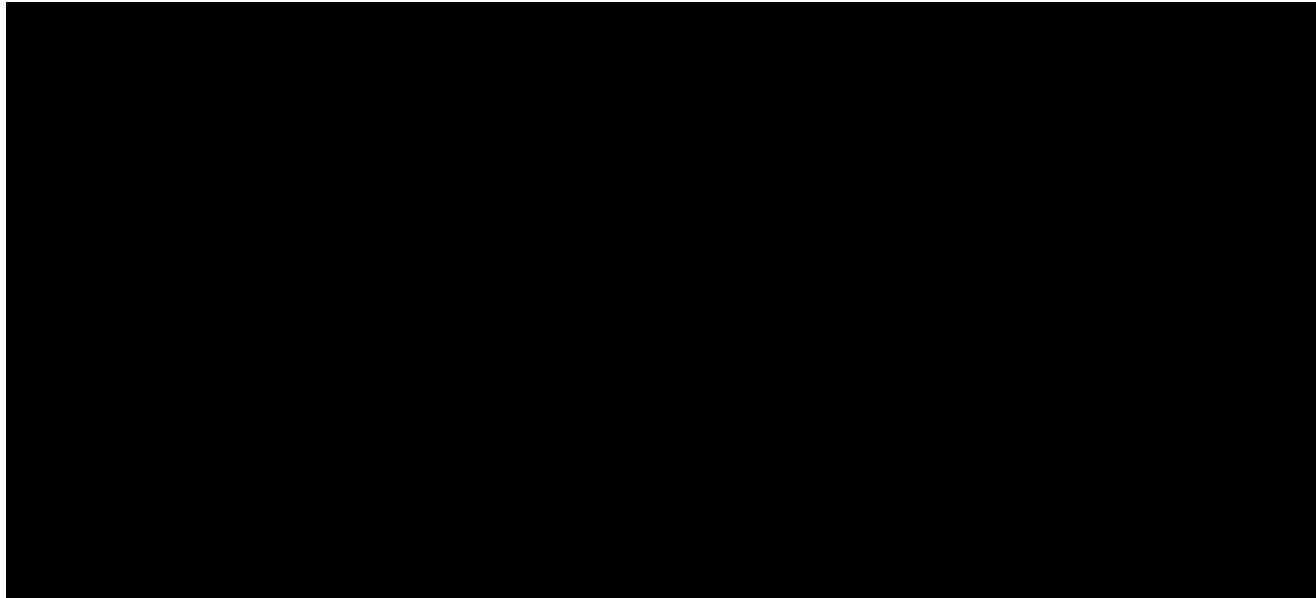
⁵² *Id.* at p. 9.

⁵³ *Id.* at pp. 9-10.

⁵⁴ *Id.* at pp. 9, 13-15.

⁵⁵ Interview of GCCS (Magalay Rosario, Executive Director, and Kemouy Bhalai, School Director).

Overall, GCCS effectively manages shared-campus security risks through a layered strategy centered on a deep, collaborative partnership with the RMSC. Success factors include consistent weekly meetings, shared calendars, integrated governance, frequent other communications, and clear protocols for physical-access control and emergency communications. Their approach demonstrates that proactive, open, continuous communication between partner organizations is the most effective tool for ensuring safety as much as possible in a unique, shared-space environment.



OTHER COMPARISONS

The Raymond M. Alf School of Paleontology at The Webb Schools (Claremont, California) did not respond to our inquiries. This is a museum located on the campus of a school.⁵⁶ This school could offer a unique perspective given this relationship; it touts that it has the only nationally accredited museum in the United States on a high-school campus.⁵⁷

Likewise, the Children’s Museum of Pittsburgh has an ongoing relationship with the Manchester Academic Charter School.⁵⁸ The pair share a campus.⁵⁹ The museum’s Senior Director of Finance and Administration was initially responsive to our inquiries, but she did not provide any information to timely include in this report. Again, this pairing could offer additional insight, and could be a resource for ongoing safety considerations.

⁵⁶ See <https://www.webb.org/alf-museum>.

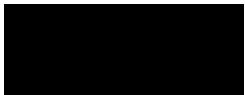
⁵⁷ *Id.*

⁵⁸ See <https://pittsburghkids.org/program/museum-school-research/>.

⁵⁹ *Id.*

ALLEGATIONS REGARDING FAILURES TO REPORT AND UNDERREPORTING

One of the concerns raised in the podcasts included schools not turning over information to police investigators, or not doing so timely. Tracking down information to support or refute this allegation was difficult, and we did not initially have specific information to investigate what were relatively vague claims. But we were provided with some concrete examples by the podcasters that we address in more detail below. We could not come to an ultimate conclusion with full confidence due to the discrepancies between the information gathered on this issue, but we are able to provide some recommendations and other commentary for consideration.



The specific example provided here involved an alleged combination of delayed reporting and underreporting. The primary incident⁶⁰ was a claimed peer-on-peer sexual assault that occurred [REDACTED] A school staff member emailed Detective Hy on May 1, 2025—after the first podcast aired—that she “was told [she] could not speak to you so [sic] could never provide this statement from a student.”⁶¹ Detective Hy was one of the detectives investigating the incident as part of his work with the BPD. The staff member’s email did not reveal when she received the direction not to speak with police, but in her interview, she suggested that it was at and around the time she brought her concerns forward, which was within a day of the incident. Likewise, the staff member did not identify when she received the note.

In a letter provided to the school community [REDACTED] the BPD asked for confidentiality from the faculty and staff during its investigation. In pertinent part, that letter stated:

While we continue our investigation it is vital that sensitive information regarding those involved and the overall incident that occurred [sic] on [REDACTED] remain confidential as it is crucial to ensuring the integrity of the investigation and the best possible outcome for all parties involved. As professionals whose careers spotlight the protection of children, we understand your concerns.

⁶⁰ The staff member also claimed in her email to Detective Hy that “earlier in the year, a girl was sexually assaulted (groped and fondled by several boys while being pushed against a wall) and my admin never reported it and claimed it was horseplay.” We checked the incident reports from [REDACTED] and we did not find any incidents reported, which is consistent with the staff member’s email. We could not further investigate this issue without other details, however, and we were informed that the female student moved out of state. We therefore mention it alongside the primary claim involving [REDACTED]

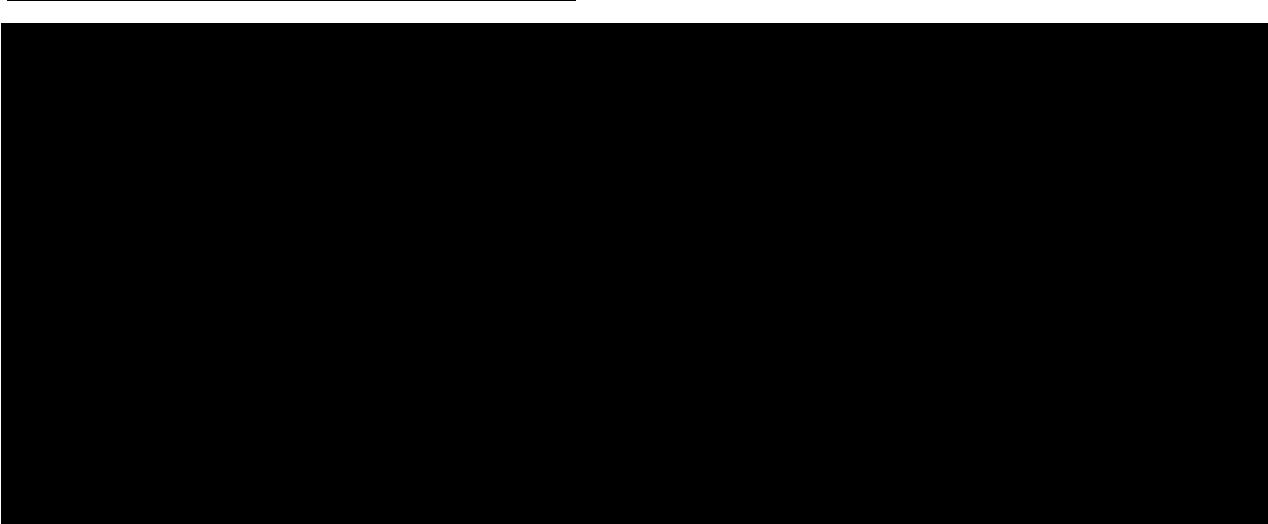
⁶¹ We requested a copy of this information from the staff member, directly, but we did not receive it from her, despite multiple requests. She did, however, confirm receipt of the note referenced here.

The letter also stated:

Should any new developments arise in regards to this investigation please notify your Assistant Principals and Principal as they have direct lines to myself [Detective Mavourneen Creahan, who wrote the letter] and Detective Hy of the Buffalo Police Department Special Victims Unit.

The staff member did not mention receiving this letter from BPD. The letter invited the submission of additional information; it should not have been a barrier to disclosure.

The staff member did confirm the below document is a copy of the student note she received



In the podcast, Detective Hy stated that this note was never turned over as part of the investigation, which the staff member's email suggests, too. Unfortunately, due to the nature of the incident—alleged sexual assault—we were unable to obtain any documents from BPD directly to support the allegation of underreporting/failing to provide evidence; we could not confirm the existence or absence of this document in the police-investigation file. We did verify, however, that the note was not part of the school's file on this matter. We take Detective Hy's statement—that he did not receive this note as part of his work—as true for purposes of this investigation and report.

The documentation and other information underlying this issue are inconsistent, and they do not permit us to fully and fairly reconcile the allegation. On the one hand, the student note; the staff member's interview, and her indication that she was directed not to speak to police; and Detective Hy's confirmation that he did not receive the note all support the assertion that this school delayed reporting or failed to report information potentially relevant to the police investigation. On the other hand, the police immediately invited the school community to submit information, and no one ever did. The staff member provided the note to Detective Hy about six and one-half months after the incident, and only after the podcast aired. There were ways to convey the note to police anonymously, particularly if there were professional or other concerns about doing so, despite the BPD's targeted and timely request to the entire school community.

In that regard, this particular situation seems to have been further complicated by apparent and then-existing personnel conflict at the school. The situation may have been further exacerbated by the principal's absence on the day of the incident and first report (per the dates identified in the student note) due to a more-than-week-long illness. More specifically, the staff member believed she was disciplined for asking if someone knew about the rape allegation a day earlier. According to this witness, her union encouraged her to report the administrator from a licensing standpoint, which she chose not to pursue. [REDACTED]

We are not acting in a capacity to weigh the credibility of the two sides of this issue, which are disparate in many respects. But the contrasting positions certainly underscore the need for clear communication, documentation, and timely action.

Union officials we spoke with denied that they encountered any initiatives to silence teachers and other staff members, and they denied hearing from members that schools were not cooperating with police. Further, the majority of the witnesses we spoke with rejected claims of a systematic suppression of claims of abuse or other misconduct to hide details underlying incidents at schools or involving students outside of school property. Multiple people interviewed, however, noted that lack of training or fragmented reporting systems can create confusion and foster mistrust at all levels.

We did find some support that the incident was not timely reported. The student note, even if not received by the administration, documents a reporting made to school officials on [REDACTED]

■ The school's own documentation confirms that the occurrence was not formally reported until a day after it happened and was reported, which aligns with the timeline and information provided by Detective Hy and the staff member.

[REDACTED]

The date and time of the reporting coincides with the visit of the staff member, per her counseling memoranda as well as information obtained from the principal, [REDACTED]

[REDACTED] While the report indicates that the school notified law enforcement and the student's parent, and that it captured certain video evidence of the students' movements, the claimed lack of disclosure, lack of timeliness, and direction not to provide information to police as part of the investigation raises concerns that we address in more detail here. Of course, all of this is based on two key assumptions: 1) that a student prepared the note and 2) the note is accurate.

