



July 13, 2015

Via Email: pj.mezera@wcs.edu

Mr. P.J. Mezera
Chairman
Williamson County School Board
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Re: Report on Hillsboro Audio Tape Investigation

Dear Chairman Mezera:

The law firm of Leitner, Williams, Dooley & Napolitan, PLLC was retained by the Williamson County Board of Education (the "Board") to investigate matters internal to the Williamson County Schools ("WCS") related to an April 5, 2015, email made by a Hillsboro School teacher, Summer Martin, (the "Martin Complaint"), in response to a recorded audio tape that was made public on April 2, 2015 (the "Hillsboro Audio Tape") regarding an off-premises meeting involving Hillsboro School administrators and faculty (the "Hillsboro Incident"). The undersigned was asked to lead the investigation. The scope of the investigation was determined by the Chair and Vice Chair of the Board. The investigation focused on the following:

- (1) The Martin "Complaint" made by Ms. Martin to the Board as clarified by her April 8, 2015 email;
- (2) Whether there was any wrongdoing by a WCS Administrator in connection with matters related to the Hillsboro Audio Tape, including improper use of government resources or compelling subordinates to attend a political meeting on or off school grounds; and
- (3) Whether Dr. Mike Looney engaged in conduct that could be considered disloyal to the current Board and/or engaged in political activity that violated WCS policy and/or that potentially violated state law governing his conduct as Superintendent.

It is important to note that the undersigned makes no findings related to the content of the statements made by participants/attendees at the off premises meeting except to note that the participants/attendees engaged in free speech outside school hours and that the event was political in nature.

I. Investigative Steps.

The investigation consisted of interviews¹ by the undersigned with the individuals identified below as well as follow-up discussions and correspondence with counsel where the individual was represented:

1. Summer Martin;
2. Kari Miller;
3. Kristin McGilvra;
4. Alicia Justice;
5. Molly O'Neal;
6. Denise Goodwin;
7. Dr. Mike Looney (2 interviews);
8. Kathy Wells;
9. Julie Sparrow; and
10. Brent Oakley

Ms. Martin was represented by Attorney Douglas Omer at her interview. Ms. Miller and Ms. McGilvra were represented by Attorney David King at their interviews. Ms. Justice and Ms. O'Neal were represented by Attorney Tom Castelli at their interviews.² WCS Assistant Superintendent for Human Resources, Rebecca Owens, also attended the interviews of Ms. Justice and Ms. O'Neal. Ms. Owens was present for the interviews of Ms. Goodwin Dr. Looney, Kathy Wells, Julie Sparrow, and Brent Oakley.

Based on the interviews, a statement was prepared by the undersigned for each interviewee identified above and forwarded via counsel to each interviewee to review and sign. Each interviewee was afforded the opportunity to review the prepared statement with their counsel and make changes if necessary prior to the submission of this Report. Ms. Martin requested the opportunity to submit her own statement and did so through her counsel which was received on July 7, 2015. A copy of each signed statement received will be provided under separate cover as collective Exhibit 1.

In addition to the questions asked of the individuals interviewed, the undersigned also asked clarifying questions about the interpretation of WCS Policy No. 5.606 from WCS in-house counsel, Bill Squires, and Ms. Owens. The undersigned and Leitner, Williams, Dooley & Napolitan PLLC Member, D. Randall Mantooth, also received several calls and emails from concerned parents and citizens, but the information provided was not germane to the matters being investigated.

¹ The time, date and location of the interviews were scheduled by mutual agreement with counsel for each of the individuals where counsel was involved. WCS Attorney Bill Squires assisted with the scheduling of the interviews of Dr. Looney, Ms. Goodwin, Ms. Wells, Ms. Sparrow and Mr. Oakley.

² The investigation was temporarily suspended by WCS Board Chair, P.J. Mezera, and Superintendent Dr. Looney for a two week period to avoid potential disruption to TCAP preparation and testing.

