

**INVESTIGATION REPORT:
PART 1**

**RELATING TO DROWNING OF
LEWISTON MIDDLE SCHOOL STUDENT
AT RANGE POND STATE PARK
ON JUNE 12, 2018**

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INTRODUCTION AND DESCRIPTION OF INVESTIGATION PROCESS

Lewiston Middle School student Rayan Issa drowned at Range Pond State Park in Poland, Maine, while on a school-sponsored field trip on June 12, 2018. The decision to conduct an investigation of the incident was promptly made by Lewiston Public Schools Superintendent Bill Webster. Because the incident involved the death of a student, and because the investigation involved issues relating to appropriate policies and procedures, Superintendent Webster made the decision to appoint Brann & Isaacson to conduct the investigation. The mandate given to Brann & Isaacson was to:

- Review the events of June 12, 2018 that preceded the death of Rayan Issa in light of existing Lewiston Public Schools policy.
- Make recommendations for implementation by Lewiston Public Schools to prevent similar incidents from occurring in the future.
- Prepare reports to the Superintendent of Schools, to be made available to the public, disclosing the facts and setting forth recommendations resulting from the investigation.

The investigation consists of two parts, a fact gathering stage, and a process for developing recommendations. In gathering the facts, interviews were conducted of the 11 adult chaperones who participated in the field trip. This included attending interviews of all of the adult chaperones that were conducted by detectives from the Androscoggin County Sheriff's Department on June 13, 2018, the day after the incident. Interviews of five students were conducted by Brann & Isaacson on June 18, 2018, and additional interviews of seven of the adult chaperones were conducted by Brann & Isaacson on June 19, 2018. An interview also was conducted of a witness who was at Range Pond State Park and was not part of the group from

Lewiston Middle School. Brann & Isaacson also gathered and reviewed relevant documentation from the Lewiston Public Schools, including existing field trip policies, field trip approval forms, permission slips, and rosters of students who participated in the field trip. This report summarizes the first part of the investigation

The second part of the investigation will result in development of recommendations for the Lewiston Public Schools regarding appropriate policies and procedures for water-related activities. With permission from the Superintendent, Brann & Isaacson is consulting with an independent expert on aquatic safety, Carrie Bonnefond, who is Chief Executive Officer of Lighthouse Health and Safety. Ms. Bonnefond and her company provide training and consultation services regarding aquatic safety to businesses, schools and summer camps throughout Northern New England. Ms. Bonnefond, who is an American Red Cross Licensed Training Provider and Strategic Partners, has been asked to provide recommendations regarding best practices for conducting and supervising youth water activities. Brann & Isaacson also is reviewing policies and procedures for water-based activities developed by other organizations, including the YMCA, Boy Scouts and Girl Scouts, as well as guidance on aquatic safety and activities developed by the American Red Cross. The recommendations that result from the second part of the investigation will be set forth in a supplement to this report.

The Androscoggin County Sheriff's Department is conducting its own investigation of the drowning at Range Pond State Park. The observations and recommendations in this report are made independently of the work of the Sheriff's Department.

SUMMARY OF FACTS RELATING TO RANGE POND STATE PARK INCIDENT

The June 12, 2018 field trip to Range Pond State Park was organized by the 7th grade Green Team at Lewiston Middle School. The Green Team is one of three teams of students and teachers in the 7th grade at Lewiston Middle School. The Green Team previously had conducted a field trip to Range Pond State Park in June, 2017. In April, 2018, the Team Leader for the Green Team submitted field trip request forms for a June, 2018, trip in accordance with Lewiston Public School policies. The request forms identified the destination for the trip as Range Pond State Park, and listed the number of anticipated students as 138, and the number of anticipated chaperones at 12. The field trip approval forms indicated that the trip would include “water activities,” and identified the related “safety precautions” as “lifeguards.” Consistent with Lewiston Public Schools policy, the field trip was approved by the Lewiston School Committee on May 7, 2018.

In order to participate in the field trip, students were required to have permission slips signed by their parent/guardian and returned to the school. The Green Team Field Trip permission slip form disclosed the date, times, location and means of transportation for the field trip. Rayan Issa returned a signed permission slip to the Lewiston Middle School before participating in the June 12th field trip.

The portion of the permission slip form returned by parents and guardians stated that the student ‘has my permission to attend a field trip to Range Pond State Park in Poland, Maine on June 12, 2018, from approximately 8:45 a.m. to 1:45 p.m. (rain date June 20, 2018).’ The form also stated “I give permission for him/her to receive emergency medical treatment,” and provided space for parents to provide emergency contact information and a space for the parent/guardian signature. The reverse side of the form included certain “must bring items,”

including two bottles of water, a towel, sunscreen, and lunch for those who did not order a school lunch. For “optional items,” the form listed a swimsuit, change of clothes, bug spray, beach toys (balls, Frisbees, whiffle bat), inflatable devices, life jacket, and sunglasses. Finally, “things not to bring” listed on the form included bats, hockey sticks, lacrosse sticks, and cellphones.