We would be remiss if we did not comment further on the content of the student note. First, the note asserts a report of alleged abuse to certain professionals at the school on [REDACTED] the day before it was documented and referred to police. If correct, this constitutes a failure to timely report alleged peer-on-peer abuse. [REDACTED] At least two school personnel received the student report of abuse. Neither completed an incident report. Even with the principal's absence, they could have started the reporting process. We saw evidence of assistant principals completing these types of reports. We also saw instances where the reporter was different than the principal. If the principal was not reachable, there are others available in the District for support, including the assistant superintendent of school leadership. District personnel should be encouraged to timely report these types of incidents.⁶² They should be encouraged to avoid deferring responses until a principal's return. The District's organizational structure and past practices reflect that assistant principals are empowered administrators, not merely administrative-support staff. They regularly make disciplinary decisions, conduct investigations, communicate with parents and law enforcement, and handle emergency and other situations independently.

The inaction here—whether stemming from uncertainty about authority, lack of training, or misunderstanding of reporting obligations—created a 24-hour gap during which the alleged victim remained potentially at risk and critical evidence or witness accounts could have been compromised. While the principal appropriately documented and reported the matter to law enforcement upon notification on the day of her return, the initial delay represents a fundamental breakdown in the school's child-protection responsibilities. This incident supports the importance of training for administrative staff on documentation and reporting obligations.

⁶² By way of analogy, *see, e.g.*, N.Y. Education Law § 1128(1) (Duties of school administrators and superintendents upon receipt of a written report alleging child abuse in an educational setting), which prohibits delays in reporting child abuse to law enforcement “by reason of an inability to contact the superintendent.”

Second, the note indicates that an administrator asked if there was proof relating to the reported assault.⁶³ If accurate, we do not know the thought process behind the administrator's alleged inquiry, but her wording combined with the other information in the student report suggest that she was unwilling to make a report in that moment. We address the situation as if these assumptions were accurate, as it presents a worst-case scenario for further commentary.

Even if the administrator was not concerned about compliance with mandatory-reporting statutes such as New York Social Services Law § 413 and Education Law § 1126—relating to abuse/maltreatment by a parent or other person legally responsible for the child and child abuse in an educational setting by an employee or volunteer, respectively—these statutes exemplify the urgency attached to student safety. Indeed, the District's own policies support its recognition of prompt action related to sexually based matters, including sexual assault, in its investigations. *See Policy #3421 (Title IX and Sex Discrimination).*

Industry standards for school administrators require prompt law-enforcement contact for serious alleged crimes. No school official should require proof before acting; whether legally mandated or a best practice, waiting for proof is unjustifiable. Waiting on proof is also inconsistent with the District Code of Conduct and other documents. Schools should generally err on the side of reporting and let professionals investigate to avoid missing information, memories fading, and evidence disappearing. This is in addition to preventing the potential trauma to the reporter caused by being asked for proof.

We were unable to get a copy of the police report through FOIL, as BPD does not release these types of records under New York Civil Rights Law § 50-b(1), which protects the identity of any victim of a sex offense as confidential. This statute prohibits the production of reports, papers, pictures, photographs, court files, and other documents in BPD custody that identifies the victim with limited exceptions. We could not obtain the report without written consent of the victim or court order. We were unable to obtain a court order based on the nature of our investigation. We did not seek written permission from the victim so as to not inflict needless trauma on a minor. But we have been informed that the police investigation is now considered closed. [REDACTED]

[REDACTED] reported [REDACTED] to the District that the BPD conducted an in-depth investigation, and that the BPD determined that the encounter was consensual. [REDACTED]

[REDACTED] the case had been closed [REDACTED] as the reporting student recanted the description of the incident as forced, and instead, characterized it as consensual. Given the investigation's determination that the incident was consensual, the content of the note (referring to the contact as a rape) would not have changed this finding, particularly when the police knew of the complaining and suspected parties, and we understand that they interviewed both of them. The recanting cannot justify delayed reporting, however, and we certainly recognize the importance of the process and compliance with it, particularly in time-sensitive matters, which is why we address it in detail here.

⁶³ Due to the sensitive nature of the event, we did not ask to speak with the minor students involved in the incident or in the reporting of the incident.

Further, if accurate, the administrator's inquiry is surprising given the District's stated expectations for administrators with respect to discipline,⁶⁴ its specific requirements with respect to sex offenses,⁶⁵ and the disciplinary process triggered by an offense under the District Code of Conduct.⁶⁶

Regulations are the methods by which the District implements its policies. With respect to its regulation on sex offenses, 3600R, the District recognized first and foremost the need to keep the alleged victim and the claimed perpetrator isolated from one another, and the immediate need to preserve evidence, including evidence at the location of the incident and other physical evidence. BPS also specified what to do and not do with respect to interviewing involved parties. For the potential victim, once the sexual offense is stated, the interview concludes. The principal is supposed to "immediately notify Security Services . . ." and "Security Services must immediately notify Buffalo Police."⁶⁷ We found no evidence that the school followed this exact protocol in this instance. At the time, the principal contacted an ASL and the police. The most important aspect of the protocol occurred—the referral to law enforcement—and that occurred within minutes of the report to the principal, [REDACTED] The principal and school were also supported by an ASL's arrival at the school [REDACTED]

Further, Regulation 3600R requires the principal to file the written report with Security Services and the appropriate Community Superintendent by the end of the school day. The BPS incident report indicates that the report was not formally taken until the next day, even when there were several hours left in the day of the incident, and despite that it was reported by a student the day of the incident, at least per the student note. As discussed in more detail above, the District should not tolerate any delayed reporting, particularly in cases involving the need for timely collection of information and securing of witness recollections.

We understand from the Security Team and others that the BPD provided training at a school administrator's retreat on August 28, 2025 related to their response to student reports of abuse. The BPD advised administrators that if a student reporter is upset and offers details, administrators should actively listen and take notes. There was a discrepancy, however, between what at least one member of the Security Team and one administrator related regarding whether administrators could ask questions of the reporting student. The Security Team member indicated the understanding that administrators are now encouraged to ask three or four basic questions to gather timely general details from the reporting person, in part, to leverage the degree of trust placed by the reporter to the school official. The administrator indicated the understanding that they are not to pose follow-up questions or ask for additional details. The

⁶⁴ See, e.g., Regulation 7310R(4), "Discipline" (2010) ("Building administrators are responsible for enforcing the laws, policies and regulations to ensure appropriate student behavior and a conducive educational climate."), available at: <https://go.boarddocs.com/ny/buffalo/Board.nsf/vpublic?open>.

⁶⁵ See Regulation 3600R, "Sex Offenses" (2005).

⁶⁶ A copy of the current BPS Code of Conduct can be reviewed at: <https://www.buffaloschools.org/o/dept-student-support-services/page/code-of-conduct>.

⁶⁷ Emphasis in original.

administrator added that most principals feel more comfortable with respectfully asking the child to withhold details until the SRO is present. The slight difference in opinions here is likely due to the recency of the training, but it confirms that repeat training and clarification is advisable. Further, the change should be accurately reflected in the District's regulations, which can serve as a useful reference and a way to reinforce the proper protocol.

The urgency for capturing information and preserving it is supported by the District in its Code of Conduct, which identifies various increasing levels of behavior and the corresponding responses, with level one being the lowest level of offense, and level four being the highest:⁶⁸

LEVELS OF BEHAVIOR CONCERNS AND RESPONSES			
LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
<i>Classroom support and student support team</i> May be appropriate when the behavior is a minor infraction, the student has had no prior incidents, and/or interventions have not been put in place.	<i>Intensive support staff and appropriate administration</i> May be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student and others.	<i>Short-term suspension</i> May be appropriate given the seriousness of the offense and impact on the school community, and/or when documented interventions and supports have been put in place but the behavior is escalating.	<i>Request long -term suspension</i> Request for long-term suspension may be appropriate when behavior is illegal, presents an imminent threat of serious harm to the school community, or when the student's behavior seriously affects the safety of others in the school and/or educational process.
Restorative responses should be utilized for all levels of behavior. If a student is removed from the classroom or suspended out-of-school, a restorative process must take place upon return.			

In terms of sexual offenses, a sexual assault is a level 4 offense that may include a referral to police or another agency:⁶⁹



⁶⁸ Code of Conduct, p. 22.

⁶⁹ Code of Conduct, p. 27.

#25. Sexual Offenses						
Sexual harassment		•	•	•	•	Unwelcome sexual advances, requests for sexual favors: other inappropriate verbal, written or physical conduct of sexual nature
Sexual misconduct	•	•	•	•	•	Indecent exposure, engaging in sexual activity
Sexual Assault				•	•	Physical sexual act by force or threat of force • School staff is required to immediately report allegations of sexual assault to police

The District acknowledges that level 4 offenses may involve illegal behavior or behavior that is serious enough to affect the safety of others or the educational process. In addition to the impacts discussed above, having an abuser and someone who has been abused in the same location can be avoided with prompt and proportionate action. In the above example, if the alleged abuser and alleged victim were allowed continued contact at school, generally, or in classrooms, the cafeteria, or hallways, specifically, this could negatively affect the student victim and have serious negative impacts on the investigation by both law enforcement and the school (related to student discipline).

Indeed, long-term suspensions are specifically contemplated by the District in the instance of a sexual assault, and the process triggers a number of prompt actions, including removal of the student, and notice to the perpetrating student and the student's parents.⁷⁰

People preparing the BPS incident reports understand that the reports are official business records and that they are signing to certify the information as true and accurate. There is a specific notation to this effect on the form:

This document is an official business record belonging to the Buffalo City School District. Your signature on this document certifies that all the information contained is true and accurate. School must keep all notes and statements on file at the school.

Just as it documents video evidence on the form, the District may want to revise this document to include a section on "other evidence," which could include documents provided by parties (and non-parties) involved in an incident, photographs, and the like. This additional-information section can be used as part of system of checks and balances. In the example above, the student note could have been identified as evidence to ensure its preservation and timely disclosure to police. If it was not, that omission could have been brought to the attention of the reporter and the administrative team to correct or to supplement.

[REDACTED] ALLEGED PARENTAL ABUSE OUTSIDE OF SCHOOL HOURS AND SCHOOL PROPERTY

As part of the investigation, we received information about an incident of reported parental physical abuse that allegedly was not timely reported to proper authorities. The podcast indicated that a school staff member failed to report the abuse until the third occasion, when the

⁷⁰ Code of Conduct, p. 43.

student appeared at school with visible facial bruises; the first two reports from the student were verbal in nature.

The BPS Human Resources Department investigated this particular matter [REDACTED] and it concluded that the allegation—that a school staff member failed to timely report abuse to CPS—was not substantiated based on the preponderance of the evidence it gathered and reviewed. Our investigation is not intended to substitute for or to override the BPS internal-investigation findings. We acknowledge that institutional finding and we further acknowledge that BPS had access to additional information, witnesses, and context not available in the documents provided to us. Indeed, we were unable to get a copy of records underlying the police report due to privacy restrictions surrounding investigations of abuse against a minor, although we did learn that the BPD complaint was closed through arrest. As well, the CPS investigator no longer works for Erie County Child and Protective Services, and our call to CPS about the matter was not returned. [REDACTED]
[REDACTED]
[REDACTED]

As a result of these limitations, we could not confirm or refute that the school personnel did not act until the third report, as alleged. Based on the documentation available to us, we cannot reconcile this claim with the written record, which shows only one documented instance of visible injuries [REDACTED] and an immediate CPS report that same day. But we offer the following commentary in response to concerns raised in the podcast with full recognition of these limitations. We provide these recommendations in the spirit of continuous improvement and best practices for child protection, not as criticism of BPS's investigative conclusions or as a definitive conclusion on what occurred.

We can confirm that the school administrator brought the student to a school social worker [REDACTED] a month before the physical abuse was discovered and reported. At that time, the documents indicated that there were some unspecified issues at home, and the social worker expressed concerns about the parent and the student's home life. At that time, she gave the student a referral to Compass House for counseling. In the school investigation materials, the staff member denied ever receiving an earlier report from the student about any abuse.

The disconnect between the public statements made in the podcast and the available documentation, combined with the inability to access the full police investigation records, highlights a critical challenge in reviewing these types of matters. Privacy protections for minors, while absolutely necessary, can make it difficult to reconcile conflicting public narratives about child-protection responses. Nevertheless, this incident highlights opportunities for systemic improvements in documentation, inter-agency communication, and training that could strengthen child-protection efforts District-wide.