The investigation also included a review of emails obtained from Williamson County Schools (“WCS”) as follows:

- (1) All WCS emails from the Central Office to Hillsboro Administrators for the period September 1, 2014 to October 31, 2014;
- (2) All WCS emails to the Central Office from Hillsboro Administrators for the period September 1, 2014 to October 31, 2014 ;
- (3) All WCS emails from Hillsboro Administrators to Hillsboro faculty for the period September 1, 2014 to October 31, 2014 .

For the period September 1, 2014 to June 22, 2015:

- (4) All WCS emails from Dr. Looney’s account to and from any of the following individuals: Jennifer Smith, Jim Cheney, Susan Drury, Sarah Bernard, Kim Henke, Kari Miller, or Kristin McGilvra;
- (5) All text messages from Dr. Looney’s cell phone account to and from any of the following individuals: Jennifer Smith, Jim Cheney, Susan Drury, Sarah Bernard, Kim Henke, Kari Miller, or Kristin McGilvra;
- (6) All personal emails and Facebook messages from Dr. Looney’s accounts to and from any of the following individuals: Jennifer Smith, Jim Cheney, Susan Drury, Sarah Bernard, Kim Henke, Kari Miller, or Kristin McGilvra;

The emails listed in (1)-(3) (which were provided to the undersigned on a key drive) will be provided after redactions of protected student information contained in some emails are made. The documents listed in (4)-(6) will be provided under separate cover as Exhibit 2.

The investigation included the submission of a two page questionnaire to members of the Hillsboro School faculty to answer and return to the investigator. A copy of the questionnaire will be provided under separate cover as Exhibit 3. The questionnaire was mailed directly to the home addresses of Hillsboro School faculty members who had not been interviewed on May 18, 2015 by the undersigned with a return self-addressed envelope. A second mailing of the questionnaire was sent to those faculty members who did not return the questionnaire following the first mailing. A copy of the questionnaires returned will be provided under separate cover as Exhibit 4.

The investigation included a review of the Hillsboro Audio Tape that was made public and is accessible online on YouTube at: <https://www.youtube.com/watch?v=IfGJyEFSOXo>.

The investigation also included a review of the Hillsboro School Handbook and calendar, and Summer Martin’s personnel file. Publicly available information was also reviewed such as Dr. Looney’s Twitter page and Dr. Looney’s Facebook page

Finally, the investigation also involved a review of WCS policies, including, but not limited to, the Political Activities by Staff Policy, the Anti-Harassment Policy, the Ethical Practices for Teachers Policy and the Ethical Practices for Administrators Policy, as well as state law, including, the “Little Hatch Act,” codified in Tennessee Code Annotated Section 2-19-201,

et seq., and the “Tennessee Teacher Code of Ethics,” codified in Tennessee Code Annotated Section 49-5-1001 *et seq.*.

II. Findings.

1. The Martin “Complaint”.

Ms. Martin sent an email on April 5, 2015 to the Williamson County School Board, following the release of the Hillsboro Audio Tape requesting that she be provided with an administrative leave due to her concern that she faced a hostile environment at Hillsboro School. Ms. Martin provided information in her email about a September faculty meeting at Hillsboro and stated, among other things, that it was announced that an informational meeting would be held by a “non-biased group called Williamson Strong” and shared other statements that were made at the meeting. The email written by Ms. Martin will be provided under separate cover as Exhibit 5.³ Ms. Martin’s email was acknowledged by WCS Board Chair, P.J. Mezera, on April 7. Ms. Martin was also informed by WCS General Counsel, Jason Golden, on April 7 that an investigation under Board Policy No. 5-500 (“Anti-Harassment”) would be conducted given the claim of hostile environment in the email and that a private attorney, D. Randall Mantooh, would investigate her complaint.

Thereafter, Ms. Martin sent a clarifying email on April 8, 2015 to Mr. Golden indicating that her email had been misconstrued and that she was not complaining about a violation of Board Policy No. 5-500 and that the term “hostile work environment” had been taken out of context. Ms. Martin also stated that the letter to the Board was a “letter of grievance” “so that the school board members could make a more informed decision regarding [her] request for administrative leave while an investigation of the contents of the audio tape was being conducted.” A copy of the April 7 and April 8 emails will be provided under separate cover as as Exhibit 6.

