



BRISMAN LAW

June 18, 2024

Via Email Only: (vpvaleski@ebnet.org)

Dr. Victor Valeski, Superintendent
East Brunswick Public Schools
760 Route 18
East Brunswick, New Jersey 08816

Re: East Brunswick High School 2024 Yearbook Investigation

Dear Dr. Valeski,

On June 6, 2024, the East Brunswick Public Schools (the “District”) engaged this firm to conduct an independent investigation regarding an issue involving the senior yearbook (the “Yearbook”). This correspondence shall serve as my Investigation Report and Findings with respect to this matter.

BACKGROUND

On June 4, 2024, the East Brunswick High School (“EBHS” or the “High School”) Yearbook was distributed at a senior event. The EBHS 2024 Yearbook is a large volume consisting of two hundred and seventy-two (272) pages, with various sections. See Exhibit A.¹ One of the sections, entitled “Groups,” highlights the various sports teams, student organizations, and clubs at EBHS, including a roster of participating students and a club photograph.

Later that afternoon, it became widely publicized that the photograph presumably of the Jewish Student Union club (“JSU”) did not actually portray the JSU members. Rather, the students were members of the Muslim Club. Additionally, in contrast to the accompanying roster of names that appears for all the other student clubs, there were no names listed for the JSU.

As part of my investigation, I was provided with sixteen (16) pages of background information and photographs. Additionally, I reviewed the Yearbook and additional materials.² I also interviewed several staff members.

¹ The Yearbook shall be considered Exhibit A and page numbers referenced herein can be viewed in the Yearbook.

² Materials produced in the investigation are referenced herein and attached hereto as exhibits.

INVESTIGATION

June 7, 2024

██████████ - **“Lead” Yearbook Advisor.** Also in attendance for the interview: ██████████, President of the East Brunswick Education Association (“EBEA”).³

██████████ has been with the District for a total of eight (8) years. She was an Instructional Assistant at Hammarskjold Upper Elementary School for one (1) year. The following October, she became a teacher and was assigned to Chittick Elementary School. She was then a Special Education Math Teacher at Churchill Junior High School for four (4) years. For the past three (3) years, ██████████ has been a tenured special education teacher for math at EBHS. ██████████ has no disciplinary history. ██████████ served as “Lead” Advisor for the Yearbook Club for the 2023-2024 school year. This was her first year as the Lead Advisor.

There are only two (2) staff members who serve as Yearbook Club advisors, the Lead Advisor and the Financial Advisor. ██████████ first became involved with the Yearbook during the second half of the 2022-2023 school year, serving as the Financial Advisor. The Financial Advisor is limited to those items dealing with finances. The Lead Advisor is responsible for all creative activities related to the production of the Yearbook.

██████████ explained that “no one” wants to work on the Yearbook, but a colleague “convinced” her to do it. Serving as an Advisor for the Yearbook Club comes with a stipend; however, the stipend is “not substantial enough” to entice staff members to apply for these positions. ██████████ explained that creating the Yearbook is very time consuming. Although the stipend is for up to ninety (90) hours, she has in fact logged more than one hundred and ten (110) hours.

When asked about the Yearbook production training that she received, ██████████ explained that the prior Lead Advisor provided her with a dense Google document with instructions. ██████████ stated that the instructions were voluminous and “confusing,” so she decided to “wing it.” Throughout the process of creating the Yearbook, she worked closely with the representative from Herff Jones Yearbooks (“HJ”).⁴

██████████ was asked how students were “trained” to work on the Yearbook. ██████████ stated that in order to recruit members, the Yearbook Club held “publicity events” to attract new students, and returning Yearbook Club members were to acclimate newer members. For the 2023-2024 school year, initially approximately forty (40) students signed up for the Yearbook Club, but over the course of the year it “filtered down” to approximately twelve to fifteen (12-15) students who remained actively involved. The newer students were taught how to use the Yearbook software (E-Design), either by

³ Union members were permitted to have a union representative present at their interviews.