The District has a policy addressing child abuse and maltreatment, Policy #7530.⁷¹ In it, the District recognized the need to disseminate the policy widely, including to each teacher and administrator, but the policy should further clarify that the notification to teachers and

⁷¹ Available at <https://go.boarddocs.com/ny/buffalo/Board.nsf/vpublic?open> (policies tab).

administrators should be done annually, too, as it is clearly specified as an annual notice to parents and persons in parental relation. It is not clear from the materials that the annual notice is or was sent. To ensure that each school official understands their obligations, the notification should highlight the requirement for mandated reporters to make the report themselves, and then immediately notify the building principal or designee, which is the current language in the policy, but we found during the investigation that some mandatory reporters were more deferential to the administration despite the strong requirement in the policy and law, and notwithstanding training to reinforce this requirement.

The policy also directs the District to implement training relating to child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, among others. The training should emphasize that the reasonable-cause-to-suspect-abuse standard under N.Y. Social Services Law § 413 generally has a low triggering threshold. Reporters need not have proof or even probable cause, and there is no discretion to delay, to investigate further, or to consult with supervisors. Mandatory reporters must report.

This incident evidences potential documentation gaps, in that months later, the reporter could not recall why the student was brought to her in the first place. Even when abuse is not suspected, all student-welfare interactions should be documented to identify the nature of the referral. Maintaining logs of the referrals may reveal a pattern not readily apparent when reviewing an incident in isolation. This will also prevent the suggestion of inadequate record-keeping relating to student interactions.

If the District implements this option, it could create a form that includes checkbox sections for common referral reasons and an area to confirm the required documentation even when no one takes immediate action. This reporting system could implement a process that flags students with multiple welfare-related visits or that creates automatic prompts when certain thresholds are met.

We recognize the limited resources, including staffing and time, but an annual review or audit of student-welfare cases could minimize the likelihood of questions on matters like this. A designated person could be available for real-time consultation and maintain key relationships with CPS and the BPD.

This incident highlights opportunities for systemic improvements in documentation, inter-agency communication, and training that could strengthen child-protection efforts throughout the District. The gap between public perception, as reflected in the podcast, and documented facts underscores the importance of thorough documentation and clear communication protocols. Even when staff act appropriately, inadequate documentation can create vulnerability to criticism and, more importantly, may impede efforts to identify patterns of concern across multiple interactions with a student, particularly when they do not occur close in time to one another.

ALLEGATIONS OF BATHROOM CONFINEMENT AS DISCIPLINE/TIME-OUT ROOM

Allegations made in the podcast included that staff members at one of the schools were using bathrooms as improper time-out spaces for pre-K students. More specifically, the contention was that a teacher's aide would place crying or misbehaving student in bathrooms, close the door, and place her foot against it to prevent the children from leaving. In short, the allegation was that children were being locked in dark bathrooms with doors held shut to prevent their exit. These assertions suggested a pattern of inappropriate disciplinary practices affecting the District's youngest and most vulnerable students. Detective Hy provided us with further information about this particular complaint, which we were then able to further assess.

The complaint at issue started with someone purporting to be a parent of a pre-K student at [REDACTED] The school's principal reached out to the sender of the email, whose name did not match that on any school or student records, but the sender never responded. At the time of this email [REDACTED] the contentions raised included physical and emotional abuse, including students being pushed into the bathroom. By [REDACTED] teachers brought further concerns to the administration from older siblings of pre-K students that the teacher's aide was locking students in the bathroom with her foot against the door to prevent them from leaving, as well as other physical and emotional abuse-type claims.

In response to these allegations, the BPS Human Resources department conducted an investigation, which involved interviews of ten witnesses, including teachers, administrators, and support staff. The investigator also spoke with the accused teacher's aide and the classroom teacher. [REDACTED]

[REDACTED] While the investigation documented concerning practices and conflicting accounts about bathroom-discipline methods and other issues, the ultimate conclusion was that the specific allegations against the teacher's assistant could not be substantiated based on the preponderance-of-the-evidence standard.

Because this matter was previously investigated, and since it reached a conclusion more than two years ago, we did not re-investigate it or substitute our judgment for that of the investigator. But we offer the following commentary and suggestions based upon this situation to provide feedback on it based on the continued concern raised in the April podcast.

First, the conflicting witness accounts reveal broader tensions within this school regarding appropriate disciplinary methods for early-childhood education, with some staff describing practices as old-school discipline, while others defended the approaches as standard classroom-management techniques. This situation highlights the critical importance of clear policies, consistent training, and ongoing monitoring when addressing the care and discipline of the District's youngest learners.

Second, even though more than two years have passed, the podcast's commentary exemplifies the tensions that continue between the District's official investigation processes and the concerns raised by others about potential systemic failures to protect children. The broader questions

about the District's purported deficiencies related to reporting, transparency, and cooperation with law enforcement remain unresolved. This is a difficult issue to bridge, as employee-disciplinary and student-disciplinary matters are confidential by their very nature. Thus, upon conclusion, there is no highly detailed, shared resolution that might be informative to those with concerns.

To help pacify the fears about potential misuse of time-out practices, specifically, the District can reinforce training on its time-out-room policy (Policy #7618), and potentially revise it as follows:

1. Explicitly prohibit bathroom use (as well as closets and any other enclosed or partially enclosed, small spaces) as a time-out space. While bathrooms do not meet the space requirements in the District's own policy, additional language may pacify any concerns about their potential misuse.
2. Strengthen documentation requirements.
 - a. The District could impose a timeframe within which personnel must document the use of a time-out room, such as within an hour or within two hours.
 - b. Documentation should include the exact time in and time out of the area.
 - c. Documentation should identify the staff members present.
 - d. Documentation should include the less-restrictive interventions attempted before implementing use of the time-out room.
 - e. The District could use an electronic logging system with timestamps to make the process as efficient as possible.
3. Enhance training requirements.
 - a. Confirm that all staff working with students will receive training on the use of time-out rooms, as the current policy could be read more narrowly given its language requiring training for all "District personnel responsible for carrying out the provisions of Commissioner's regulations relating to the use of time out rooms . . ." (Policy #7618(d)).
 - b. Training could include (and be specifically noted in the policy):
 - i. Trauma-informed practices.
 - ii. Age-appropriate expectations (especially for pre-K students).
4. Create/clarify a clear oversight structure.
 - a. Designate a building-level compliance officer to review all time-out incidents.
 - b. Special-education staff or others can perform monthly or quarterly reviews of time-out data.
5. Strengthen parent communication.
 - a. Require same-day notification to parents (the policy currently just says that parents "should be notified," without qualification, although the

policy further states that the notification will happen the same day “when possible.” (Policy #7618(f)).

- b. Provide parents with the written form or other documentation for review and discussion.
- 6. Add age-specific provisions.
 - a. Consider linking the maximum time limit based on age. For example:
 - i. Students in grades K-2: maximum 5 minutes.
 - ii. Students in grades 3-6: maximum 10 minutes.
 - iii. Students in grades 7-12: the current 15-minute maximum.
- 7. Add accountability measures.
 - a. Consider mandatory reporting to HR for pattern or repeat violations.
 - b. Add language protecting whistleblowers who report violations.

COMMUNICATIONS – CODING CALLS

One of the concerns raised in the podcast concerned the coding of calls that elicit a police response to the schools. Detective Hy indicated that sometimes the school will call an incident in as an “information only” or “juvenile trouble” to avoid a police investigation, and he expressed his belief that schools will report incidents in vague categories, such as “miscellaneous” or “school other,” when the events happen off of school property to avoid the negative impact and impression of high-incident counts at the schools.⁷²

We could not obtain any of the call logs from schools to police as part of our investigation to confirm the language used in making the call to address this claim. Nor could we obtain copies of the 911 recordings, as they are protected from disclosure for purposes of this investigation under New York County Law § 308(4). Likewise, we were not able to speak with then-BPD Commissioner Wright directly, despite requests, but in a July 2025 interview, he indicated that the County 911 dispatchers and the BPD officers are responsible for categorizing the calls, not the District.⁷³ We understand that the coding issue is currently being assessed by the BPD. The dispatch and BPD categorization comports with the information we obtained from various District employees and the BPD policy manual.⁷⁴ Indeed, the BPD policy manual states in pertinent part:

7.2 THE DEPARTMENT'S 911 SYSTEM

- A. The County wide 911 emergency system is the manner in which citizens can contact the Department for emergency services. By agreement with Erie County, the county staffs the 911 emergency call center and receives all calls over 911 telephone lines. The call center is open 24 hours a day, seven (7) days a week. These calls for emergency services are then assessed by county personnel and forwarded to the Buffalo Police Department Radio Dispatchers for radio broadcast to Buffalo Police personnel. The call center will also responsible for misdirected emergency calls.

We found no other evidence to dispute the former commissioner’s statement. To the contrary, multiple witnesses stated that the school’s classification of an incident does not impact the corresponding BPD categorization. In most instances, the school’s report is not even passed on to police for consideration or for inclusion in its files. Likewise, there is usually no police report yet available to the District to include as part of the BPD report, or to potentially influence the BPD reporting. At best, the school is provided with the call or complaint number from the BPD,

⁷² See <https://www.wgrz.com/article/news/local/another-podcast-installment-rips-buffalo-schools-union-responds-claims-of-abuse-case-cover-ups/71-b4c8c5cb-b4ab-491b-9c7a-ae8a020db704>.

⁷³ See <https://www.wgrz.com/article/news/crime/buffalo-police-commissioner-confirms-investigations/71-bebd7005-2f47-4496-85c6-8907642be766>.

⁷⁴ See www.bpdny.org/DocumentCenter/View/166/CHAPTER-9---COMMUNICATIONS-RECORDS?bId=.

which can be referenced in the school's report. We saw several instances of school reports including the BPD complaint number.

In terms of changing call types, again, we found no evidence to support that the District was able to exert influence sufficient to cause the BPD to change its call type. But we are aware of the BPD's ability to modify the categorization of a call, even from a scene. Below is an example:

10:55:42 23802 MALE HIT BY POLICE CAR..ADI NTFD
10:55:56 23802 Call Type Changed - ACCIDENT/INJURY Pri: 2
10:57:17 000478 Enroute - C230
10:57:17 000478 Dispatched (Primary) - C230
10:57:39 000478 Enroute - C241
10:57:39 000478 Dispatched - C241
10:57:41 000478 Dispatched - C242
10:57:41 000478 Enroute - C242
11:03:52 8790 Loc: 1250 BAILEY AVE BUFFALO Phone: 716-462-2147
Comp: Verizon Wireless
11:04:20 8790 ANOTHER CALL - FEMALEREQ AMB FOR INJURED 54 YO BOYFRIEND
11:04:26 8790 ADI NTFD
11:07:31 000478 cameras on 37 has video of the man flopping on the ground
11:22:34 000478 Location Changed - C230 ECMC
11:22:40 000478 Location Changed - C241 ECMC
11:22:46 000478 Location Changed - C242 ECMC
11:23:01 000478 C230 will be a 941
11:30:12 000478 On Scene - C230
11:30:35 000478 C230 suspect broke mirr on car 473 intentionally
13:14:01 000478 Set to Primary - C241
14:45:35 000788 C241 nmt
15:37:06 000788 Location Changed - C241 CB
15:37:09 000788 Location Changed - C242 CB
15:48:31 000788 On Scene - C242
15:48:35 000788 On Scene - C241
16:36:51 000788 Location Changed - C241 ECMC
16:36:55 000788 Location Changed - C242 ECMC
16:36:58 000788 Enroute - C241
16:37:00 000788 Enroute - C242
16:41:01 000788 HD01: 16:40:48 - CAN YOU PLS CHANGE THIS CALL TO CRIMINAL MISCHIEF
(Complaint 17-0010506 ACCIDENT/INJURY @ECMC)
16:41:17 000788 Call Type Changed - CHILD NEGLECT Pri: 3
16:41:22 000788 Call Type Changed - CRIMINAL MISCHIEF Pri: 4

Although we were not able to obtain certain information from other sources—due to a failure to respond or confidentiality protections—through a Freedom of Information Law (FOIL) request to the Erie County Central Police Services (ECCPS), we were able to confirm the number of E-911 calls made involving the Buffalo schools, as well as the call types, from September 2019 through July 2025. The FOIL response showed that during this time, ECCPS used 101 different codes/descriptions to categorize the calls. The total number of calls made during this timeframe was 13,573, with the three largest categories of calls coded as “school-other” (3,380), “alarm” (2,545), and “ambulance” (1,090). The categories of “juvenile trouble,” “miscellaneous,” and “unknown trouble” totaled 347, 193, and 36, respectively.