On April 13, 2015, Ms. Martin was interviewed by the undersigned at the Offices of Tennessee Professional Educators in Brentwood. Ms. Martin’s Attorney, Douglas Omer, was present for the interview. The undersigned was not permitted to ask questions related to retaliation/hostile environment, but was limited by counsel for Ms. Martin to asking questions about the faculty meeting mentioned in Ms. Martin’s April 5 email, as well as the meeting that Ms. Martin attended that she recorded as well as limited background questions. The Hillsboro Audio Tape recorded by Ms. Martin was also played at her interview. Three days prior to her interview, Ms. Martin was granted an administrative leave as she had requested in her earlier email to the Board.

Subsequent to April 13 interview, the undersigned followed up with Mr. Omer to ascertain whether Ms. Martin was claiming retaliation based on the conduct that she identified in her April 5 email, and if so, to schedule a time to conduct a follow-up interview. Mr. Omer advised the undersigned in a telephone conversation on May 11, 2015 that Ms. Martin was not claiming that the conduct set forth in the April 5 email was retaliatory in nature. In a letter dated

³ Ms. Martin resent the April 5 email on April 7 from her WCS email account.

May 11, 2015, the undersigned wrote to Mr. Omer confirming the content of the telephone conversation earlier that day. A copy of the letter will be provided under separate cover as Exhibit 7.

Thereafter, on May 14, 2015, Mr. Omer emailed the undersigned stating that he had received the May 11 letter and wanted to speak with Ms. Martin again to see if she agreed with the wording of the letter. On May 19, 2015, the undersigned received a letter from Mr. Omer which stated, among other things, that Ms. Martin was unable to conclude one way or another at the present time whether the conduct set forth in the April 5 email was retaliatory in nature since she was unsure of her employment status. The letter also stated that Ms. Martin's prior communications to the Board were not a grievance or complaint. A copy of the May 19, 2015 letter will be provided under separate cover as Exhibit 8. Additional emails and telephone conversations were exchanged between the investigator and Mr. Omer related to the draft statement sent for Ms. Martin's review and an extension of time to submit her own prepared statement, which was received on afternoon of July 7, 2015.

Based on the discussions and written communications with Ms. Martin's counsel noted above, the undersigned finds that Ms. Martin did not make a complaint or grievance claiming hostile environment or retaliatory conduct based on the conduct set forth in her April 5, April 7 and April 8 emails. However, Ms. Martin in her July 7, 2015 statement makes new allegations arising after her April 5, 7 and April 8 emails to the Board which are beyond the scope of the investigation. As indicated above, the undersigned was not permitted to question Ms. Martin about alleged retaliation/hostile environment at her original interview and a follow-up interview was not conducted in light of communication from her counsel indicating that Ms. Martin did not file a complaint or grievance with the Board regarding retaliation/hostile environment.

2. The Hillsboro Incident.

After reviewing the information set forth above in Section I, and based on my assessment of the credibility of the individuals interviewed, the undersigned makes the following findings related to the second issue:

The Williamson County School Board Election was held on Thursday August 7, 2014. Several incumbents lost their seats to challengers. According to newspaper accounts the school board election was contentious with allegations that an effort was being made to oust current Superintendent, Dr. Looney.⁴

Several weeks after the election, a faculty meeting was held at Hillsboro School on September 22, 2014 which was attended by all or most faculty members.⁵ At the end of the meeting or immediately after the meeting, the Hillsboro School Literacy Coach, Kristin McGilvra, announced another meeting to discuss matters affecting Williamson County Schools

⁴<http://www.tennessean.com/story/news/local/williamson/schools/2014/07/20/leaked-email-shows-local-race-heating/12917667/>.