⁴ Varsity Yearbooks, formerly Herff Jones, is the company retained by the District to assist in publishing the Yearbook; referred to herein as “HJ.”

returning students or by [REDACTED] E-Design has a workflow system, called the “ladder,” which has “pages” which are basically templates to be filled in with photographs and text. E-Design also shows “the order of events” needed to create the Yearbook. The ladder informs the content that should be in the pages. Individual students are assigned specific pages to complete. Another EBHS Club, the Publishers Workshop Club, assisted with many sections such as the written pages, the academic section, and sports pages.

The Yearbook Club has scheduled meetings and would review materials throughout the academic year. [REDACTED] would “track” student actions in E-Design to monitor progress.

In addition to the Lead Advisor, there were three (3) students, all returning Yearbook Club members, who served as “Chief Editors” (“Editor”).⁵ The Editors would assist the Yearbook Club members to complete pages. Another task was to update the Google Sheet of “to-dos.” [REDACTED] explained that there are many tasks associated with the Yearbook as it contains “approximately 300 pages.”⁶

[REDACTED] then explained the editing and proofing process. She described a formal five (5) step process. She also submitted two (2) handwritten pages to the Superintendent detailing the process. See Exhibit B. The “editing and proofing” process starts when a page has been created and a Yearbook Club member has finished entering content.

Steps in the process:

1. Edited. The assigned student edits a page. Once the editing process is complete, the student would put it into “proof.”
2. Proof. An Editor reviews the page and puts it into “preflight.”
3. Preflight. An Editor reviews the page again and the page is put into “pre-submit.”
4. Pre-submit. This is very similar to the prior step and is in essence a holding stage. At this stage, [REDACTED] reviews the page, and then “submits” for publication.
5. Submit. Final approval stage.

Access during the above process is limited. The only individuals with “all-access” and who can edit a page once it is in the review process are: (i) the Advisors; (ii) the HJ representative(s); (iii) the Publishers Workshop teacher(s); and (iv) the Editors. Students who worked on a page have access to that page only, not to other pages in the Yearbook.

The interview then turned to the process for managing photographs. [REDACTED] explained that they use a process called “tagging.” Students first download the photograph to their laptop. They then log into E-Design and upload the photograph and “tag” it so that it is entered into a particular folder. The photograph is then searchable. The specific process is (i) library; (ii) import; and (iii) tag images. After that stage, one can create a title for the

⁵ Student names are not referenced in this Report.

⁶ The Yearbook contains 272 numbered pages, 59 are portrait pages and 213 have “content” including the final 2 pages which are blank.

photograph. To search for an image, one can type a keyword and tags will auto-populate the search bar. There are many folders and tags from prior years.

In addition to the Groups section mentioned above, there is also a “Clubs” section in the Yearbook. See Exhibit C.⁷ On page 205 of the Yearbook, there are three (3) clubs featured, along with a brief description: (i) the Coptic Club; (ii) the Muslim Student Association; and (iii) the Jewish Student Union Club. This has been the layout followed repeatedly for a number of years. It was created “at some point” and is “carried over year after year.” ██████████ explained that pages are “auto generated from history.” Importantly, since these three (3) clubs have historically been on the same page, they share the same photograph folder in the Library and consequently share “tags.”

In addition to page 205, the JSU also appeared on page 236 within the Groups section. This section contains photographs and student rosters for various student organizations, including sports teams, honor societies, and clubs, among others (hereinafter, the term “clubs” shall refer to all organizations in the Groups section). ██████████ took responsibility for finalizing all of the club pages because those pages “are boring and monotonous” and the “students don’t want to do it.” ██████████ explained that the Yearbook deadline was April 11 at midnight. As the deadline approached, the Yearbook Club still did not have the needed information for all of the clubs within the Groups section, including JSU which had not provided a roster.

With respect to JSU, ██████████ stated that, on January 8, 2024, an Editor had contacted the JSU advisor requesting a photograph, a “list of members names,” and a “short blurb” for the Club section. See Exhibit D.⁸ On January 9, 2024, the Editor received a blurb from a student, but it was “too big” and would not have fit in the space provided. Id., page 3. ██████████ is not aware if there was any follow up. ██████████ reworked the blurb from the prior year for the JSU description which appeared in the Club section of the Yearbook. The Yearbook Club did not receive a JSU roster for inclusion in the Groups section. This is the reason that there was no JSU roster in the first version of the Yearbook.⁹

██████████ – *There are two (2) types of clubs: (i) paid clubs; and (ii) unpaid clubs. Members of paid clubs make payments in the District’s system (Community Pass) and therefore it is easy to generate a roster of members. Unpaid clubs such as JSU are also referred to as “equity clubs” and are unpaid positions. The advisor is a volunteer, and the Yearbook Club relies on either the volunteer advisor or a student to provide a club roster and photograph.*

██████████ took responsibility for the incorrect photograph being placed in the Yearbook. She described how the error occurred as follows. On the evening of April 11,

⁷ ██████████ provided the Superintendent with additional pages and notations illustrating the various pages and detailing the sequence of events.

