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Via E-Mail
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TO: Paul Johnson
Superintendent
Los Gatos Union School District

FROM: Melissa Phung

DATE: November 19, 2020

RE: Summary Investigation Report
Brian Houg Investigation

I. BACKGROUND INFORMATION

The Los Gatos Union School District ("District") requested my services to conduct an internal investigation into Blossom Hill Elementary School teacher Brian Houg after Mr. Houg was arrested and criminally charged with a number of felony counts of lewd and lascivious conduct with a minor and several misdemeanor counts of annoying a minor.

Briefly, Mr. Houg is a longstanding District teacher who has worked at Blossom Hill since 1999. Mr. Houg grew up in Los Gatos and is firmly entrenched in the community both for his work as a fifth grade teacher and as the director of the musical plays for the District, which, by all accounts, are impressive pieces of work that are one of the yearly highlights for the District. Mr. Houg later helped create the Los Gatos Youth Theater ("LGYT") with several parents who wanted to provide a theater arts program for the community and served as its Artistic Director until June 2020. LGYT is not affiliated with the District, but the District does rent out its facilities to LGYT during the summer months.

This investigation does not focus on whether Mr. Houg indeed committed the criminal acts he is charged with, as there are insufficient details provided publicly about these acts.¹ Rather, the

¹ Despite attempts to gather more details about the criminal allegations, such as who the victims are, when and where the acts occurred, the Santa Clara County Sheriff's Department and the Santa Clara County District Attorney could not provide many details due to the high sensitivity

purpose of this investigation is to provide a global review of the District's oversight of Mr. Houg and its policies and procedures to determine: (1) whether the District had any notice of improper conduct of a sexual nature by Mr. Houg, and if so, whether it failed to stop such conduct; (2) whether the District has sufficient safeguards in place to protect students from predatory conduct by trusted adults; and (3) the areas that the District could improve upon in order to better protect its students.

II. SOURCES OF INFORMATION

A. Witnesses.

For this investigation, I interviewed nine staff members who have worked closely with Mr. Houg at Blossom Hill during the course of his career with the District; and seven parents who brought concerns to either me or Superintendent Johnson after the announcement of my investigation, or who had been closely involved in the theater productions. In addition, several parents sent me emails with their input on Mr. Houg. I also attempted to speak with other individuals who may have had relevant information on the matter, but they either declined or did not respond to my requests.

Given Mr. Houg's current incarceration status, he was unavailable to be interviewed for this investigation.

B. School Visit and Documents/Media Reviewed.

On October 1, 2020, I conducted a site visit of Blossom Hill Elementary. The purpose of the visit was to review the layout of Mr. Houg's classroom and the rooms that were utilized for the school play, as well as to verify whether any cameras had been placed in these areas which several witnesses reported as hearsay rumors. During the site visit, I could not locate any visible cameras in Mr. Houg's classroom, the multipurpose room where the plays were held, or the "flex" rooms where the changing rooms and rehearsal spaces were located.

Among the documents/media reviewed for this investigation include: (1) District's policies and procedures; (2) emails collected through an internal IT search; and (3) Mr. Houg's personnel file. In addition, I did a cursory review of social media outlets (Nextdoor, Facebook) to the best extent possible to seek out other witnesses or information about Mr. Houg. Most of these groups, however, were private and thus access was limited.

of the case and the victims' wish to remain anonymous. Both agencies indicated that at least one victim was a Blossom Hill Elementary student and that one act occurred during school hours. In addition, an initial police statement reported that one act occurred during a fifth grade physical education class. Accordingly, this investigation is based on information available, including a review of records and witness accounts.

III. SUMMARY OF FINDINGS

After reviewing the documents and analyzing information provided by witnesses, I conclude there is an absence of evidence to support a finding that the District was aware that Mr. Houg engaged in inappropriate conduct of a sexual nature with students.

By the accounts provided, it is clear that Mr. Houg had both admirers and detractors from the community. Those who respected Mr. Houg's work as a teacher noted that he had prepared their children for middle school and had sparked their interest and love for the theater arts. In contrast, those parents who disliked Mr. Houg criticized his teaching and communication styles both in the classroom and during play production, describing him as "blunt," "bullying," and "demeaning." Not one of the parents with whom I had contact, however, voiced any concerns about predatory behavior by Mr. Houg.