⁵ Hillsboro School is a K through 8 School in Williamson County.

and invited faculty members to attend. Ms. McGilvra mentioned that this was an opportunity to learn about the new school board and how its decisions might impact WCS in the future. Hillsboro School Principal, Kari Miller, stated that the meeting was optional and the subject could not be discussed at school. There is no evidence that the two Hillsboro School Assistant Principals, Alicia Justice or Molly O'Neal, made comments about the off-premises meeting at the faculty meeting. There is no evidence that Ms. Miller stated that attendance at the meeting was mandatory. The greater weight of evidence indicates that the teachers in attendance at the faculty meeting did not believe that attendance at the off-premises meeting was mandatory. This is supported by the answers to the questionnaires and by the fact that only 10 teachers attended the off-premises meeting. There is no evidence of any internal emails that mentioned the meeting. Although the undersigned finds that the meeting was not made mandatory, the investigator finds that Ms. Martin, reasonably believed that she should attend the off-premises meeting which was presented as an informational meeting. At least one other teacher responded to the questionnaire that while the meeting was voluntary, she felt she should attend because her supervisor brought it up.

An off-premises meeting was held after school on or about September 29, 2014 at the Leipers Fork Pavilion which was approximately a mile and a half from Hillsboro School. All three administrators at Hillsboro School attended the meeting and spoke to the group. Ms. McGilvra also spoke to the group and offered literature before the meeting to the people who attended. A flyer from a local parent group called Williamson Strong was part of the literature handed out at the meeting.⁶ Approximately 10 teachers from Hillsboro School attended the meeting. The meeting lasted approximately 30 minutes, but it appears that attendees arrived shortly before the actual meeting started and some may have lingered to talk after the meeting ended. In addition to the Administrators, the only persons in attendance at the meeting were members of the faculty at Hillsboro School. Ms. Martin began recording the meeting at or very close to the beginning of the meeting and ended the recording when the meeting ended. A copy of the audio recording of the meeting was made public in early April 2015.⁷ The meeting was led by Ms. McGilvra, with Ms. Miller, Ms. Justice and Ms. O'Neal all taking an active speaking role. No disclaimers were given by the administrators in attendance. Some of the teachers in attendance at the meeting asked questions and made comments, including Ms. Martin.

The undersigned finds no evidence that like or similar meetings to the one held on or about September 29, 2014 were held by Hillsboro School faculty or administrators on or off school property. There is also no evidence that announcements of like or similar off-premises meetings at Hillsboro School faculty meetings took place after the off-premises meeting or that such announcements had taken place before the faculty meeting in question. The undersigned finds no evidence that WCS Central Office Administrators were involved in setting up the meeting in question or directed that such a meeting be held or announced.

⁶ Williamson Strong was a parent group formed in June 2014. The Group was recently ordered by the Tennessee Registry of Election Finance on June 2, 2015 to pay a Class 2 civil fine related to the group's activities in the 2014 Williamson County School Board Election. The Group has appealed the decision and also filed a lawsuit in federal court challenging the decision.

⁷ <https://www.youtube.com/watch?v=IfGJyEFSoXo>.

In reviewing the facts and applying the facts to the potentially applicable WCS Policies and statutes, I make the following findings:

A. WCS Political Activity Policy.

With respect to the WCS Political Activity Policy (WCS Policy No. 5.606), I conclude that the policy was not violated by any administrator of WCS. The policy states:

School employees engaging in political activity must make it clear that their utterances and actions are theirs as individuals and that they, in no manner, represent the views of the school system.

School employees shall not engage in political activity on school premises during school hours.

A teacher, seeking an extended leave of absence for campaigning, office holding, or other time-consuming responsibilities connected with self-government, shall apply for such leave in writing.

The Board shall give the employee a written answer to a request for political leave. Leaves of absence, if granted, shall be arranged for definite periods of campaigning. Employees shall be granted leave, if elected, for legislative service but shall not exceed more than any portion of four (4) calendar years unless an exception is granted by the Board.

Id.