⁸ Names of students and staff members have been redacted. Photographs of students have not been included in the exhibits to this Report.

⁹ The Yearbook did not receive a roster until after this issue arose. The roster does appear in the reprinted Yearbook.

2024, ██████████ was working intensely trying to complete the Yearbook, including completing the entry for the JSU in the Groups section. In searching for a photograph, ██████████ recalls typing “Jewish” into the Library search bar, and a folder titled “Jewish/Coptic/Muslim” opened.¹⁰

There were four (4) photographs in the folder, including three (3) group photographs. Two (2) of the photographs were labeled “in use.” ██████████ “knew” that the Muslim and Coptic clubs had already been completed for the Clubs section. Since the last group photograph was not labeled “in use,” she “thought” that it was the JSU group photograph. She was “happy” that she “even had a picture for the JSU.” She “pulled it” and placed it in the JSU space in the Groups section of the Yearbook. ██████████ stated that it was “too late to ask the teacher for a roster” that would accompany the photograph. Additionally, she commented that the JSU teacher advisor had not previously responded to a request for a roster. See Exhibit B, *intra*. I reviewed (online) a page supplied by HJ, with a timestamp that matches the time and date when ██████████ was working on the page.

Before finalizing the Yearbook, ██████████ met with the Principal during the first week of April to review the Yearbook. They reviewed the Yearbook on her laptop. ██████████ explained that the Yearbook Club can only view the Yearbook pages on a small laptop screen.¹¹ Reviewing pages on a small screen, particularly as the Yearbook nears completion makes it difficult to identify errors.

At some point in mid-April, ██████████ authorized ██████████, the HJ representative, to print the Yearbooks. HJ made the actual arrangements for the printing. ██████████ received the boxes with the Yearbooks on May 17; however, the custodian advised ██████████ that the boxes could not be unpacked until the storage closet was cleared. ██████████ first saw the Yearbook during the week of May 22. ██████████ reviewed the printed book and showed it to her Instructional Aides as well. “No one noticed” the error regarding the JSU photograph.

For context, ██████████ offered that since East Brunswick is a diverse township, it is not necessarily of note if club photographs display a diversity of students.

On June 4 at a senior event, the 12th grade received the Yearbook. ██████████ explained that the 12th grade receives the Yearbook first, and it is then offered to the other grades. This year, only the 12th grade received the first version of the Yearbook because this issue came to light shortly thereafter.

██████████ expressed deep remorse at her error, and sadness that her mistake caused the uproar. She holds “no ill will for any group of people.” She was visibly distressed when discussing the possibility that she might have done this purposefully, and vehemently

¹⁰ In actuality, as detailed below, the photograph was placed on the page on April 6, but the records demonstrate that ██████████ continued working on the page up until the evening of April 11.

¹¹ ██████████ has since learned that the Yearbook Club has an account with sufficient funds for a larger monitor. She has already ordered a large monitor for next year to make it easier to review the pages.

denied having done so. Regarding the question of whether another individual might have changed the picture purposefully, she does not think it is possible as they would have had to obtain her login and password. Notably, the electronic history of the page shows her working on the page shortly before it was” submitted.”

June 10, 2024

████████████████████ – **EBHS Tenured English Teacher**. Also in attendance for the interview: ██████████, President of the EBEA.

████████████████████ has been employed by the District for twenty-four (24) years. She is a tenured English teacher and has been assigned to EBHS since September 1999. She has no disciplinary history.