Our office also submitted a FOIL request to the BPD on June 20, 2025 seeking confirmation of the number of calls made to the Buffalo schools from school year 2019-2020 through school year

2024-2025, as well as the number of calls per call type and per school, but the BPD did not respond to this request nor to the appeal of the non-response, made on September 5, 2025. At least one news station reported that through its FOIL request to the BPD, the BPD submitted records showing that it responded to over 17,000 calls to the Buffalo schools since September 2021.⁷⁵ This news story further reported that the top five categories of calls from September 2021 through April 2025 were as follows:⁷⁶

- **SCHOTH** – School Other – 5,742 incidents
- **DIRPAT** – Direct Patrol – 3,082 incidents
- **ALAR** – Alarm – 1,547 incidents
- **AMB** – Ambulance – 880 incidents
- **MISC** – Miscellaneous – 867 incidents

The information from news sources generally aligns with the information we obtained from the ECCPS. Both sources support that the largest category of calls are labeled as “school other.” The large volume of calls supports that the schools seek out emergency assistance frequently. It does not appear from this data that it fully supports the claim that the schools, themselves, are improperly categorizing calls to dispatch to disguise what is really happening, as the schools have no power over the label attached by dispatch.

While the District may not have the direct ability to dictate the category assigned by the dispatcher or police, we certainly recognize that prompt, accurate reporting from the outset will enhance efficiency and safety. To prevent carry-over issues or mislabeling from the source, the District, BPS should provide targeted training or retraining on the different categories identified in the incident report form, which are as follows:⁷⁷

INCIDENT	Type of Incident (Check all that apply):														
	<input type="checkbox"/> Accidental Injury	<input type="checkbox"/> Arrest	<input type="checkbox"/> Child	<input type="checkbox"/> Abduction	<input type="checkbox"/> Drugs	<input type="checkbox"/> Elopement	<input type="checkbox"/> Firearm	<input type="checkbox"/> Lockdown	<input type="checkbox"/> Other Weapon	<input type="checkbox"/> Serious Injury	<input type="checkbox"/> Physical Altercation	<input type="checkbox"/> Medical Emergency	<input type="checkbox"/> Threat	<input type="checkbox"/> Sexual	<input type="checkbox"/> Based Infraction
Time of occurrence	MONTH	DAY	YEAR	TIME	Time reported										

⁷⁵ See www.wgrz.com/article/news/education/buffalo-police-response-buffalo-public-schools/71-f5f51d84-3a60-4957-a6e9-b9e3466487c9.

⁷⁶ *Id.*

⁷⁷ Note that the District form does not contain categories specified as “information only,” “juvenile trouble,” “miscellaneous,” or “school other,” but it does have an “other category” to be filled in with additional information.

Training on consistent form completion would likely assist most administrators (and any other reporters), as we found evidence of inconsistent category use, which could lead to the overuse of the “other” category or other inadvertent coding errors. Here are some examples evidencing this:

Type of Incident (Check all that apply): Accidental Injury Arrest Child Abduction Drugs Elopement Firearm Lockdown Other Weapon Serious Injury Physical Altercation Medical Emergency Threat Sexual Based Infraction Other.....report of weapon in school

In this first example, the label assigned was “other,” with the further description of “report of weapon in school.” Instead, the category selected could have been “firearm,” if the weapon met the definition provided in the BPS policy manual (Policy #7630). Otherwise, the category could have been “other weapon” if it was not a firearm. The incident also could have involved a “threat.” Reporters should be encouraged to use as many categories as applicable, without resorting to “other,” if possible.

Type of Incident (Check all that apply): Accidental Injury Arrest Child Abduction Drugs Elopement Firearm Lockdown Other Weapon Serious Injury Physical Altercation Medical Emergency Threat Sexual Based Infraction Other..... Fight with injury

In this second example, the reporter selected “other,” with the additional information that the incident involved a “[f]ight with injury.” But the reporter could have selected “physical altercation” and “serious injury,” as applicable, in the alternative, to avoid the use of the “other” category.

Type of Incident (Check all that apply): Accidental Injury Arrest Child Abduction Drugs Elopement Firearm Lockdown Other Weapon Serious Injury Physical Altercation Medical Emergency Threat Sexual Based Infraction Other: Main Office Phone Call – possible threat

This third example relates to a possible threat, which the reporter captured in the “other” category. Instead of using this catchall, the reporter likely could have been categorized under the “threat” category.

We also found evidence of the type of incident being categorized in a way that obviously did not match the narrative, which could be due to inattention, a carryover error from a prior form, or otherwise. For example, there were reports marked “sexual based infraction” that involved a physical altercation only or that referenced a student not appearing at school for several days, in error. In these instances, the categorization was not accurate at all.

It appears that the reporters are trying to give more information in the “other” category, which is useful in considering the type of incident, but it may lead to overuse and misuse. This may also

lead to tracking and reporting issues. We could not find any evidence that categories were being deliberately misused, but we recognize it would be difficult to prove this.

We recognize that these forms are often filled out during an emergency situation, or thereafter, but still during a period of high emotion, and often at the end of day, but we encourage training that reminds reporters that accuracy matters, and to encourage timely reporting that stresses precision. The District contemplates the incident report form being forwarded to the office of school leadership by the close of business on the day the reporter is notified of the incident.

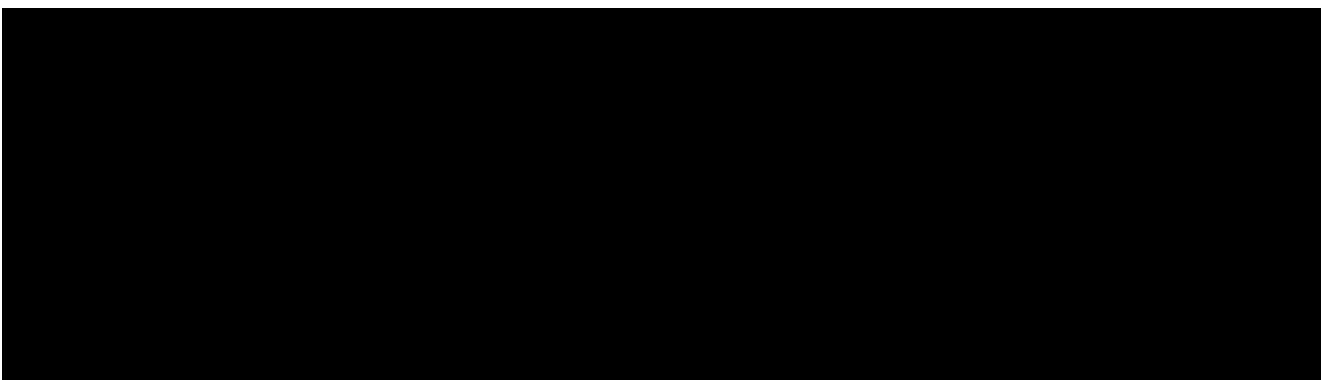
While we further acknowledge that there is a later narrative section on the form that describes the incident in detail, and encourages critical times associated with the incident, one alternative option is to get rid of the categories listed and simply have the writer give a short narrative description, such as the descriptions provided above with the explanation of the use of the “other” category. Another option is to have the form track the School Safety and the Educational Climate (SSEC) form, which replaced the former VADIR and DASA reports. The SSEC categories are: homicide; sexual offense; assault; weapons possession; Dignity Act (excluding cyberbullying); Dignity Act (cyberbullying); bomb threat; false alarm; use, possession, and sale of drugs; use, possession, and sale of alcohol; and threats (other than bomb and false alarm). Tracking the SSEC categories may be more efficient in the long run, and assist the District in submitting mandatory annual reports to NYSED.