The undersigned finds no evidence that Policy No. 5.606 was violated by a WCS Administrator in connection with the Hillsboro Audio Tape as the policy has been interpreted. The only potentially applicable sections of the policy to this situation are the first and second sentences. The undersigned understands that the section of the policy related to disclaimers may be applicable in the workplace where the circumstances would require that a disclaimer be made to avoid confusion. It is the undersigned's further understanding that the disclaimer requirement would not be applied in social settings or in other off duty contexts where it is reasonable to conclude from the circumstances that the opinions expressed are those of the individual speaker. In the present case, the undersigned finds that the announcement of the off-premises meeting and the comments regarding same, were not political activity for purposes of the policy; therefore, no disclaimer was required. With respect to the September 29 off-premises meeting, the undersigned concludes that a disclaimer was not required since it involved statements by administrators outside of the normal work place setting that could reasonably be construed under the circumstances as their individual statements.

With respect to the last potentially applicable section, the undersigned concludes, based on the credible evidence, that no violation of the policy occurred. The announcement and

comments made at the last faculty meeting before the off-premises meeting presented the meeting as being an informational meeting and was not political activity.⁸ The evidence further shows that faculty members did not view the announcement and comments at the faculty meeting as political activity.

B. Possible Application of The “Little Hatch Act” Tennessee Code Annotated Section 2-19-201, et seq.

The Little Hatch Act prohibits, among other things, the use of a public official’s position to coerce public employees to support or not support a political candidate, party or measure in an election and places restrictions on the use of public property or funds for political purposes. The Little Hatch Act provides in pertinent part:

2-19-201. Part definitions.

As used in this part, unless the context otherwise requires:

(1) "Election" includes all elections, local, municipal, primary, general, state, federal and special and any election in the state or any county, municipality or other political subdivision thereof, but does not include referenda or issues submitted to a vote of the people, political convention or caucus;

(2) "Public funds" and "public lands, offices, buildings, vehicles and facilities" include those owned and supported principally by public money appropriated from the state treasury; and

(3) "Public officers and employees" means all employees of the executive branch of the state government, or any department, division, or agency thereof, and all appointed officers and employees of any educational institution, establishment, corporation or agency supported principally by state funds. Popularly elected officials, officials elected by the general assembly, qualified candidates for public office, teachers, as defined by § 49-1501 members of the governor's cabinet, and members of the governor's staff are expressly excluded from the provisions of this part, except for the provisions of § 2-19-202.

2-19-202. Interference with election or nomination.

(a) It is unlawful for any public officer or employee to use such person's official position, authority or influence to interfere with an election or nomination for office or directly or indirectly attempt to intimidate, coerce or command any other officer or employee to vote for or against any measure, party or person, or knowingly receive or pay assessments of

⁸ The WCS Policy does not define the term “political activity.” The term “political activity” is defined in the context of the federal “Hatch Act” (which is only applicable to federal employees) as follows: “The term "political activity" means doing something in active support of or opposition to a political party, a candidate for partisan political office (e.g., President, senator, representative, state or local legislature or office), or a partisan political group (e.g., "Historians for Smith").”<http://www.dodea.edu/Offices/Counsel/pa.cfm>.

any kind or character for political purposes or for election expenses from any other officer or employee.

(b) It is the intent of this section to prohibit any political intimidation or coercion of any public officer or employee.

Id.

...
In light of the evidence obtained, the undersigned finds that no violation of The Little Hatch Act occurred with respect to the actions of any WCS administrator related to the Hillsboro Incident, which occurred after the August 7 election. The undersigned did not find evidence of coercion or improper use of Hillsboro property or WCS resources for political purposes related to the Hillsboro Incident. Attendance at the off-premises meeting was not made mandatory as is evidenced by the relatively low turnout of teachers at the event and the responses received from the returned questionnaires and the statements of witnesses. The undersigned did not find that any threats or promises were made by Hillsboro Administrators related to the meeting in question. However, two teachers stated that they felt they should attend the off-premises meeting because their supervisor brought it up even though it was voluntary. As indicated above, the undersigned found no evidence that Central Office Administrators were involved in setting up the meeting, appeared at the meeting, or directed personnel to attend the meeting.