████████████████████ advises three (3) clubs, (i) Senior Class Council; (ii) English Honors Society, and (iii) JSU. The first two (2) clubs are paid clubs and come with a stipend. JSU is an unpaid club and ██████████ has voluntarily advised JSU for five (5) years. She first became involved after a student asked her if the JSU could use her classroom for a program. JSU then listed her as the Advisor, originally without her knowledge, but she accepted and has remained in that role since that time. ██████████ is not Jewish, but she is married to a Jewish man and celebrates Jewish holidays.

████████████████████ explained that JSU is primarily student-led. She does not take attendance at JSU events but attempts to be present at all events. In past years, there was an outside Jewish organization that worked with JSU on programming. Beginning this past Summer, the JSU executive board decided to run the programming. For the 2023-2024 school year, the executive board planned all their own speakers and topics. The executive board generally has five (5) or six (6) students. They are all Jewish.

There were approximately seven (7) or eight (8) events this year. In the opinion of ██████████, the meetings were “well attended” and the programming was “exceptional.” She estimated that twenty to twenty-five (20-25) students attended most events. Also, this year, due to geopolitical events, there was a different “tone” which was “heavier,” and events had a different “feel.” In years past, events were geared towards holiday celebrations and were more “culturally driven” and Jewish students would bring non-Jewish friends to events. This year, approximately 90% of the students who attended events were Jewish. Fortunately, students did not express “safety fears,” but students did express that relationships may have “changed” due to the political climate. There were no incidents at JSU events.

████████████████████ explained that there are three (3) faith-based clubs at EBHS, (i) Coptic; (ii) Muslim; and (iii) Jewish. There are two (2) sections in the Yearbook where the clubs are referenced. The Clubs section contains a photograph of club activities, along with a descriptive text. The Groups section contains a formal group photograph, along with a roster of student participants. ██████████ noted that the Coptic Club does not appear

at all in the Groups section of the Yearbook, only in the Clubs section, “presumably” because the information (roster and photograph) was not submitted.

On January 8, 2024, ██████████ received an email from a Yearbook Editor requesting a roster of JSU members. ██████████ did not respond to the request because she does not maintain a roster as JSU is a non-paid club. Students can attend events as they wish, but it is her understanding that a formal list of attendees is not required. As ██████████ explained, paid clubs are distinguishable from unpaid clubs and must maintain a roster of enrollment because advising those clubs comes with a stipend and, consequently, an hourly requirement from the teacher. After this current issue arose, ██████████ spoke with the student head of JSU who informed ██████████ that she (the student) “thought” she had supplied the Yearbook Club with a roster but after reviewing her emails, she determined that she had not submitted a roster.

As far as ██████████ recalls, and admittedly she does not remember clearly, she does not recall taking a formal JSU photograph. There were only candid photographs that were submitted for the Yearbook.

With respect to the “blurb,” ██████████ stated that she does not review the descriptive text for any of the clubs for which she serves as an Advisor. These are written by the students. She was made aware that the blurb submitted by the JSU was not included in the Yearbook because it was “too long” and was edited by a Yearbook Editor. After this issue arose, ██████████ spoke to the student head of the JSU, and they submitted a roster. Additionally, the JSU took a photograph that is included in the revised Yearbook.

██████████ stated that over the week just prior to the interview, she “gathered information” and spoke with colleagues. She is convinced that the issue with the photograph was a “mistake.” She elaborated that her original thought was that this must be a mistake, but after hearing all of the concerns, she was then inclined that perhaps it was purposeful. She is now “convinced it was a mistake” or “careless error.” By April, working on the Yearbook had become “a rush to the finish” and the error was not intended as a “diminishment” of “any one group.” ██████████ stated that if she thought the photograph placement was “intentional” she would be “outraged” and would “defend her club.”

June 11, 2024

██████████ – **HJ Representative.**¹² ██████████ works for Varsity Yearbooks (formerly Herff Jones or referred to herein as, “HJ”). She has worked for the company for twenty-three (23) years. The company has worked with the District for “probably close to thirty (30) years,” but she has personally worked with the District since 2014. She was aware that this was the first year that ██████████ was the Lead Advisor.

¹² Follow up information was provided on June 18, 2024.

██████████ shared her screen to demonstrate E-Design, the online program that is used. The following process was illustrated.