The Team Leader for the Green Team made an advance reservation for the field trip with Range Pond State Park. The reservation included use of the group picnic shelter at Range Pond. Upon placement of the reservation, Range Pond State Park sent the Team Leader a confirmation notice together with a copy of the Bureau of Parks and Lands “Rules for State Parks and Historic Sites.” The reservation confirmation and rules do not contain any reference to swimming, other than a statement in the rules that “[t]he use of floating devices, facemasks or snorkels is prohibited at surf beaches.”¹

Of the approximately 138 students on the Green Team, 111 students participated in the field trip after returning signed permission slips. The students were accompanied by 11 adult chaperones, all of whom are employed by the Lewiston Public Schools, including a teacher who serves as team leader of the Green Team, six teachers, a teaching coach and three educational

¹ As part of this investigation, Brann & Isaacson submitted a Freedom of Access Act request to the Maine Department of Agriculture, Conservation and Forestry, for “copies of Range Pond State Park’s water-safety and park-safety rules” and “copies of Range Pond State Park’s procedures for hosting school field trips and large group events.” In response, the Department provided the same Rules for State Parks and Historic Sites that were sent to the Team Leader before the June 12th field trip, which do not contain any rules relating to swimming other than the prohibition of use of floating devices, facemasks or snorkels at surf beaches. The only other document that the Department provided in response to the Freedom of Access request is an undated one-page document containing no reference to Range Pond State Park or the Department, with the following text:

Lifeguard talk to groups:

- Introduce themselves
- Tell where they are guarding
- Talk about where the swim area is (stay inside the swim lines, describe what the swim lines look like)
- As they don’t hang on swim lines, no rough play, just to follow rules

technicians. The ratio of adults to students was approximately 1 to 10, which was within the ratio required by Lewiston School Committee Policy. Policy IJOA-R the Field Trip Administrative Procedure, states that “[a]t least one teacher or other authorized adult must accompany every...15 students at middle school level.”

After traveling by school bus from Lewiston Middle School to Range Pond State Park on June 12, students and chaperones arrived at Range Pond at around 9:30 a.m. and met in the group shelter area that had been reserved for the group. At that time, the Team Leader discussed ground rules for students to observe. The rules shared with the students included listening to teachers, staff and lifeguard, being safe in the water, staying within the roped off area, not venturing beyond the lifeguard, and no horseplay in the water.

Range Pond State Park did not offer or provide a lifeguard or other State Park representative to discuss safety rules with the group. When the Green Team visited Range Pond State Park on a field trip a year earlier in June, 2017, a representative from Range Pond State Park had met with students upon arrival. Media reports have indicated that a spokesperson for the Maine Department of Agriculture Conservation and Forestry stated that the lifeguard on duty on June 12th gave a standard safety talk to the group, and the Department responded to a Freedom of Access request with a document that apparently contains talking points for a “lifeguard talk to groups.” Individuals interviewed during this investigation reported, however, that the lifeguard did not give any safety or other talk to the LMS group on June 12, 2018.²

² Brann & Isaacson requested an opportunity to interview the lifeguard by contacting both Range Pond State Park and the Maine Department of Agriculture Conservation and Forestry. The Maine Department of Agriculture Conservation and Forestry responded on June 25, 2018, that the lifeguard “is not available to be interviewed at this time.”

After the Team Leader discussed ground rules with students, some chaperones went with students to the changing area, and the LMS group then proceeded to the beach. At the beach, there was one lifeguard, who initially was observed to be walking on the beach. After the lifeguard went to the lifeguard stand, which was located toward one end of the beach, students were allowed to go in the water. Chaperones arranged chairs and towels in a row near the middle of the beach, where they could observe students both in the water and on the beach.

Sometime after 11:00 a.m., a student, Student A, called out for the Team Leader, who had been at the water and had returned to the area where the adult chaperones had placed their chairs and towels. In response, Chaperone A went to speak to the student. The student reported to Chaperone A that he could not find Rayan, and the teacher attempted to determine where Rayan had last been seen. This conversation was initially confusing to Chaperone A because the student who reported Rayan missing did not appear to have a sense of urgency, and some other students in the area began speculating that Rayan could be at the bathroom. Because the teacher understood that the student could be in the water, however, she immediately went to get the lifeguard at the lifeguard stand, while notifying other chaperones that Rayan was reported to be missing. The lifeguard stand was located approximately 100 yards from the area where Chaperone A spoke with the students, and Chaperone A passed the other chaperones on the way to the lifeguard stand.

When Chaperone A reached the lifeguard, she reported to him that a student was missing and that he may be in the water. The lifeguard began looking for the student through his binoculars, and Chaperone A asked him to come to the area where the student was last seen. When Chaperone A and the lifeguard reached the area where the student was last seen, the Team Leader already was in the water looking for the student.

The other chaperones on the beach all took action when Chaperone A reported that Rayan had been reported missing. The Team Leader went to the group of students who Chaperone A had been speaking with, and got clarification from students that they had last seen Rayan in the water. The Team Leader then went into the water and began searching for the missing student. Another teacher, who had just returned from the bathroom, went back to the bathroom to see if he could find the missing student. Another teacher spoke with two students on the beach with whom she had seen Rayan playing earlier in the morning. When they reported that they did not know where he was, she asked them to search at the bathroom.