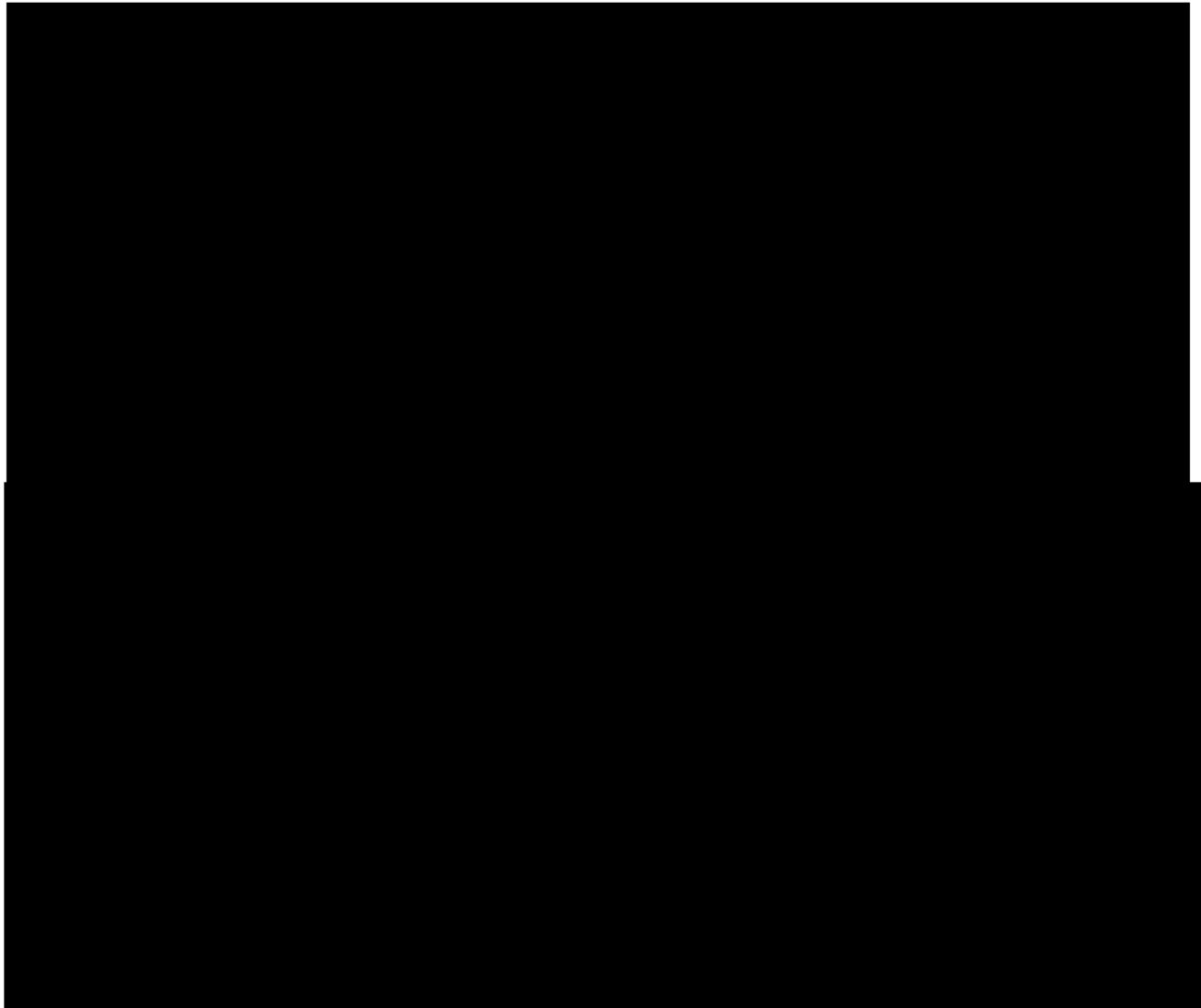
COMMUNICATIONS – 911 USE

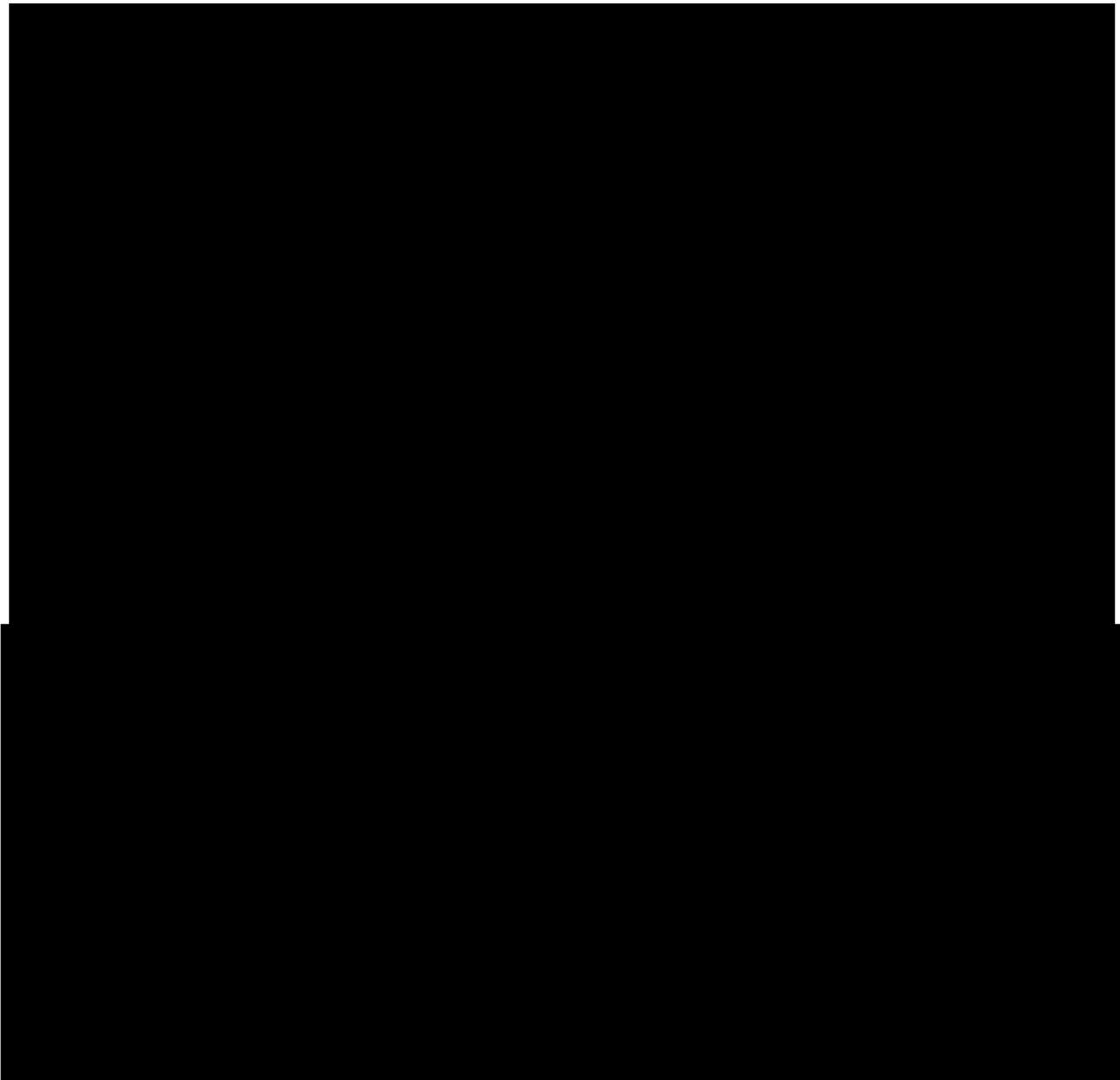
A related issue concerns the District’s use of 911 services. Effective emergency communication systems serve as the backbone of school-safety infrastructure, determining how quickly and accurately schools can mobilize resources during critical incidents. Our review of the District’s emergency plans and our interviews of witnesses reveals significant variations in 911 usage, in the guidelines for calling 911, and in the communication procedures across the District. Some people reported being able to call 911 directly, with others saying they had to go through the office. These inconsistencies create potential vulnerabilities that could compromise response times, resource allocation, and ultimately, student and staff safety during emergencies.

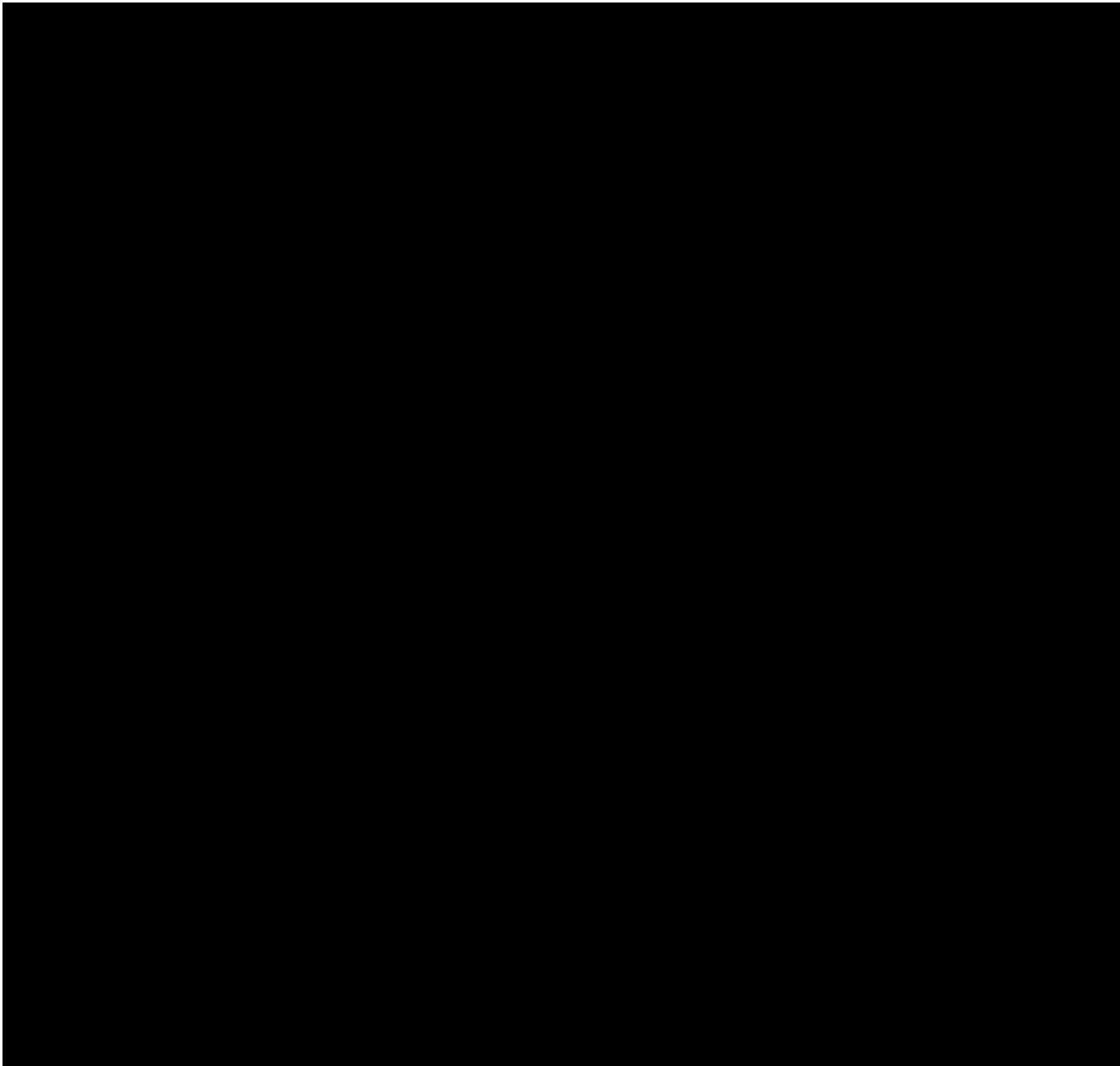
The distinction between when to call 911 versus utilizing alternative communication channels represents more than a procedural technicality—it fundamentally impacts the speed and appropriateness of an emergency response. As mentioned above, the coding and categorization of emergency calls falls under the purview of 911 dispatchers and BPD personnel, not the District. The initial information provided by school personnel at the moment of contact, however, could significantly influence the entire response chain. This underscores the critical importance of standardized, clear protocols that every staff member can execute consistently, particularly in times of stress.

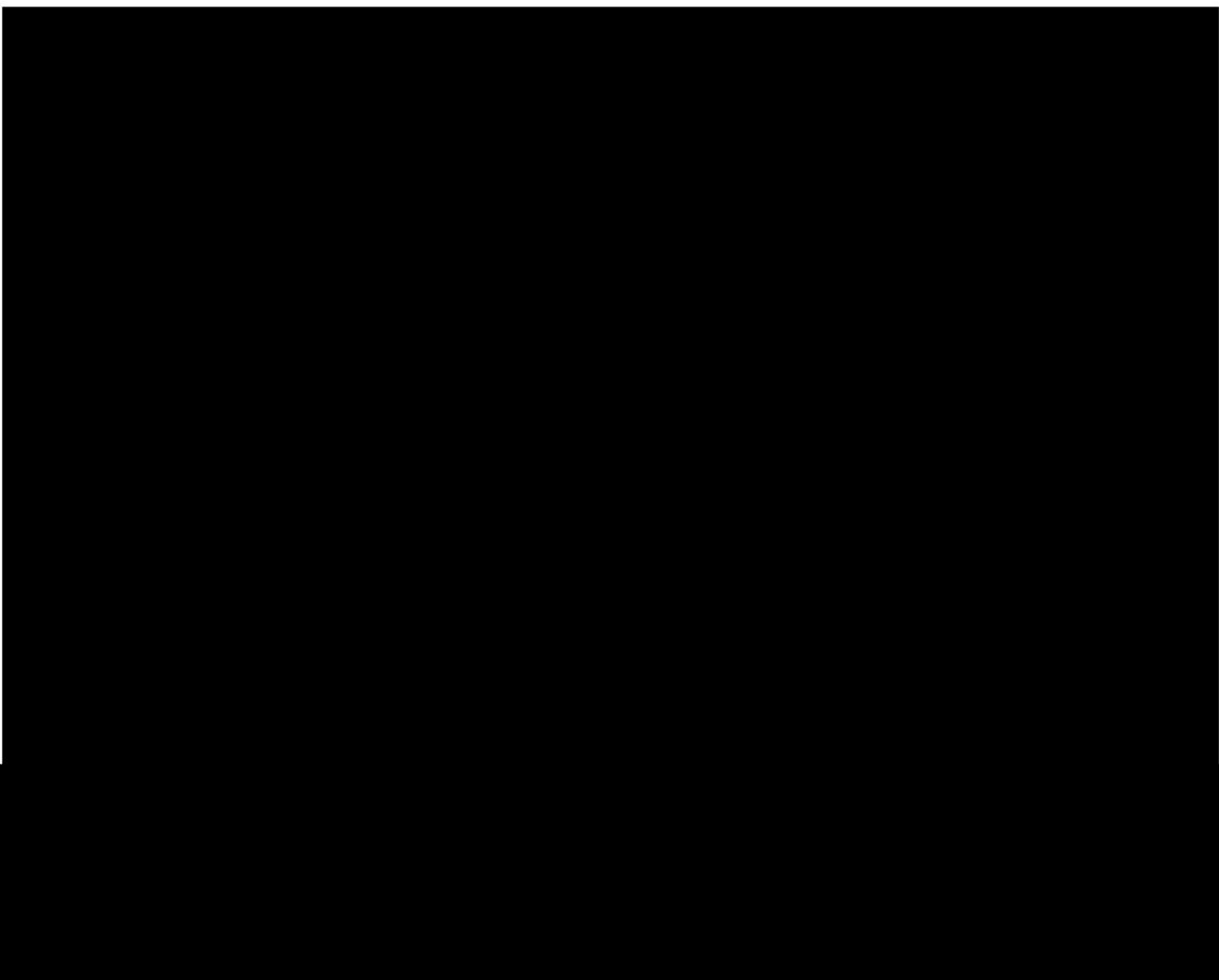
It is imperative that there be consistent 911 protocols across the District’s schools, particularly given the number of transfers that occur within the District. Indeed, we spoke with many witnesses who have worked in a number of buildings over the years. Many of these witnesses identified different procedures, depending on the building. Other witnesses stated that they were unsure of the protocol and more specifically, whether they could call 911 directly or if they would have to call the office/an administrator, first. A staff member’s understanding of whether he or she was able to call 911 directly generally correlated to his or her length of time working with BPS, generally, or in a particular building, specifically, with the longer-tenured personnel willing to call directly, no matter the protocols.