1. Every student and advisor has their own login information, including a username and password. Everyone is assigned one of the following titles, (i) Staff; (ii) Editor; or (iii) Advisor. Staff members (students) have the most limited access, Editor has more access and Advisor has complete access.
2. Library. All photographs (*e.g.*, candid/sports/student life/clubs) are uploaded into a searchable Library. At the time of the interview, there were almost five thousand (5,000) photographs in the Library. There is a separate section for formal portraits. Photographs are given keywords (“tags”) and there can be multiple tags applied to any one picture. Searches can also be conducted by the name of the uploader. One can also scroll through the Library and view photographs if there were no tags assigned; however, photographs can get “lost” if there are no assigned tags.
 - a. ██████████ demonstrated that the photograph at issue (of the Muslim students) appeared on page 236 of the Yearbook. It had been uploaded by a student (who is Jewish) on April 3, 2024, and three (3) tags had been assigned: “MSA, MSA/Club, MSA/JewishSU.”¹³ Those tags were previously created for the folder, which as stated above was shared for the three (3) clubs (Coptic, Muslim, Jewish).
 - b. There were various photographs in the Library that had multiple tags, including the tag, “Jewish.”
3. Tags can also be created by topic. ██████████ explained that multiple tags can build up over time and at some point, an “MSA/JewishSU” tag was created.¹⁴
4. If there are multiple topics on a single page, there can be multiple tags for the page. Since the three (3) afore-mentioned clubs have historically shared a page in the Yearbook, when the photograph of the Muslim Club was uploaded, all three (3) tags (see above) were assigned to the photograph.
5. Ladder. This is the template that is followed so that everyone in the Yearbook Club knows where to place the various pages. The ladder is broken down by topics. Yearbooks “mostly follow” the same template year after year, especially when there is a new Lead Advisor like this year who would not have had the experience to determine to make changes.

██████████ described the process for creating Yearbook pages. Her description was very similar to the process described by ██████████, above.

1. Edited/Blank template. When work on a page commences, the page is in the “edited” stage. The Advisor can assign students to work on the page. The assigned Staff member (student) will only be able to work on those pages to which they are assigned.

¹³ It was most likely the student who assigned the tags, but that cannot be confirmed.

¹⁴ ██████████ asked HJ’s IT department to research this question, but they are unable to confirm the original source.

2. Proof. When the Staff Member and/or Advisor believes that the page is complete, the page goes to the “Proof” stage. Staff Members can no longer access the page; only Editors and Advisors have access at this stage.
3. Pre-flight. At this stage, only Advisors have access to edit the page. There are warnings built into the E-Design software so that final edits can be made. Once final, the Advisor must make a pdf to view or print the page for review. There is another warning to review the pdf and you must click an acknowledgement form to reach the next stage.
4. Pre-submit. This is the final page before hitting “submit” but it is really an extraneous step because you just click to the final step in the process.
5. Submit. The page is ready for publication.

██████████ detailed the history of page 236, which contained the incorrect photograph. On October 19, 2023, ██████████ created the template for the page. She inserted “placeholder text” as the page awaited the actual content. As stated above, on April 3, 2024, the photograph of the Muslim Club was uploaded to the Library by a student. The content on the page was started by ██████████ on April 6, 2024, at 10:48 a.m. At that time, ██████████ placed the incorrect photograph on the page, but the headline was not completed, and the placeholder text remained. The page history demonstrates that ██████████ was working on other clubs on that page as well. On April 9, at 11:41 a.m., ██████████ adjusted the JSU “headline” (name). At 12:33 p.m., ██████████ removed the placeholder text where the roster would normally be placed. ██████████ “assumes” that it is because ██████████ never received a roster. The last time ██████████ “touched the page” was April 11, at 9:23 p.m. when she made final changes to the page. ██████████ explained that “they were scrambling to complete the Yearbook.”

██████████ made some final tweaks to the various clubs that appear on the page. ██████████ did state that ██████████ had multiple opportunities from April 9 through April 11 to notice the incorrect photograph. ██████████ “assumes” that ██████████ was “working hard” to finalize the details on the club pages, and since all of the photographs in the folder were tagged with the keyword “Jewish,” she simply erred when choosing the incorrect photograph.

██████████ described factors that may lead to errors in the Yearbook. She stated that viewing these photographs and text on a small laptop makes it difficult to see details. She utilizes a “very large screen” when reviewing yearbooks because she wants to check photographs for “inappropriate hand gestures.” She also focuses on “fonts and alignments” which is difficult on small screens. She also stated that when you look at a small screen for “hours,” you “stop seeing things.” ██████████ suggested to ██████████ that the Yearbook Club should use a larger screen. In this case, the original deadline for completing the Yearbook was actually April 1 (rather than April 11 as ██████████ had stated). The Yearbook was “very late” and “there was “pressure to finish. ██████████ stated that late completion is “normal” for schools which depend on volunteer students for much of the work.

██████████ called ██████████ on the evening of June 11 to inform her of the issue. ██████████ was “very upset” and was “dry heaving.” ██████████ stated plainly, “Mistakes are made in Yearbooks.” Specifically, EBHS has a “very large Yearbook,” and typos and errors are not uncommon. Information is received “from a lot of different sources” and it can get “overwhelming.” ██████████ feels “very confident” that this was “an unfortunate error” and there was “no ill intent.”

The interview turned to how practically this might have occurred if someone had tried to do this intentionally. ██████████ stated that the “only way” another individual could have placed the photograph on the page would be if they had used ██████████’s username and password or had logged into her computer. This scenario did not happen. ██████████ admittedly, and evidently, had been working on the page on and up to April 11.

██████████ stated that she is “impressed” with how the District is working on a “positive solution” for the student community.

June 14, 2024

██████████ **Interim Principal**. Also in attendance at the interview: ██████████ ██████████ of the East Brunswick Principals and Supervisors Association.

██████████ serves as the Interim Principal at the High School. He has served in this role since February 1, 2024. He has been employed by the District for thirty-five (35) years. Prior to his current assignment, he was the 12th grade Assistant Principal. Each Assistant Principal is primarily responsible for a grade, but also has other responsibilities. The 12th grade Assistant Principal is assigned to the Main Office and also oversees the clubs. ██████████ has been an administrator at EBHS for approximately fifteen (15) years. He has never been a Principal previously.

In his previous position as the 12th grade administrator, he supervised the EBHS clubs. When there were Yearbook “needs or issues” related to clubs, such as reviewing senior quotes or obtaining photographs, the Yearbook Advisor would contact him. In the past, he was only consulted on “administrative or clerical” issues. For instance, Advisors have flagged certain student quotes, which would be handled directly with a student.

██████████ explained that administrators can assist the Advisors for paid clubs with their rosters via the student signups on Community Pass, which is the District software that tracks fees paid for various items. The roster for unpaid clubs is maintained by the students running the club.

When he was appointed as Interim Principal, ██████████ maintained his prior duties in conjunction with ██████████ (referenced above) who is currently serving as the Interim 12th grade Assistant Principal. ██████████ explained that he had not received many inquiries or requests from the Yearbook Advisors. His involvement was limited to administrative tasks such as approving hours for the stipend.

██████████ acknowledged that the Yearbook does fall under his purview as Principal. Notwithstanding, ██████████ does not believe that the Principal has the responsibility to review all of the Yearbook content. Moreover, he did not receive any specific instructions regarding his Yearbook responsibilities. He is unaware of an administrator reviewing the Yearbook in depth in prior years. Although he is aware that this was ██████████'s first year as Lead Advisor, he stated that Yearbook content is the Lead Advisor's responsibility, and administration relies on the "particular oversight" from the Lead Advisor. As the Yearbook was being finalized, ██████████ did provide him with a status update in early April. He stated that ██████████ never reviewed the actual Yearbook with him.

██████████ explained that with "everything going on" in EBHS, there are time constraints on a Principal and reviewing a Yearbook is a "very time-consuming process." Additionally, there are mistakes in the Yearbook "every year." As examples, ██████████ described missing student pictures, typos, and mislabeled events. He also stated that the "logistics" of creating the Yearbook are "very difficult" which leads to errors. While there have been errors in the Yearbook in the past, "nothing significant" has ever occurred.

██████████. ██████████ has served as the Superintendent for the District since July 1, 2014. We focused the first part of the interview on the role of the Superintendent with respect to the Yearbook.