Despite this finding, the undersigned notes that the Principal of Hillsboro School, at the conclusion of the faculty meeting, commented about the off-premises meeting that was announced by Ms. McGilvra, and then acted as one of the leaders at the meeting, albeit off-premises and after school hours. A school leader who references an off-premises meeting in that context, and then takes an active role in the off-premises meeting, can give the impression (whether intended or not) that subordinates should adopt similar views due the position of the school leader when the event in question turns out to be an event that is political in nature.⁹

C. Teacher and Administrator Code of Ethics, WCS Policy No.5.611-612; Tennessee Code Annotated Sections 49-5-1001 et seq.

WCS Policy No. 5.611 (“Teacher Code of Ethics”)¹⁰ provides in pertinent part:

In fulfillment of the obligation to the profession, the educator:

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.

⁹ WCS Policy No. 5.108 (“Supervision”) sets out the authority and responsibility of the Principal.

¹⁰ WCS Policy No. 5.611 sets out the Teacher Code of Ethics in Tennessee Code Annotated Section 49-5-1004.

3. Shall not assist entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attributes.
4. Shall not knowingly make a false statement concerning the qualification of a candidate for a professional position.
5. Shall not assist a non-educator in the unauthorized practice of teaching.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions.

Id.

WCS Policy No. 5.612 (“Administrator Code of Ethics”) provides in pertinent part:

Policy 1. The professional school administrator constantly upholds honor and dignity of his profession in all his actions and relations to pupils, colleagues, school board members, and the public.

Policy 2. The professional school administrator obeys local, state, and national laws; holds himself to high ethical and moral standards and gives loyalty to his country and to the cause of democracy and liberty.

Policy 3. The professional school administrator accepts the responsibility throughout his career to master and to contribute to the growing body of specialized knowledge, concepts, and skills which characterize school administration as a profession.

Policy 4. The professional school administrator strives to provide the finest possible educational experience and opportunities to all persons in the district.

Policy 5. The professional school administrator applying for a position or entering into contractual agreements seeks to preserve and enhance the prestige and status of his profession.

Policy 6. The professional school administrator carries out in good faith all policies duly adopted by the local board and the regulations of state authorities and renders professional service to the best of his ability.

Policy 7. The professional school administrator honors the public trust of his position above any economic or social awards.

Policy 8. The professional school administrator does not permit considerations of private

gain or personal economic interest to affect the discharge of his professional responsibilities.

Policy 9. The professional school administrator recognizes that the public schools are the public's business and seeks to keep the public fully and honestly informed about their schools.

Id.

Based on a review of the evidence obtained and given the scope of the investigation, the undersigned does not find that a WCS Administrator violated WCS Policy No. 5-611, 612 or the Teacher Code of Ethics codified at Tennessee Code Annotated Section 49-5-1004.

3. Dr. Mike Looney's conduct.

The scope of the investigation of Dr. Looney covered the time period September 1, 2014 to the present, and was focused on whether Dr. Looney engaged in conduct that could be considered disloyal to the current Williamson County School Board and whether he engaged in political activity that violated WCS policies and/or potentially violated State law governing his conduct as Superintendent.

The undersigned interviewed Dr. Mike Looney on June 5, 2015 and on June 29, 2015, interviewed Kathy Wells, Principal at Winstead Elementary, on June 29, 2015, Julie Sparrow, Principal at Edmondson Elementary and Brent Oakley, Principal at Fairview Elementary on July 7, 2015. Signed statements were obtained by the undersigned from each person interviewed who had the opportunity to make changes to the statement that was prepared from the interview. The undersigned also requested and was provided with WCS emails, personal emails, Facebook messages and text messages between Dr. Looney and individuals who are current or former Principals of the Group Williamson Strong for the period September 1, 2014 to June 26, 2015. The undersigned also reviewed Dr. Looney's public Twitter communications (Tweets) and Facebook posts from September 2014 to June 22, 2015.

Given the applicable scope of the investigation, after reviewing the above evidence, as well as the evidence obtained from the investigation of the Hillsboro Incident, the undersigned finds that Dr. Mike Looney did not violate any duty of loyalty to the current WCS School Board. The undersigned also finds that Dr. Looney did not engage in political activity that violated WCS policies or Tennessee law governing his conduct as Superintendent.

It is not disputed that Dr. