



Nipomo High School

John P. Denno, Principal

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Administrator
Matt David
Counselor
Parisa Kia

Administrator
Rebecca Ferguson
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Activities Director
Monica Anderson
Counselor
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Athletic Director
Russ Edwards
School Psychologist
Cristina Johnson

To: Justin Magdaleno
From: Matt David, Assistant Principal
Date: October 12, 2017
Subject: Written Warning

This memo will summarize our conference of October 12, 2017, concerning coaching conduct.

During this conference, I discussed the fact that while serving as an athletic coach of our girls wrestling team:

1. your demonstration and technical instruction included physical contact with your hand placed near a female athletes buttocks,
2. your verbal comment that an athlete "has a lot of cushion back there" made athletes feel uncomfortable, were unwelcomed and perceived by some students as sexually harassing, and
3. your deletion of a previous student photo who had quit the team was still on public display in the wrestling room.

I reviewed with you that your physical behavior creates a perception of inappropriate conduct and your verbal behavior can be considered sexually harassing and intimidating, as students also communicated fear of disciplinary action for bringing their concerns to administration.

As a result, some of our student-athletes are impacted as they can not confidently participate without fear of physical and verbal harassment.

During the conference, I informed you that you that the following changes are to be implemented immediately:

1. Discontinue physically sparring with female student-athletes.
2. Continue the practice of having a female coach present at all times during practices and meets. Whenever possible, utilize female coaches to demonstrate wrestling moves with students.
3. The door to the girls wrestling room is to remain open at all times when students are present.
4. The team photograph in the wrestling room is to be removed or replaced so that the former student in question does not appear to be crossed out.

To assist you in providing technical instruction and demonstration of physical skills, you are encouraged to use the three female assistant coaches to demonstrate technical aspects with female students. Further, as we agreed during our meeting, the following changes will occur without addressing the team, or individuals, about the concerns brought to administration.

A copy of this notice and attachments will not be placed in your personnel file. Pursuant to Education Code section 44031, you have a right to respond in writing to this material, and your written response will be attached to this notice and attachments. However, if you fail to follow the directives herein, further disciplinary action will be taken.





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Employee Signature

Evaluator Signature

Date

Date

10/13/17

10/13/17



CONFIDENTIAL Investigation Report

Concerning Allegations by Students, Parents and Staff Regarding Justin Magdaleno/NHS/Teacher/Coach

Lucia Mar Unified School District
Completed December 15, 2017

Introduction:

This investigation arises out of information that was initially brought to the attention of Administration at Nipomo High School beginning on October 12, 2017, the subsequent preliminary "discipline investigation" (outlined below), verbal complaints to the Human Resources office, and law enforcement criminal investigation initiated on or about October 20, 2017. Initially, Mr. Denno received a report from staff member [REDACTED] stating that some female students [REDACTED] and [REDACTED] needed to speak with him regarding concerns about Mr. Magdaleno. Mr. Denno was off campus but directed his assistant principal, Matt David to meet with the students and get more information. Based on this initial information, Mr. David drafted and delivered a Letter of Warning to Mr. Magdaleno on October 13, 2017 (attached hereto as exhibit A). Mr. David and athletic director, Russ Edwards monitored the wrestling practices every day until Mr. Magdaleno tendered his resignation on October 18, 2017 (attached hereto as exhibit C). From October 13-20 Mr. Denno, Mr. David and area administrator, Rebecca Ferguson continued to receive additional student complaints, or the parents of [REDACTED], [REDACTED], and [REDACTED]. These students and parents were interviewed. Sworn statements (attached hereto as Exhibit B) Mr. Denno regularly updated Assistant Superintendent, Chuck Fiorentino and received directions on how to proceed. At this time, Mr. Fiorentino was engaged in another high profile investigation at another high school in the district.