██████████ explained that he has never had "contact" with EBHS regarding the creation of a Yearbook. Yearbooks are "solely" a High School level endeavor, they do not "come under the review" of his office. As ██████████ has "no connection" to the creation of the Yearbooks, the first time he sees them is when copies are delivered to his office for distribution to the Board members. He does not recall any High School Principal (prior or current) reaching out to him for guidance regarding a Yearbook issue other than a single conversation, held years ago, about a quote that a student wanted to use in the Yearbook. This year was no different than prior years.

It is ██████████'s opinion that the EBHS Principal should be the "final review of the proof before it goes for publication." This was his understanding because he is aware that the prior Principal had reviewed the proof. The Yearbook is a "major publication," and he believes that it should "have the touch" of the Principal because it "represents the High School." ██████████ is going to assume the responsibility of reviewing the Yearbook next year.

██████████ is aware that there are other errors such as "spelling errors," "incorrect identifications in pictures," and incomplete rosters in this year's Yearbook. See Exhibit E.¹⁵ Although there were conversations in prior years about errors, they were "relatively inconsequential" errors that did not result in needing a new Yearbook.

¹⁵ The EBEA provided me with a ten (10) page packet containing various errors throughout the Yearbook. Additionally, based on a cursory review of other pages, I found errors such as a typo on page 248; the word "Council" is misspelled.

██████████ first became aware of an issue with this Yearbook on Tuesday, June 4, at 1:56 p.m. A Board member sent him a text of the picture. He was advised that the JSU photograph was actually a photograph of the Muslim Club. ██████████ did not yet have a copy of the Yearbook because it had only been distributed at a Senior event. It is his understanding that the Yearbook was distributed to approximately three hundred and seventy-five (375) students. ██████████ asked his executive assistant to go to the High School to obtain a copy of the Yearbook to confirm the error. ██████████ attended a 3:30 p.m. meeting that concluded at 5:30 p.m. He then attended an EBHS athletics event at around 6:30 p.m. ██████████ was made aware of social media postings regarding the photograph so he called East Brunswick ██████████ to inform him that he was aware of the issue and would be conducting an internal investigation. ██████████ agreed with that course of action and expressed appreciation for ██████████'s actions.

At 6:37 p.m., ██████████ received a message from a friend with the Press Release from the Jewish Federation. ██████████ did not see the text message until later that evening, during the athletics event. At the end of the event, the Vice-President of the Board of Education informed ██████████ about the Mayor's Press Release which used the phrase "blatant antisemitism." The event ended at 9:30 p.m.

On Wednesday morning, ██████████ met with ██████████ and ██████████ ██████████ asked his executive assistant to attend the meeting. ██████████ brought her laptop and her file of email communications between Yearbook staff and the JSU. The emails requested a roster and JSU photographs. See Exhibit D.

██████████ asked ██████████ to explain the process of creating a page. Based on his understanding, students were tasked with collecting photographs which they upload and store in a digital folder. ██████████ explained to him that she was looking for a photograph for the JSU and she typed the word "Jewish" in the search bar. The photograph that was mistakenly used was in a "comingled" file along with Coptic and Muslim students. ██████████ said that she "simply made a mistake." ██████████ stated, "I am really not up on international matters" and that the photograph "didn't draw her attention." ██████████ expressed surprise that ██████████ was not aware of the conflict in Israel and Gaza.

██████████ also showed him the email asking for a JSU roster but acknowledged that Yearbook staff never followed up. She asserted that they had no photograph for the JSU either. ██████████ "thought" the photograph in the file was correct, but it turned out that they had not received a photograph at all. (A photograph was later taken for the revised Yearbook.)

During the June 5, 2024, meeting, ██████████ expressed multiple times that she "did not want" the position of "Lead Advisor" but she had been "encouraged" to accept the position. ██████████ provided an example of how the lack of a roster could have been better handled. On page 234, the Gay Association of Students ("GASP") has a disclaimer stating, "*There's no official roster for GASP. Anyone can join any time!*" ██████████ acknowledged that leaving the space for the roster blank was a "mistake."

During the meeting, it became “evident” to ██████████ that ██████████ had been “under a time constraint and trying to accomplish a lot of things” in a brief time. ██████████ also stated that she had to work on a small screen. ██████████ stated that the District has technology to allow for better visuals; however, that technology was not utilized. Based upon his investigation and the demonstration of how the photograph was chosen, ██████████ believes that the error was made “in haste.” As ██████████ was “approaching a deadline,” she did not “double check” the photograph.