These inconsistencies create several critical risks, including:

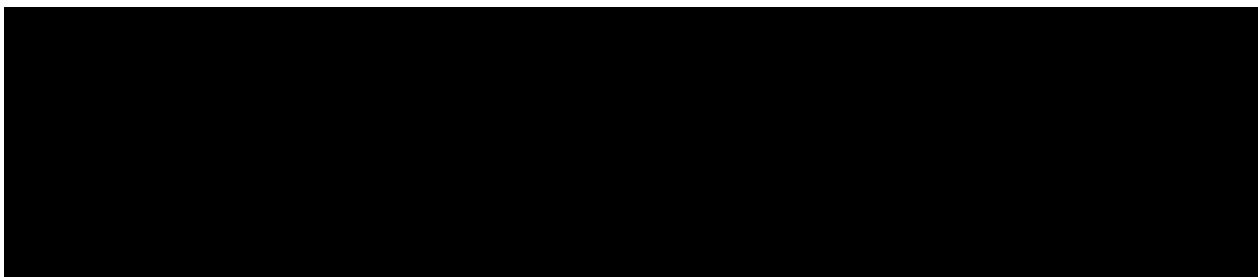
1. Response Time Variability: When staff members lack clear guidance on 911 usage, precious seconds or minutes may be lost due to indecision or attempts to handle situations internally that instead require an immediate emergency response. 


2. Resource Misallocation: Without standardized triggers for 911 activation, schools may either under-utilize emergency services when truly needed or conversely, overtax the system with calls that could be handled through alternative channels. Initial reporting can affect resource deployment.
3. Legal and Liability Considerations: Inconsistent emergency-response protocols can expose the District to potential liability in the event of adverse outcomes. Should an emergency escalate due to delayed 911 contact at a

school building without clear protocols, the District could face significant legal challenges regarding its duty of care.

On the other hand, implementing uniform 911 protocols across all District facilities creates a force multiplier for emergency-response effectiveness. This could lead to:

1. Muscle Memory Under Stressful Conditions: Consistent protocols across all buildings ensure that staff who transfer between schools or who cover multiple locations maintain the same emergency-response reflexes. This reduces cognitive load during high-stress situations.
2. Clear Decision Trees: Standardized protocols eliminate ambiguity about when 911 is mandatory versus optional, removing the burden of judgment calls from staff members who may lack complete situational awareness during an emergency.
3. Training Efficiency: Uniform procedures allow for District-wide training initiatives, emergency drills, and tabletop exercises that reinforce consistent behaviors across all personnel.



We therefore suggest the following steps to enhance safety and security in the District with respect to the 911 system:

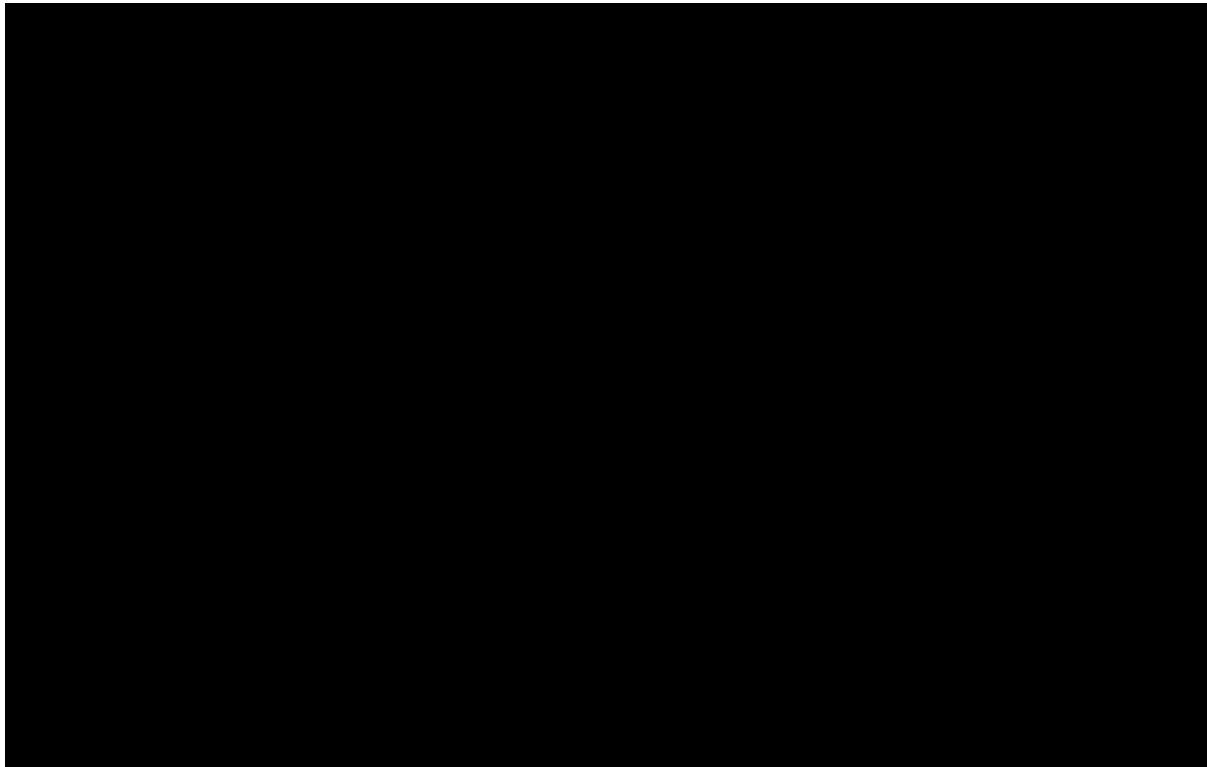
1. Implement consistent protocols across all schools. This should include:
 - a. Clear delineation of mandatory 911 situations (for example, instances of imminent danger, medical emergencies, criminal activity, and fire/hazmat).
 - b. Specific language scripts for 911 calls to ensure accurate initial coding.
 - c. Designated backup callers if primary personnel are unavailable.
 - d. Identification of who can call and how they are to call.
 - e. Clarifying who responds operationally, who documents administratively, and who communicates externally.
 - f. Mandating that all reporters should update administration as soon as practicable.

The protocols should be memorialized in the emergency plans and any “go-to” folders stored and used in individual classrooms. Since safety plans are reviewed annually, the District will be performing an audit of sorts to ensure the 911 procedures are accurately identified every year.

2. Include standardized 911 protocols into training.
 - a. This is particularly important for all staff with student-supervision responsibilities, which is the majority of the staff.
 - b. At the outset of implementation, the buildings can implement communication drills or tabletop exercises that focus on 911 activation procedures.
 - c. The District can invite outside partners, including dispatchers, BPD, and BFD, to tabletop exercises to refine protocols. Since the BPD trains District administrators on an annual basis, any changes can be incorporated into its training, and certain areas related to 911 communications can be emphasized.
3. Include security supervisors in the E-911 notifications to allow them to assist with deployment, provide on-scene support, and coordinate staffing shafts during emergencies.
4. If technologically feasible and not already in existence, consider:
 - a. Installing dedicated 911 phones in strategic locations (main office, cafeteria, gymnasium) with auto-location features.
 - b. Implementing redundant communication paths.
5. Create redundant systems to reduce single points of failure in communication and decision-making, to build processes that are not dependent on specific individuals being present, and to establish clear chains of command with backup protocols.

OTHER COMMUNICATIONS ISSUES

While 911 protocols provide the primary emergency-communication pathway, our investigation revealed failures in secondary communication systems that should be addressed in parallel. ■



SUMMARY

Inconsistent emergency-communication protocols represent an unacceptable risk to student, staff, and visitor safety. The fact that some schools have detailed 911 procedures while others lack any specific guidance creates a two-tiered safety system where protection levels depend on building assignment rather than District-wide standards. The District should treat communication-protocol standardization as a safety imperative, not an administrative exercise to avoid unnecessary risk exposure. Clear protocols, combined with regular training and leadership support, will create an environment where emergency communication becomes reflexive rather than deliberative—potentially saving crucial minutes when seconds count during an emergency.

OTHER INCIDENTS/CONCERNS

While our retention was to examine current safety protocols, emergency communications, video-retention policies, and specific recent incidents, primarily the incursion at Drew, we recognize that the podcast and podcasters raised personnel and other matters as context for their broader concerns about District operations. Although these matters occurred and largely concluded before our retention, or they fall outside of our investigative mandate, we acknowledge their significance to the community's perception of District safety and accountability. The matters addressed below represent serious allegations and some convictions involving BPS personnel that the podcasters rely on to support a pattern of systemic failures in the District's hiring, supervision, and response protocols.

1976 - FEDERAL DESEGREGATION RULING

The exact concern is not clear with respect to this issue, but the podcasters are apparently relying on the ruling from *Arthur v. Nyquist*,⁷⁸ as part of a timeline of systemic failures attributable to the District. By including this matter in its materials, it is clear they believe the District has a longstanding history of mismanagement, non-compliance, and inadequate responses to serious issues.

This federal court case addressed allegations that the Buffalo Public Schools (and other state agencies/actors) intentionally created and maintained racially segregated schools through various policies and practices in violation of the U.S. Constitution. The Western District of New York (Judge John T. Curtin) held that the defendants had violated the plaintiffs' constitutional rights, and it enjoined them from further violations. The court ordered the defendants to prepare and implement desegregation plans that would address both student and staff segregation. And the court emphasized that integration must be comprehensive, affecting all levels of the school system, and not limited to token or partial measures. This marked a turning point in Buffalo's public-education policy, although litigation in this matter continued for more than a decade thereafter.

We are not aware of any current illegal segregation claims, nor did we find evidence of any. But we understand the podcasters were identifying this case from fifty years ago as part of their position that there is a pattern of institutional failure in the BPS. The other concerns raised by the podcasters are more recent, and we address them in more detail below.

2017 – IMPROPER PRACTICE CHARGES AND GRIEVANCES (RIVERSIDE ACADEMY, SCHOOL 208)

[REDACTED] We address some specific matters related to this school in more detail below. The implication is that

⁷⁸ 415 F.Supp. 904 (W.D.N.Y. 1976).

Riverside has longstanding issues that have not been resolved despite the passage of several years, and that the District engages in inappropriate retaliation.

More specifically, from approximately 2014-2017, the District and the Buffalo Teachers Federation were involved in the processes underlying improper practice charges and grievances concerning staff working in the Riverside Social Studies Department. [REDACTED]

[REDACTED] The matters were resolved through a settlement agreement in 2017, with the District acknowledging that the teachers were “fully and completely exonerated of any wrong-doing in relation to the performance of their professional duties . . . during the months of May and June 2015.” The matters were resolved without prejudice to either side’s positions (then-current and in the future), and it did not constitute an admission of liability by any of the involved parties—the teachers or the District.

While these matters were resolved long ago and outside of our specific investigative scope, they provide context and history that are relevant to understanding the institutional climate and trust issues that may affect current reporting and communication; why some staff may be hesitant to raise concerns through official channels; and the importance of clear, consistent protocols that protect both employees and students to ensure that student-safety concerns are addressed regardless of any employment-related disputes. As discussed in more detail throughout this section, our recommendations aim to ensure that future disagreements—which are inevitable in any large organization—never compromise the District’s ability to maintain safe learning environments or to investigate legitimate concerns.