On October 18, 2017 Mr. Magdaleno decided to tender his resignation from the head coaching position of the Women's Wrestling team, stating that his decision was in the best interest of the Nipomo High School Women's Wrestling program. On or about October 20, 2017 the San Luis Obispo County Sheriff's Department received [REDACTED] [REDACTED] at least one formal complaint from a parent. (Note: 10/20 was a Friday.) On October 23, 2017 the District was notified of the initiated criminal investigation by Detective David Meneranghi. This notification was provided through contact with Detective Meneranghi and Sheriff Student Resource Officer Glenn Holzer (assigned to Nipomo High School). The District [REDACTED]

█ decided to place Mr. Magdaleno on paid administrative leave and initiate a Title IX investigation. Mr. Magdaleno was chaperoning an AVID field trip to the Los Angeles area. Mr. Magdaleno was notified of his placement on paid leave, and that an alternate staff member, █, was being sent with rental car to exchange places with Mr. Magdaleno.

On October 25, 2017 the District began the Title IX investigation, which ended on November 8, 2017. Because of the number of female student witnesses, the decision was made to conduct the interviews with a female administrator. The District chose Wendy Bruse, Director to conduct the interview under the supervision of Chuck Fiorentino. Ms. Bruse is an experienced administrator in our district. She has teaching, PPS and Administrative credentials. She has worked as a teacher and administrator at both of our comprehensive high schools. She has experience conducting both site level and district level investigations.

The scope of the Title IX investigation included:

- A. Whether or not students were harassed or sexually harassed by Mr. Magdaleno, in violation of District policy; and
- B. The nature and scope of the harassment.

Through the initial interviews, it was discovered that staff members also might be affected by Mr. Magdaleno's behavior. The decision was made to expand the investigation to include:

- C. Whether or not staff were harassed or sexually harassed by Mr. Magdaleno, in violation of District policy; and
- D. The nature and scope of the harassment.

Summary of Findings:

Sexual harassment, as defined by Administrative Regulation 5145.7, defines sexual harassment as conduct including, but not limited to, "unwelcome sexual advances, unwanted request for sexual favors, or other unwanted verbal, visual, or physical conduct of sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions....(3) The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment."

There were multiple accounts given by students in interviews to indicate that it is likely that Mr. Magdaleno engaged in physical and verbal behavior that violated the District's sexual harassment policies. With respect to the physical behavior, this consisted of physical demonstrations of wrestling moves with the female student athletes. Some students stated that these demonstrations did not bother them. However, some indicated that watching these demonstrations made them uncomfortable. Some indicated that experiencing these

demonstration bothered them personally and in one case actually caused physical injury. Some indicated that his placement of hands, legs and feet on them made them feel uncomfortable and was not entirely consensual. Predominantly, the student interviews indicated that more, rather than less of the student wrestlers believed that Mr. Magdaleno's demonstrations were inappropriate.

There are also multiple accounts from the student and staff interviews that indicate that it is likely that Mr. Magdaleno engaged in verbal and physical harassment in violation of District policy. Mr. Magdaleno made verbal statements directly to student athletes, or made them to student athletes and to staff about other student athletes. Unwanted comments included statements about their body parts and their wrestling. Examples follow:

- "You have enough cushion back there." (referring to wrestlers' bottoms)
- "Moves are easier for you because you're more toward the bigger size."
- "Just because you have a big butt doesn't give you an excuse to keep it up."
- "Don't get your panties all wet because your boyfriend is coming to watch you."
- "You're worthless."
- "You're a shitty wrestler."
- "You'd look ugly in a dress."
- "You'll never have a boyfriend."

There was also evidence that Mr. Magdaleno regularly used profanity in wrestling practices.

The investigation found that it is likely that Mr. Magdaleno engaged in conduct that violated the District's sexual harassment policy with respect to fellow staff members. During the course of staff interviews, Wendy Bruse discovered that several staff members had experienced or witnessed Mr. Magdaleno engaging in inappropriate conduct. For example, he used offensive nicknames for ██████████ like ██████████, and stated to ██████████ "Your students like you because you have a nice ass."

Investigation Background, Preliminary Discipline Investigation

Completed October 18, 2017

Conducted by: Matt David/Assistant Principal, John Denno/Principal and Rebecca Ferguson/Area Administrator.