The meeting with ██████████ lasted for close to two (2) hours.

After the meeting ended, ██████████ had numerous press requests and he gave interviews to ABC, NBC, and CBS. He advised the press that, from his initial investigation, this issue appeared to be a “mistake.” Later that evening, he received a series of “hateful” emails. The District began receiving hundreds of phone calls. ██████████ contacted legal counsel and they discussed the need for an independent investigation. ██████████ has received threats to harm him and his wife.

As soon as this became an issue, ██████████ “took responsibility” and advised District administrators not to speak to the press. In follow-up interviews, ██████████ advised the public that the District was retaining an independent investigator. He also contacted local Jewish and Muslim leaders to update them as to the steps he was taking.

██████████ still believes that this situation was the result of a “horrific mistake” and was realized at “the worst time.” ██████████ believes that ██████████ “could not have faked her emotional reaction” at their meeting. She had been “sobbing and shaking.” In ██████████’s estimation, the error was “just sloppy work.” He does think that there is fault, and the picture should have been “verified” because, while it is possible that non-Jewish students could be in the JSU, the dress of a number of students should have triggered some question and “at least” led ██████████ to verify the photograph.

FINDINGS AND RECOMMENDATIONS

1. I conclude that the use of the incorrect photograph was not purposeful, but rather was a highly unfortunate error. Although ██████████ was incorrect regarding the date that she placed the photograph on the page, it is undeniable that she did place it herself. Further, ██████████ acknowledged that she placed the incorrect photograph on the page. I found ██████████ credible, and I have no basis to find that she acted out of any animus, racial, religious, or political, towards Jewish or Muslim students.

2. I find that the Lead Advisor was at best careless, but her actions can also be considered negligent. She should have exercised greater attention to detail when selecting the photograph. She admittedly only “assumed” it was the correct photograph. The photograph clearly has a number of students who are identifiably Muslim. Even accounting for diversity among students, this should have triggered greater awareness. Moreover, as an experienced educator, in light of domestic and international events, ██████████ ██████████

should have had a heightened sense of awareness and sensitivity surrounding students of Jewish ethnicity and/or faith. This sensitivity also holds true for students of the Muslim faith who were clearly identifiable by their dress and who were also mislabeled.

I leave the decision regarding appropriate disciplinary measures to the Administration.

3. It remains unclear whether [REDACTED] reviewed the Yearbook. [REDACTED] stated that she went through the Yearbook with him, but [REDACTED] stated that he did not recall reviewing the Yearbook. Notwithstanding, [REDACTED] is an Interim Principal who was not specifically directed to review the Yearbook.

4. I find that [REDACTED] conducted himself appropriately during this process. He initiated his investigation the day after he learned of the issue, reached out to local leaders, and consulted with legal counsel.

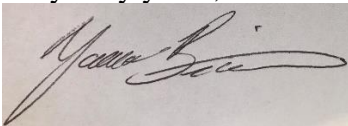
5. I recommend that the District revisit the entire Yearbook production process and implement more sophisticated review measures. It is a positive step that a larger computer monitor has been ordered which will make it easier to review pages. However, that is only a first step. The District may consider any or all of the following recommendations:

- a. Formalize a training program for Lead Advisors. HJ, or another vendor, can be retained to prepare and deliver the training.
- b. Create a process by which the EBHS Principal, or his/her designee, review each page of the Yearbook substantively and sign off on printed or online copies of each page.
- c. Approve an additional Lead Advisor position and allocate responsibility to oversee various sections. Each year there are inadvertent errors that may be avoided with more Advisors.
- d. Review the titles of the folders and the tags utilized in the Library. While they were created for convenience, over time, this can lead to errors, as experienced in this instance. Tags should be individual to each club, group, or sport.
- e. Create a detailed checklist and timeline for information needed for each page (*e.g.*, roster, photograph, descriptive text, etc.).
- f. Require all club advisors to timely provide information (roster, photograph, descriptive text, etc.) requested by Yearbook staff.

I leave the final decisions as to an appropriate process to the Administration.

Please do not hesitate to contact me with any questions.

Very truly yours,



Yaacov Brisman

Enclosures