All students were instructed to get out of the water, and chaperones instructed students to line up by homeroom so that attendance could be taken to confirm that the student was missing. After all students were accounted for, students were instructed to return to the shelter area off of the beach. Some of the chaperones went to the shelter area to supervise students, and others stayed on the beach to assist in the search.

The perception of some chaperones at the scene was that the lifeguard was slow in responding. When the lifeguard did not immediately get in the water to search for the student after arriving at the area where the student was last seen, one of the chaperones told the lifeguard that he should get in the water to help the Team Leader search for the student. The lifeguard called for assistance from another park employee on his walkie talkie, and asked for adult chaperones who could swim to assist in a water search.

The lifeguard then organized five adult chaperones to attempt a shallow water search to try to locate the missing student. The shallow water search technique involved the six adults locking arms in a line and, while stepping forward in the water, sweeping their feet from side to side with each step. Chaperones reported that while performing this technique, the water got too

deep to continue as there was a sudden drop off in depth that put the water over their heads. At this time, the lifeguard instructed the participating adults to attempt a deep water search by repeatedly diving into the deeper water in an attempt to locate the student. While some of the chaperones found this difficult to perform, chaperones stayed in the water and continued to search as best they could until rescue units arrived.

Following arrival of the lifeguard and his entry into the water, the Team Leader called 911 and stayed on the line with 911 until the first rescue unit arrived from the Town of Poland. According to the Team Leader's cell phone records, it took nine minutes for first responders to arrive on the scene. The Team Leader then called the School Principal to inform the Principal of the situation, and stayed on the line with the Principal and Assistant Principal to keep them informed of the search and rescue efforts.

After arrival of the fire rescue personnel from the Poland Fire Department, rescue officials asked to speak to students who had last seen the missing students in order to confirm the location where the student was last seen. Three students were then brought to the beach where they confirmed the area in which they had last seen Rayan. When rescue officials located the missing student in the water, efforts were made to remove the three students from the beach as quickly as possible. The student was then placed into an ambulance and taken to the hospital. The student was pronounced dead after arrival at the hospital.

**EVALUATION OF FACTS IN LIGHT OF
EXISTING LEWISTON PUBLIC SCHOOLS FIELD TRIP POLICIES**

The field trip to Range Pond State Park on June 12, 2018, was held in accordance with existing Lewiston Public Schools policy. Authorization for the trip was properly requested and approved by administrators and the School Committee. The ratio of students to adult chaperones

on the field trip was 10:1, which was within the 15:1 ratio for middle school students specified in Lewiston Public Schools Policy.

Lewiston Public Schools does not have a policy that requires a minimum number of lifeguards on swimming field trips. While there was an expectation that there would be more than one lifeguard on duty at Range Pond State Park, based on the experience that the same team of teachers had the previous year, Lewiston Public Schools was relying upon Range Pond State park to determine and provide appropriate lifeguard coverage.

There also is not currently a Lewiston Public Schools policy that requires a specific monitoring system or buddy system to be implemented on student field trips. While adult chaperones were on the beach and monitoring students at the time of the incident, there was not a buddy system in effect and there was not a system by which specific adults were assigned responsibility for monitoring specific students or specific areas of the water.

At the time that the student was reported missing, there were six adult chaperones on the beach monitoring students, including the Team Leader and five other chaperones. Of the five remaining chaperones who were on the field trip, two chaperones were supervising students at the shelter area, one chaperone was supervising students at the playground, one chaperone was returning from the bathroom, and one chaperone had stepped away from the beach area to take a private phone call relating to a family member's medical condition.

Neither the adult chaperones nor the lifeguard observed the student in distress or struggling in the water. Students who were playing football in the water with Rayan reported seeing him go after the football into deeper water and then struggling for a brief period of time before he went under and did not come back up. Students who were in closest proximity to

Rayan estimated that the period of time that he was struggling in the water to be less than 30 seconds.

When the student was reported missing, adult chaperones responded based on the information that they had. Chaperone A, the first chaperone to receive the report of a missing student, went to get the lifeguard while notifying other chaperones that there was a student missing. At that time, the Team Leader confirmed Student A's report that Rayan was last seen in the water, and went into the water to search. Because other students indicated that the student may have gone to the bathroom, some chaperones and students initially began looking for the student in other places. Chaperones gathered students on the beach to take attendance, in order to confirm that the student was missing.

After the lifeguard entered the water to search, the Team Leader placed a call to 911, and five adult chaperones followed the instructions of the lifeguard in implementing both shallow water search and deep water search techniques as instructed by the lifeguard. Other chaperones moved students off the beach to the shelter area and monitored them while the search continued. Chaperones continued to search in the water until after rescue personnel arrived and the student was located.

PRELIMINARY CONCLUSION

The Lewiston Public Schools should initiate changes to its policies and procedures to establish specific standards for field trips involving water activities. As instructed by the Superintendent of Schools, the second part of this investigation will set forth recommendations for approval and conduct of water-related field trips. These recommendations are being developed in consultation with an expert on aquatic safety, and the recommendations will take into consideration best practices developed by other organizations.