The investigation into the misconduct of Girls Wrestling Coach Justin Magdaleno included interviewing three of his current and former adult assistant coaches. All three interviews occurred on Tuesday, October 17, 2017. Written statements were not collected, as the first two interviews were conducted by phone, and the third interview did not produce any information relevant to this investigation.

The first question in each interview asked, "In your experience working with Coach Magdaleno, did you ever observe possible physical or verbal misconduct, or anything else that may be considered inappropriate behavior?" Follow up questions varied, based on the interviewee's answers. Below are the summaries of the interviews:

Exhibit D - Justin Magdaleno "Letter of Paid Leave" effective 10/23/17

Findings/Actions of the Site Investigation:

- Physical demonstration of wrestling moves done by male coach on female athletes. [**Confirmed** - by both witnesses and Magdaleno's admission]
- Derogatory and overly critical comments made by coach to female wrestlers. Ex: "has a lot of cushion back there", "You're a shitty wrestler", "You're worthless", and "Don't get your panties all wet just because your boyfriend is coming to watch you wrestle". [**Confirmed** - by both student witnesses, and assistant coach.]
- Deletion of student photo(s) as they quit from a composite picture in the training room. [**Confirmed** - by both witnesses and Magdaleno's admission.]
- Use of profanity in wrestling practice. [**Confirmed** by student wrestlers, assistant coach and Magdaleno.]
- Nipomo High School Administration believed that the behaviors indicated a lack of proper professional judgement, were correctable, and were not intended to be of a sexual nature. The students and other witnesses indicated that many of the behaviors were repetitive and were either perceived to be harassing or sexually harassing. A letter of warning was issued [Exhibit A] and Mr. Magdaleno resigned from his coaching duties. Upon notice of the initiation of a law enforcement investigation on October 20, 2017 the District made the decision to bring Mr. Magdaleno back from an AVID field trip to Southern California Universities, place him on paid leave effective October 24, 2017, and open a Title IX investigation on October 27, 2017.

to people. She avoids contact with him. She was offered support counseling and directed to communicate any future concerns to school administration.

██████████ ██████████ **October 25, 2017:**

██████████ is ██████████. When her ██████████ would not allow her to wrestle, Mr. Magdaleno wanted to talk with them to try and convince them to let her wrestle, but that never happened. She has Mr. Magdaleno for class. She stated that he sometimes uses profanity, jokes often, which she usually doesn't understand because she thinks it's her language barrier. She has caught him looking at her legs when wearing shorts and she will never let herself be alone with Mr. Magdaleno. ██████████ was not asked to write a sworn declaration. She was offered support counseling and directed to communicate any future concerns to school administration.

██████████ ██████████ **October 25, 2017:**

██████████ was used often as his demonstration wrestler. She stated that "it's wrestling", so she understood that there had to be contact but she didn't understand why he would linger after demonstrating moves. It did make her feel uncomfortable, but stated that she felt it was wrestling and it was just part of it. She claimed that she has heard Mr. Magdaleno make rude comments to others and to her. She has heard him make statements about a wrestler looking ugly in a dress and never having a boyfriend. ██████████ is currently participating in ██████████ ██████████ and has not yet been to wrestling practice this year. She was offered support counseling and directed to communicate any future concerns to school administration.

██████████ ██████████ **October 25, 2017:**

██████████ is a student in Mr. Magdaleno's class. She is unaware of any situation taking place; she has heard only rumors. She shared that she has observed Mr. Magdaleno occasionally use profanity in class, and he does have personal conversations with students in class.

██████████ ██████████ **October 25, 2017:**

She has witnessed Mr. Magdaleno using profanity in class. She has heard rumors about what is going on. She has witnessed another student, ██████████ and Mr. Magdaleno having many conversations which she thinks are inappropriate and it seems to make ██████████ uncomfortable. Until recently, she felt safe with Mr. Magdaleno. She was offered support counseling and directed to communicate any future concerns to school administration.

██████████ ██████████, **October 25, 2017:**

As a wrestler and student ██████████ thinks that Mr. Magdaleno is a good coach and teacher. She has observed him use profanity in and out of the classroom. During wrestling, she has witnessed him using the girls to demonstrate on. He has hugged a student in celebration of acceptance to college and tap individuals on the shoulder. Mr. Magdaleno is someone she sees as a father figure and her parting words were, "This is all because of a group of girls that were his favorites but they have turned against him."