Nor did any of Mr. Houg's colleagues or District administrators observe or hear of any suspicious behavior by Mr. Houg; indeed, all expressed shock over the criminal allegations presented against Mr. Houg. Many of those interviewed described him as the opposite of "touchy-feely"; rather, Mr. Houg was known to abstain from any physical contact with students, whereas most of the teachers interviewed stated that they engage in such contact with students, including hugging and putting arms around shoulders. Some witnesses who were especially close to Mr. Houg and developed a friendship with him over the years also noted that he would abstain from physical contact with them as well.

I did identify three incidents during the course of Mr. Houg's career that involved some semblance of unprofessional conduct with students, one in 2009 and two in 2014. Though these incidents may be alarming in light of the criminal charges pending against Mr. Houg, the information provided to the District at the time did not allege Mr. Houg of impropriety with these students. Nor did the District receive any other reports of such conduct in the 21 years of Mr. Houg's tenure at Blossom Hill. Accordingly, based on the information uncovered at this time, there is no evidence to support a finding that the District was aware of any misconduct of a sexual nature by Mr. Houg during the course of his employment.

IV. CONCLUSION AND RECOMMENDATIONS

The allegations in the criminal complaint against Mr. Houg are shocking, reprehensible, and inexcusable. The outrage and emotions from the community and the demand for answers are understandable. Due to the limited access to the specific details underlying the criminal charges, this report unfortunately does not provide many of these answers.

To the extent there is any assertion that the District was aware of Mr. Houg's predatory conduct or that the District and its employees covered up any such behavior, I could not make such a finding based on the information uncovered. While the three identified incidents raise some suspicion in light of the criminal allegations, none of these allegations at the time asserted that Mr. Houg engaged in the sexual harassment or sexual touching of students. Nor did the District

receive any additional complaints of similar conduct that would have alerted the District that Mr. Houg was engaged in pervasive inappropriate conduct with children.

Nevertheless, in order to further ensure the safety of its students, the District may want to consider implementing the following recommendations, which are not exhaustive by any means.

1. *Continue With Victor Pacini's "Be Seen and Heard" Program (or Similar Trainings)* – By the accounts of staff members, the Victor Pacini "Be Seen and Heard" training has provided valuable information for students on how to speak up and be aware of sexual abuse. It is critically important that the District continue to provide students with the information and resources to report inappropriate conduct in order for the District to take immediate protective action.
2. *Continue With Mandated Reporter Training* – The District should continue with its annual mandated reporter training for all of its staff and remind them of their affirmative duty to report any and all suspected cases of child abuse to the appropriate authorities without any recourse or retaliation against them.
3. *Training Administrators on Appropriate Investigatory Methods* – District administrators must be trained and directed to investigate any allegations of physical contact – however innocuous at the time - in a thorough manner, regardless of staff, parent, or student preference or request, given their obligation to stop any known or suspected abuse or harassment, and to draft written findings documenting these investigations.

Along the same vein, proper investigatory and documentation techniques will also assist the District in evaluating and supporting the progressive disciplinary process for employees who engage in any type of unprofessional conduct or unsatisfactory performance, regardless of the nature of the allegations.

4. *Inform Parents and Students of Their Rights to File Formal Complaints* – While complaints against teachers should generally be resolved directly with the teacher or with the assistance of the site administrators pursuant to Board Policy and Administrative Regulation 1312.1, the community should be alerted to the procedures under Title IX and the Uniform Complaint policies in order to be transparent with the public of their rights to file a formal complaint.
5. *Creation of Board Policies Relating to Fraternization With Students* – The District may want to consider adopting a board policy outlining the District's expectations as to socialization and interaction with students, such as barring meetings with students privately with doors closed, restricting contact with students via social media or cell phone, and limiting transportation of students alone in the employee's private vehicle.
6. *Oversight Over Programs and Extracurricular Activities* – The District should also implement a structure to oversee its extracurricular activities and programs. By all

accounts, Mr. Houg had wide discretion and control over the theater arts program, and it appears there was no oversight or questions at a higher level. Notwithstanding the obvious concern over potential grooming or child abuse, this lack of oversight may also result in other types of misconduct, such as financial misappropriation.

This concludes my report. Should you have any further questions, please do not hesitate to contact me.