2019 - PETER HINGSTON ALLEGED CHILD PORNOGRAPHY CASE

The podcasters cited this as another general example of wrongdoing. Although they did not provide specific news articles, they cited to headlines that this matter related to a former middle-school-technology teacher at City Honors, who was arrested after authorities discovered that he had secretly recorded female students using a GoPro camera. They emphasized that investigators found additional child pornography on the teacher’s external hard drive, that Hingston pled guilty to two counts of possession of child pornography, and that he was sentenced to fourteen years in prison.⁷⁹

The District indicated that the FBI investigated this matter, with its full cooperation. This matter came to light because of student reports that Hingston was exhibiting unusual behaviors in the classroom, which the school then reported to the Buffalo Police Department to begin investigating.⁸⁰ The Department of Justice summary indicates that the sentencing arose out of a

⁷⁹ See the Department of Justice case summary, updated on March 23, 2023, available at: <https://www.justice.gov/usao-wdny/pr/former-city-honors-teacher-sentenced-serve-14-years-prison-child-pornography-charges>.

⁸⁰ See the Department of Justice case summary, updated on September 12, 2019, available at: <https://www.justice.gov/usao-wdny/pr/city-honors-teacher-arrested-sexual-exploitation-and-child-pornography-charges>.

multiple-agency investigation that included the FBI, the BPD, and the Town of Tonawanda Police Department.⁸¹ In addition to this former teacher's criminal proceedings, the District brought charges against him under New York Education law § 3020-a, the statute that allows school districts to bring disciplinary proceedings against tenured teachers and certain other school employees. Hingston's employment was terminated. Thus, Hingston has not and cannot return to teaching with the BPS.⁸²

Obviously, the confirmed criminal conduct by a school staff member is concerning. A conviction related to recording students and possessing child pornography represents a breach of trust and raises questions about supervision, classroom monitoring, and warning signs. But it appears that the District acted promptly and proportionately when notified of the unusual classroom behaviors. We did not reinvestigate this matter, but we did not see any criticism by the investigative bodies related to any delay or District shortcomings, nor did we find any lawsuit claiming as much against Hingston or the District.

2019 - MICHAEL MASECCHIA ALLEGED DRUG TRAFFICKING CASE

In this matter, the podcasters indicated that this former high-school teacher at the International Preparatory School was arrested for operating a marijuana-trafficking ring and for possessing firearms in furtherance of drug-trafficking crimes. Masecchia pled guilty to the charges, and he was sentenced to eighty-four months in prison.⁸³ Investigators into this twenty-year operation throughout Western New York included Homeland Security Investigations, the FBI, the Erie County Sheriff's Office, the Niagara County Sheriff's Office, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives.⁸⁴

This former teacher was placed on administrative leave, and the District brought charges against him under New York Education law § 3020-a. In response to the District's charges, Masecchia resigned. Although he was released from prison in May 2025, Masecchia would not be re-hired by the District.⁸⁵

Here too, it is important to acknowledge the serious misconduct by a former school teacher.

⁸¹ *Id.*

⁸² Hingston's technology education permanent teaching certificate with New York State was surrendered. See <https://eservices.nysed.gov/teach/certhelp/search-cert-holder>.

⁸³ See the Department of Justice case summary, updated on May 4, 2022, available at: <https://www.justice.gov/usao-wdny/pr/former-buffalo-public-school-teacher-going-prison-selling-marijuana-and-possessing>.

⁸⁴ *Id.*

⁸⁵ See <https://www.wgrz.com/article/news/crime/judge-orders-release-former-teacher/71-70ce5156-3dba-4f0a-bd8e-045f6c5a814c>. This former teacher's permanent teaching certificate for English 7-12 was revoked. See <https://eservices.nysed.gov/teach/certhelp/search-cert-holder>.

While not directly involving students, drug trafficking and weapons charges by a teacher raises concerns about background checks, ongoing monitoring of staff, and the district's ability to maintain safe environments. Again, we did not reinvestigate this matter, but we found no reference in news reports or otherwise that any misconduct occurred on school grounds, during school hours, or with students. No one has filed a civil lawsuit against Masecchia relating to improper conduct in New York State Supreme Court. But we certainly understand the negative impression this leaves on the District.

2020 - BUFFALO SCHOOL BOARD MEMBER CONDUCT

The podcasters mentioned a 2019 incident where a board member, [REDACTED], was accused of using profanity and obscene gestures during a virtual board meeting held on November 18, 2020. The implication is that this behavior showed a lack of accountability and professionalism at the highest levels of the District.

The meeting involved discussions of extending the contract of then-Superintendent, Dr. Kriner Cash, among other topics. [REDACTED] denied making an obscene gesture, but [REDACTED] apologized for “displaying offensive body language and facial gestures during a very emotionally charged board of education meeting . . . I allowed my emotions to run over, and I acted in a way that did not represent my best self.”⁸⁶ We are not aware of any incidents since this one involving any BOE members acting or being accused of acting in an improper manner during a board meeting or otherwise.

At the time of this incident, the District had comprehensive behavioral standards already in place. More specifically, Policy #1311 (School Board Member Code of Conduct), last adopted in June 2019, explicitly required board members to “work with other Board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during vigorous debate and points at issue” (subsection c), and “[a]bide by the District’s Code of Ethics” (subsection g). Additionally, Policy #6110 (Code of Ethics for Board Members and all School District Personnel) established clear ethical standards prohibiting conduct that would compromise the integrity of the District or undermine public trust. Among others, the stated purposes of the Code of Ethics were to “promote public confidence in the integrity of governance and administration of the Board of Education . . .” and “to prohibit acts incompatible with the public interest.” The board member’s continued service suggests the District treated this as a behavioral aberration and a correctable one, though it raised questions about the effectiveness of existing accountability mechanisms and the enforcement of established standards.

The Board’s adoption of Guardrails for the Board by resolution in October 2023,⁸⁷ which was sponsored and co-sponsored by all Board members, represents a significant acknowledgment that

⁸⁶ See <https://www.wgrz.com/article/news/education/buffalo-school-board-member-who-used-profanity-in-meeting-apologizes/71-dc9eb337-13c1-4f8f-9044-1c590d478447>.

⁸⁷ Available at: <https://www.buffaloschools.org/o/bps/page/code-of-ethics-boe-policy-6110>.

existing policies alone were insufficient to ensure appropriate board conduct. The resolution's preamble explicitly recognized the "need to establish guardrails for our behavior as a board." The resolution emphasized the existing policies, including #1311 and #6110, mentioned above, as well as Policy #1110 (School District and Board of Education Legal Status and Authority) and Policy #1310 (Powers and Duties of the Board) as reminders. Most notably, Guardrail 3 prohibits violating Board-adopted policies and District procedures, and Guardrail 4 prohibits behaving in a manner that is violative of the student Code of Conduct.

This framework demonstrates the Board's recognition that governance dysfunction could impact educational outcomes and could lessen public confidence in the District, and it serves as a pointed reminder that Board members, themselves, must model the behavior they expect throughout the District. The guardrails serve not merely as additional rules, but as a public commitment to cultural change and accountability at the highest levels of District leadership, which is essential for maintaining the moral authority necessary to oversee critical functions including safety protocols and incident response.

2022/23 - [REDACTED] ALLEGED STUDENT SEXUAL ABUSE

The podcasters highlighted this matter, involving [REDACTED] [REDACTED] who was accused in a lawsuit of sexually abusing a student on multiple occasions between November 3, 2022 and May 23, 2023, both at or near the school and at or near Cradle Beach, Inc. in Angola, New York. The parent brought a lawsuit against [REDACTED], the Board of Education, and the school, which is ongoing.⁸⁸

In response to the lawsuit, the District referred the allegations to the BPD. The BPD advised the District that it was not charging [REDACTED]. The District undertook an investigation, too. [REDACTED]

We are not aware of all of the factors and information taken into account underlying this decision, but the District indicated that it conducted an investigation and made personnel decisions consistent with applicable collective bargaining agreements and tenure law. As this

⁸⁸ See *E.B. v. City of Buffalo Bd. of Educ., et al.*, Erie County Index No. 809921/2024.

matter involves ongoing litigation outside our investigative scope, and because it involves pending civil litigation, we make no findings regarding these events or the District's response.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In that regard, the District's hiring protocols include candidates for employment obtaining clearance from the New York State Commissioner of Education, which includes fingerprinting and a criminal-background check. Candidates must submit a sworn affidavit that they have no pending criminal charges in any jurisdiction, nor convictions. They also have to complete a sworn form allowing the District to obtain verification of their prior teaching experience, as well as any similar experience, such as service in the Peace Corps, AmeriCorps VISTA, the State Department of Education, and military-service-dependent schools; military service; and accredited social-welfare agencies (Social Workers, Guidance Counselors, Speech Teachers, Psychologists); vocational/trades service (CTE vocational teachers).⁹⁰ These are robust standards for hiring that comply with New York requirements.

2022/23 - RIVERSIDE “STABBING” INCIDENT AND GRIEVANCES ABOUT SAFETY CONCERNS/RETALIATION

With these matters, the podcasters are trying to convey that despite the District having notice of problems, systemic issues remained unresolved. In particular, they rely on these matters to show unsafe conditions, inadequate information-sharing about student risk, and retaliation when staff elevate those issues, broadly.

The Riverside “stabbing” incident has been described as a “slashing,” not a stabbing, by the Erie County DA’s office, which prosecuted the matter.⁹¹ We mention this not to diminish the serious nature of the incident, but to provide accuracy, given that we found numerous accounts that were not correct. The DA’s office specifically reported that a nineteen-year-old man was arraigned on October 5, 2023 on charges related to assault, menacing, criminal possession of a weapon, and trespassing.⁹² The charges stemmed from allegations that on October 4, 2023, at approximately 2:45 p.m., the accused intentionally slashed the victim with a box cutter while outside of Riverside High School. While initial reports indicated that the matter involved two current

⁹⁰ See <https://www.buffaloschools.org/o/dept-human-resources/page/new-hire-forms-instructional>.

⁹¹ See the summary, dated October 5, 2023, available at: <https://www4.erie.gov/da/press/buffalo-man-arraigned-assault-charge-slashing-student-outside-riverside-high-school>.

⁹² *Id.*

students and a knife that was possibly brought inside the building, the DA confirmed that neither party was a District student and that the weapon was a boxcutter.⁹³ We found no evidence that the boxcutter was ever inside the school building, which makes sense because the incident did not involve current students. We were unable to obtain information about the status of the charges, but the victim sustained non-life-threatening injuries according to news reports.⁹⁴

The District did not prepare an incident report related to this occurrence, likely because it occurred between an alleged perpetrator and victim, neither of whom were District students. Indeed, the incident report form is typically used to report “any incident that required a 911 call,” implying that the 911 call arises from the District. But the District immediately recognized the severity of the incident, postponing a soccer game scheduled to take place that day, and directing Crisis Prevention and Response staff to be at the school to provide support to students and staff.⁹⁵ The incident-report form is also used to report “any unusual incident,” which is not defined, but it appears that this language is meant to be a catch-all provision. Based on this incident and the District’s post-incident actions, we suggest that the District prepare incident reports for incidents that occur on school property, even if they happen between non-students and outside of regular school hours, when they become aware of the occurrence.

Capturing these types of incidents seems to be the practice at other schools, as we found several incident report forms reporting actions taking place outside, including reckless driving on school property. In the Riverside slashing matter, the District recognized that the incident could affect the educational process, as it requested a crisis prevention response. The reporter can acknowledge on the form that it was an incident not involving students, but confirming the report to it as occurring on the property and potentially having an educational impact. The inconsistency related to reporting indicates that further, consistent training is advisable.

As part of their concerns related to safety, generally, and Riverside, specifically, the podcasters relied on information obtained from [REDACTED] a longtime teacher at Riverside, and a Buffalo Teachers Federation union delegate. [REDACTED] claimed that the slashing incident was not an isolated one, and he indicated that he has filed multiple grievances with the District related to school safety and violence at Riverside.⁹⁶ The podcasters also identified the District’s responses to [REDACTED] speaking out [REDACTED] on safety matters as an example of retaliation designed to thwart reporting and to hide incidents.



⁹³ *Id.*

⁹⁴ See, e.g., <https://www.wkbw.com/news/local-news/bpd-student-slashed-outside-of-riverside-high-school-one-person-detained>.

⁹⁵ A copy of the District’s statement is available at: <https://www.wkbw.com/news/local-news/bpd-student-slashed-outside-of-riverside-high-school-one-person-detained>.