██████████ ██████████ **October 25, 2017:**

██████████ shared that Mr. Magdaleno often moves off the conversation topic, shares lots of his personal stories and sometimes shares his own personal views on matters. She has heard him use profanity in class. She verbally stated that she feels comfortable around Mr. Magdaleno; however, her body language and her eyes lead the interviewer (Ms. Bruse) to believe this

may not be true. She was directed to communicate any future concerns to school administration.

██████████ ██████████ **October 25, 2017:**

██████████ shared that Mr. Magdaleno is "arrogant", "brags about himself, and does use profanity in class. She believes he makes others around him feel uncomfortable.

Staff Interviews

██████████ **October 25, 2017:**

██████████ heard that I (Wendy Bruse) was conducting interviews and asked to meet with me. He shared that he had a girl come to him stating some concerns about Mr. Magdaleno and therefore he ██████████. He believes that there is disconnect between administration and teachers that prevents teachers from going to administration with concerns regarding other teachers. ██████████ shared information that he had heard about possible teaching tactics that were inappropriate. These included Mr. Magdaleno's public posting of grades with student's names. He provided some other examples of the dis-connect relevant to teachers' concerns about other staff members.

Matt David, Assistant Principal, October 26, 2017:

Mr. David stated how he has heard Mr. Magdaleno state things that are inappropriate and that he just changes the topic when confronted. He believes that many other teachers just think, "Oh that is just the way he is." Mr. David confirmed that previous situations were dealt with by administration.

██████████ **October 26, 2017:**

██████████ shared that he did have a conversation with Mr. Magdaleno one time and that he made a negative comment about a female administrator.

██████████ **November 6, 2017:**

██████████ was unaware of any direct information in regards to Mr. Magdaleno. She has not heard anything for or against Mr. Magdaleno. She stated she really does not have any information to share one way or the other. She did describe a situation where a parent shared with her that when her child was in 9th grade, that the parent became upset with how Mr. Magdaleno interacted with her daughter. ██████████ directed the parent to administration to voice her concerns.

██████████ **November 6, 2017:**

██████████ stated that Mr. Magdaleno is very arrogant. She and other staff have discussed his arrogant behavior. That she has not witnessed Mr. Magdaleno being inappropriate with students.

██████████ **November 6, 2017:**

██████████ stated that he has not heard of any students share rumors about reasons for Mr. Magdaleno being gone, or his return. No students have come to him to express any type of concerns since the initial incident. Upon talking with ██████████ further, he shared that while on the AVID field trip on 10/24/17, Mr. Magdaleno stated, "Its better if I leave because if they are on this bus I'd kill them." ██████████ has announced wrestling matches and other events

where he interacted for long hours with Mr. Magdaleno. He has never observed or heard Mr. Magdaleno do or say anything inappropriate. [REDACTED] has heard him yell at the athletes, but nothing different than any other coach was doing. [REDACTED] was notified before the AVID field trip that Mr. Magdaleno was resigning from wrestling and made sure that he followed up with Mr. Denno to inquire if there was anything he should know about the situation, and if Mr. Magdaleno should be going on the field trip. [REDACTED] shared there would be students that could be anxious about Mr. Magdaleno's return, especially those that made the accusations. He stated only [REDACTED], spoke with him about this on Saturday 10/4/07 when they were both on campus. [REDACTED] described [REDACTED] as "fragile" and that she made the comment, "I don't want to be fired over this" (referring to her reporting to [REDACTED] about what students had shared with her.) [REDACTED] said that he didn't understand why she might fear being fired but tried to tell her that in time this would go away and that it will be okay.

[REDACTED] November 6, 2017:

[REDACTED] stated her relationship with Mr. Magdaleno is professional. She is not really friends with him outside of work. They are AVID teachers so they do attend conferences and field trips together. [REDACTED] stated she has never heard him be inappropriate with students verbally but has heard him be inappropriate with adults. He has nicknames for other staff member [REDACTED] and [REDACTED] and [REDACTED] does not understand why other staff tolerate it. [REDACTED] shared that she heard him make comments when he was leaving the AVID field trip that made her and another staff member ([REDACTED]) uncomfortable. They were directed to report it to the Sheriff. She shared that he made three comments about killing a student. She has spoken to Mr. Magdaleno after the trip, and he has been writing his lesson plans and giving them to her to provide to the substitute. He continually asks how his AVID seniors are doing. She stated that she feels staff are safe, but kids are not. She can't understand how he could return to work. She believes that Mr. Magdaleno is slowly realizing the severity of this situation.

[REDACTED] November 6, 2017:

[REDACTED] stated that her relationship with Mr. Magdaleno is professional and she feels comfortable around him. However, he is blunt, inappropriate, and can be intimidating. It seems not to matter to others that he has no filter. He calls others derogatory names like [REDACTED]. She said that she has discussed with Mr. Magdaleno the fact that he should not give nicknames based on body parts to his female athletes because it could hurt them. She has not heard him using nicknames based on their body parts recently. He has been inappropriate with her in regards to her physical appearance. He told her, "Your students listen to you because you have a nice ass", and has made comments about her ethnicity, such as, "Now I can call you [REDACTED]". She stated he holds grudges and gave an example: "When an athlete quits he doesn't talk to them." Also, he has said, "I'll never speak to them again," [REDACTED] also heard his comments when he was asked to leave the AVID field trip. She heard him say, "If I had a baseball bat I'd kill that kid and her mom", "It's taking all of me not to kill her" and, "If I told my mom no one would ever find out because she can make people disappear." She felt uncomfortable hearing all of these comments and ended up reporting to them to the Sheriff. She also heard Mr. Magdaleno comment on when a student fell, saying: "It shouldn't have hurt because you have a lot back there." Mr. Magdaleno is extremely serious about wrestling and does not let students miss practice to get caught up on work. [REDACTED] approached Mr. Magdaleno about the subject, but he was adamant that the students could not miss practice stating, "I was an AP student and if I could handle it they should be able to." A handful of students did miss practice. The following day, at practice, the entire team had to run. Magdaleno told the team that it was because others missed practice. [REDACTED] believes that

he doesn't always support the AVID way. She has heard him state, "You will be going to a 4 year college and if not I will be mad."

Rebecca Ferguson, Area Administrator, November 6, 2017:

Mrs. Ferguson shared that many staff have come and shared information about alleged harassment by Magdaleno. She would remind them of what harassment was, and the district policy, but the staff members would not want to file a report, as "it's just Justin." She has observed that Mr. Magdaleno goes to her for less serious issues, or as she stated "fluff stuff, and always goes to the male administrators for more "serious issues." Through further discussion, she stated that she felt that Mr. Magdaleno would go to the male administration for stuff that he would not be held accountable for "because they are friends." She speculated that she would be more likely to do due diligence and he would avoid that. She feels he does not respect women and doesn't understand how other staff does not call him on his nicknames or other inappropriate comments. Mrs. Ferguson shared an experience she became aware of, where Mr. Magdaleno confronted a student that he (Mr. Magdaleno) felt was disrespectful to another teacher. He got in the student's face and informed her of her disrespect. Then he wouldn't talk to the student any more. The other teacher did not see the student's behavior as disrespectful. Ms. Ferguson facilitated a conflict resolution meeting with the student and Mr. Magdaleno. Magdaleno was adamant that he was right and that the student was wrong, and he would not back down. The student was concerned about reporting this, fearing retribution from him. Mrs. Ferguson shared that she has great concerns about the school climate if he is to return because his judgement and personality are at the core of these issues. Without intense counseling, she does not see how that his behavior will change.