⁹⁶ See, e.g., the comments attributed to [REDACTED] at: <https://www.wgrz.com/article/news/crime/1-person-detained-stabbing-riverside-high-school/71-b9b22a6f-5084-46bf-8c0b-4e1728386e7e>.



██████████ has been a vocal advocate for school safety at Riverside for over fifteen years, as documented ██████████. The safety concerns ██████████ raises—particularly regarding physical security infrastructure (doors, cameras), video-evidence-preservation procedures, and student-transfer protocols—merit systematic review through appropriate channels. While ██████████ advocacy style is notably persistent and ██████████ documentation extensive, the underlying operational issues ██████████ identifies (non-functioning locks, unclear video-retention policies, security-staffing changes) represent legitimate areas for assessment and potential improvement. These operational safety matters should be evaluated on their merits through facilities review, security-protocol assessment, and examination of student-transfer procedures. Many of the facility and safety matters are ripe for the annual safety-team planning and BLERP review.

2024 - STEVEN DEMART ALLEGED CHILD ENDANGERMENT CASE

In this matter, the podcasters noted that this former music teacher was alleged to have engaged in online communications with an individual he believed to be a thirteen-year-old girl, also providing the person sexually explicit videos. DeMart pled guilty to one count of attempted endangering the welfare of a child, per the Erie County DA's Office.⁹⁷ The DA's Office noted

⁹⁷ See the March 14, 2025 summary, available at: <https://www4.erie.gov/da/press/former-music-teacher-pleads-guilty-sending-sexually-explicit-videos-attempting-meet-juvenile>.

that the District suspended DeMart from his teaching position after the incident was reported to police; DeMart, himself, was the reporter.⁹⁸ As part of his plea, he was ordered to surrender his teaching license. A review of his certification status on NYSED confirms that he did surrender his music professional certificate.⁹⁹

Again, the confirmed criminal conduct by a school staff member raises concerns on a number of levels. As with at least one of the other examples addressed above, this conviction related to acts with a person believed to be a minor. It is unacceptable behavior for any adult, and particularly, one who teaches minors. But here too, it appears that the District acted promptly and proportionately when notified of the matter. We did not reinvestigate this example, but we did not see any criticism by the investigative bodies related to any delay or District shortcomings, nor did we find any lawsuit claiming as much against DeMart or the District.

2025 - THC EDIBLES INCIDENT AT SCHOOL 79

The podcasters reported the case of a teacher at this school inadvertently providing two students with gummies containing THC, after he mistook the bag as regular candy. The two students were transported to Children's Hospital after the school called 911. News reports indicated that one student became ill and was hospitalized.¹⁰⁰ We reviewed the BPS incident report and other information provided by the podcasters related to this issue.

The BPS incident report properly identified this as an incident involving drugs, one of the specified categories. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

But this incident reveals several concerns, including the teacher's initial decision to provide food to students without investigating the packaging or discussing it with the students. This could happen both with drug-laced items and regular food items. For example, had this been a food item containing an allergen, and had the students been allergic to the contents, there would have been another emergency situation that could have been avoided. The fact that another elementary-grade student identified the marijuana edibles before trained adults recognized the danger highlights both the sophistication of modern THC packaging and the urgent need for staff training.

Even without product recognition, the delay in formal reporting after being alerted to the issue

⁹⁸ *Id.*

⁹⁹ Available to search at: <https://eservices.nysesd.gov/teach/certhelp/search-cert-holder>.

¹⁰⁰ See, e.g., <https://www.wgrz.com/article/news/education/bps-teacher-paid-leave-students-given-edible-gummies/71-b508b4c9-6af5-498a-b804-8a951dd1aec>.

suggests a systemic problem with urgency and chain of command that extends beyond knowledge gaps. While an inadvertent and unintended error, the teacher waited more than an hour to take further action, when the teacher had been informed about the nature of the concern—THC. This is particularly concerning given the tender age of the students. Medical intervention and parent notification were both delayed, which can be critical in student-health matters. Delays like this can mean the difference between prevention and a high-level medical emergency.

The delay was also recognized by one of the responding EMTs, who reported to the podcasters that no one from the school was waiting for them upon arrival, which delayed their entry by eight minutes. The reporter indicated that this is not an uncommon occurrence. Worse, the EMT reported that the responding SRO resisted the EMTs taking the students for further attention, and tried to talk the EMTs out of doing so. The EMT was very critical of the teacher in not recognizing the package as a non-candy item.

This incident demonstrates how a series of well-intentioned but poorly-informed decisions can cascade into a medical emergency. Most concerning is not just that the teacher gave found purported candy to students, but that more than an hour passed before he initiated proper reporting protocols. While the teacher's initial action stemmed from trying to return what appeared to be dropped candy, the subsequent delays in reporting and response are indefensible based on the information we have been provided. Every staff member must understand that when student safety is at risk, immediate action is mandatory.

The District has several policies in place that address the prohibitions to drugs, including Policy #5640 (Smoking, Tobacco Use, and Cannabis (Marijuana Use), Policy #6150 (Alcohol, Tobacco, Drugs, and Other Substances (Staff)), and Policy #7320 (Alcohol, Tobacco, Drugs, and Other Substances (Students)). Policy #6150 and Policy #7320, in particular, prohibit sharing illegal drugs. Policy #7320 identified the Board's recognition that the misuse of drugs is a serious problem, with serious implications for students and the broader community. While there are several policies in place, as well as the well-known District Code of Conduct repercussions, these documents were insufficient to prevent this incident. A policy that exists on paper but that is not understood or implemented by staff offers little protection to students. The District must bridge this gap through comprehensive training, clear protocols, and accountability measures that ensure that every staff member knows exactly what to do when confronted with suspected cannabis products—because waiting to report can mean the difference between prevention and a medical emergency.

The FDA and FTC have taken action to protect consumers, recognizing that “[i]nadequate or confusing labeling can result in children . . . consuming products with strong resemblance to popular snacks and candies that contain delta-8 THC without realizing it.”¹⁰¹ Indeed, the packaging bears more than a strong resemblance to commonly found food products:¹⁰²



Because of the increased vigilance needed and the gaps identified here, we suggest that the District obtain additional training for all staff related to this topic. It should further consider revising policies and procedures to address emergency-response protocols specific to cannabis exposure and emphasizing time-sensitive reporting requirements. For example, the District could revise Regulation #6150R (Alcohol, Drugs and Other Substances (School Personnel)) to provide specific protocols to follow should suspected THC-laced products be discovered on school grounds or during school events. The regulation should focus on immediate reports to administration, securing the evidence for BPD collection, and immediate aid to students believed to have ingested any type of THC-containing product. The District can emphasize these points in Regulation #7320R (Alcohol, Drugs and Other Substances (Students)), which has a section on staff development.

The BPS is the second-largest school district in New York, serving over 27,000 students (2024-2025 school year data) in nearly sixty different buildings.¹⁰³ The total staff count as of January 7, 2026 was 7,694, including full-time and part-time employees, with the total number of

¹⁰¹ “FDA, FTC Continue Joint Effort to Protect Consumers Against Companies Illegally Selling Copycat Delta-8 THC Food Products,” July 16, 2024, available at: <https://www.fda.gov/news-events/press-announcements/fda-ftc-continue-joint-effort-protect-consumers-against-companies-illegally-selling-copycat-delta-8>.

¹⁰² See the news story at: https://www.wktv.com/news/thc-infused-gummies-present-new-problem-for-schools/article_4799e594-a68c-11ed-9dd5-5302ca34e1a5.html.

¹⁰³ Statistics from the District and NYSED, available at: <https://www.buffaloschools.org/o/bps/page/about-us> and <https://data.nysesd.gov/profile.php?instid=800000052968>, respectively.

teachers identified as 3,591.¹⁰⁴ As with any large organization—particularly one with thousands of daily interactions between adults and children—operational challenges, personnel issues, and emergency incidents will occur. This statistical reality, however, does not diminish the District’s obligation to maintain rigorous safety standards; instead, it underscores why robust systems and constant vigilance are essential. What distinguishes responsible large organizations is how they prepare for, detect, and respond to these inevitable challenges.

Although these matters were largely outside of our investigative scope, the fact that they occurred underscores the critical importance of background screening procedures, ongoing personnel-monitoring, clear protocols for responding to allegations, and transparent communication practices.

In that regard, no screening system, however comprehensive, can guarantee that individuals with harmful intentions will never gain access to educational settings and students. Background checks only reveal documented past conduct; they cannot detect those who have not been caught, those who have not yet offended, or those whose harmful behaviors or breach of trust placed in them develop after hiring. This sobering reality makes the District’s ongoing vigilance and multi-layered protective systems not just important, but essential.

While the District cannot eliminate all risk—no institution can—it can create environments where harmful behavior is less likely to occur, more likely to be detected quickly, and certain to be addressed timely and proportionately. The examples raised by the podcast underscore a fundamental truth: protecting students requires not just robust hiring practices, but continuous vigilance through supervision, training, clear reporting protocols, and a culture where student safety is paramount. The District’s commitment must extend beyond preventing bad actors from entering the system to creating multiple safeguards that protect students every day they are in school.

¹⁰⁴ Data provided by the BPS Human Resources Department.

CONCLUSION

This investigation, prompted by serious allegations raised in a publicly disclosed forum, has revealed a complex landscape of challenges and opportunities within the District's approach to student safety. While we did not find evidence supporting all allegations made in the podcasts, our investigation has identified significant issues requiring immediate and sustained attention.

KEY FINDINGS

Our investigation revealed that the District's safety challenges are fundamentally systemic rather than individual in nature. The February 11, 2025 incident at Drew served as a critical illustration of these systemic vulnerabilities when the school leader was not on site: confusion between emergency protocols, communication failures, inadequate video-retention practices, and gaps in post-incident documentation. These issues may not be isolated to one school or incident. Therefore, they reflect broader institutional challenges that require comprehensive attention.

The investigation confirmed that many dedicated professionals within BPS are committed to student safety, but they are operating within a framework that often impedes rather than enables their effectiveness. Teachers report feeling unsupported when raising safety concerns, security officers describe being underutilized as doormen rather than active safety professionals, and administrators struggle with outdated communication systems and unclear protocols. The recurring theme across all stakeholder groups is that individual dedication cannot overcome systemic deficiencies.

THE PATH FORWARD

The District stands at a critical juncture. The public attention generated by the podcasts has created an opportunity for meaningful change. The Board of Education's decision to commission this independent investigation demonstrates a commitment to transparency and improvement that must now translate into concrete action.

Our recommendations, detailed throughout this report, focus on immediate priorities, systemic reforms, and institutional changes. We acknowledge that implementing these recommendations will require significant resources, both financial and human. The District faces real constraints in terms of budget, aging infrastructure, and competing priorities. All readers should view this report not as an indictment but as a roadmap. Many of the individuals we interviewed expressed relief that these issues were finally being addressed systematically. There is a genuine desire for improvement across all levels of the organization, from classroom teachers to senior administrators. This widespread recognition of the need for change provides a foundation for successful reform. This is a shared responsibility.

FINAL OBSERVATIONS AND MOVING FORWARD TOGETHER

Throughout this investigation, we were struck by the dedication of the vast majority of BPS employees to their students' wellbeing. Although many challenged the true purpose of and motivation behind the podcasts, Detective Hy indicated that he was raising the issues out of concern for the health, safety, and welfare of students.

Inevitably, this report will not satisfy everyone. Some will feel it goes too far in its criticism; others will believe it does not go far enough. Some recommendations will be embraced; others may face resistance. This is the nature of institutional change, particularly in matters as sensitive as school safety.

We close with a reminder of why this matters: every day, thousands of Buffalo's children enter BPS buildings trusting that the adults responsible for their education will also ensure their safety. That trust is sacred. The District literally stands in the place of the students' parents, guardians, or persons in parental relation. School safety demands our best efforts, our sustained attention, and our unwavering commitment to improvement. The students of Buffalo deserve nothing less. The responsibility for building upon the existing foundation now rests with the Board of Education, the District administration, and the broader Buffalo community. We urge all stakeholders to approach this challenge with the timeliness it deserves, the collaboration it requires, and the determination that our students need.

Thank you.