November 6, 2017:

has a personal and professional relationship with Mr. Magdaleno. Initially she was not forthcoming in the interview with Ms. Bruse. She did answer the questions with limited or minimal responses. When asked specifically about whether Mr. Magdaleno has any nicknames for her, she rattled off, "Oh, Oompah Lumpa". When I (the interviewer) told her not that one, she responded "short tree stump". When I said no, not that one either, she said, "which one?" I said, said, "Oh, that one," (in a very surprised tone). I asked if she was okay with this, and said, "I just ignore him, we have a brother sister like relationship." She then shared that Mr. Magdaleno holds grudges and he gets comfortable, so he forgets who is talking to, but does want what is best of the students.

Justin Magdaleno

Mr. Magdaleno was interviewed by Chuck Fiorentino on December 1, 2017. He was accompanied by Juan Higuera Esq. was also present. During his interview, he admitted that he had been non-reelected by prior employer Pioneer Valley High School, and refused to answer questions regarding the circumstances of his release. He admitted he coached wrestling at Pioneer Valley as well. He stated that he at some point, he was aware of a parent alleging that he had been dismissed from Pioneer Valley High School for "dating a student or something like that" and that the Executive Director of Family Partnership Charter School, another past employer, indicated that they were going to investigate, but never found anything.

Mr. Magdaleno admitted that he had been given training in sexual harassment. He denied having engaged in any behavior that could be considered sexual harassment, but admitted using "foul language." He stated no one had ever advised him not to demonstrate wrestling moves on female wrestlers, unless he was advised on that by Assistant Principal Matt David told him this a few weeks prior to the interview. He admitted demonstrating with female wrestlers prior to that conversation. He stated he was unaware of making any of the wrestlers uncomfortable until he was advised of the complaint. He denied ever demonstrating any wrestling moves where he wrapped his arms, body or legs around the chest area of the wrestler. He admitted demonstrating a move called the "High C" which involved moving his legs in the upper leg or groin area of the female wrestler. He admitted using profanity during practice, and possibly "under his breath" at meets. He admitted using profanity in other classes as well "if I slip." He denied making any inappropriate comments to students, although he admitted using the term "vagina in the face" to describe a move otherwise known as the "Barb Wire" because the girls use that term for the move. He admitted giving "side hugs" to students but denied giving frontal hugs. He denied "flicking" wrestlers' bottoms, or slapping a wrestler's bottom. He denied making the other offensive or belittling comments alleged, although he admitted saying to [REDACTED] when she fell, "at least you have some cushion back there." He admitted demonstrating a move that may have bruised a wrestler's ribs. He admitted crossing out photos of wrestlers who quit the team; he admitted calling [REDACTED] "Oompah Loompah," "short tree stump" and [REDACTED]. However, he claimed that there was nothing wrong with using these terms because they had a relationship where they kidded a lot. He admitted that [REDACTED] had talked to him about not giving nick names to student athletes about their body parts, and claimed he stopped after that. He denied ever saying to [REDACTED], "Now I can call you [REDACTED]"

With regard to the statements he made after being advised that he was being placed on administrative leave, he denied saying anything like, "It's better if I leave, because if they are on this bus I'd kill them" (with respect to the people complaining about him). He denied saying anything that could be perceived as a threat. He admitted saying, however, "that this whole thing was bullshit, and that if I had a bat I would like to hit something" because he was frustrated and mad.

Findings

- Use of profanity in wrestling practice and in the classroom
[Confirmed - by both witnesses Mr. Magdaleno's admission. Profanity occurs regularly in wrestling practice, and occasionally in the classroom or outside of wrestling practice.]
- Regular demonstration by the coach of wrestling moves in practice that place the arms, legs, hands and/or feet in close proximity or on the female wrestlers' breast area, groin area or upper leg area.
[Confirmed - by both witnesses and Mr. Magdaleno's admission. Mr. Magdaleno did acknowledge the behavior, but not the perception of multiple female wrestlers that the experience or observation of this practice made them

feel uncomfortable, sexually harassed or inappropriately touched, and that the practice was wrong.]

- Derogatory comments of a sexual nature made by coach to female wrestlers. Ex: "has a lot of cushion back there" and other comments regarding the size of a female wrestler's behind. Many other comments were shared by multiple wrestlers, or confirmed by Mr. Magdaleno (such as use of the term "vagina in the face"). A female staff member also witnessed this statement to a female wrestler.
[Confirmed - by student witnesses and female staff member ██████████]
- **Slapping the behind of female wrestler ██████████**
[Confirmed – by student ██████████ and other witnesses. While Mr. Magdaleno denied this allegation, his denials were deemed less credible than the allegations of the students.]
- Retaliatory comments against those who complained against him, made while on the AVID field trip to Los Angeles Area on or about October 24 after Justin Magdaleno was notified that he was being placed on paid leave and would need to return home. These statements included:
"If I had a baseball bat I'd kill that kid and her mom."
"It's taking all of me not to kill her."
"If I told my mom, no one would ever find out because she can make people disappear."
[Confirmed - each of these statements were heard by at least two of the three staff members supervising the AVID field trip. ██████████ ██████████ ██████████ and ██████████ were teachers in attendance.]
- Derogatory comments made to staff members such as:
"Oompah Loompah", "Short Tree Stump and ██████████ to female staff member ██████████"
"Your students listen to you because you have a nice ass" and "Now I can call you ██████████" (reference to ██████████ ethnicity) to female staff member ██████████
[Likely - Statement by staff member, and Mr. Magdaleno confirming ethnicity statement.]

Other student statements of note discovered while conducting the Title IX investigation that at least two or more students shared:

- Mr. Magdaleno makes un-necessary and inappropriate comments.
- Mr. Magdaleno gives me dirty looks because I quit the team."
- Mr. Magdaleno's demonstrations are "rough", "injurious" and "aggressive".
- Mr. Magdaleno "flicks girls on the butt".

- Mr. Magdaleno slapped or slaps girls on the butt.
- Mr. Magdaleno has nicknames based on body parts including "squatty", and makes other inappropriate comments like "You would be ugly in a dress", "You would never have a boyfriend", "You're worthless", "You're a shitty wrestler", "You have a lot of cushion back there", and "It's your fault if we lose this match" (reference to dual match against PV).

Note: Mr. Magdaleno denied making any of these verbal statements, although he acknowledged that he did say "When [REDACTED] fell I said, {At least you have some cushion back there}". And, "I said, {You're wrestling like shit}".

Other staff statements of note discovered while conducting the Title IX investigation that were shared with the investigator:

- "I have heard him be inappropriate with other staff members." [REDACTED]
- "I don't understand why other staff tolerate his name calling." [REDACTED]
- "I think staff are safe but kids are not. I don't understand how he could return." [REDACTED]
- "He is blunt, inappropriate and intimidating. He has no filter." [REDACTED]
- "He holds grudges if an athlete quits. He doesn't talk to them." [REDACTED]
- "Staff have come and shared situations that have made them uncomfortable" (Rebecca Ferguson)
- "I feel he does not respect women." (Rebecca Ferguson)
- "I have great concerns about the school climate if he returns." (Rebecca Ferguson)
- "He holds grudges." [REDACTED]
- "Students have shared with me that he publicly posts student grades." [REDACTED]
- "Based on what several students shared with me, I filed a CWS report." [REDACTED]
- "I have heard Justin say things that are inappropriate and just change the topic." (Matt David)
- "People just think that's the way he is and ignore it." (Matt David)
- "He is very arrogant." [REDACTED]

Note: During the interview with Mr. Magdaleno, he appeared to have little recognition of the impact of his behaviors on students or staff. He defended much of his action as serving to make the women's wrestling program the very best it could be. He defended comments toward staff by stating that at least one staff member [REDACTED] called him names like "Jack Wagon", "Big Hairy Gorilla", and "Jack Ass."

In summary, the investigation confirmed that the conduct alleged violated the District's policies and procedures prohibiting sexual harassment, and violated the District's policies and procedures prohibiting retaliation against those who make complaints of harassment. While Mr. Magdaleno denied much of the conduct alleged, his denials were deemed less credible than the allegations made by the witnesses, who had no apparent motivation to lie, and whose allegations were largely corroborated by others. As a result of the concerns raised, a follow-up investigation will be conducted to further assess potential disciplinary action against Mr. Magdaleno and other remedial measures to address the harassment.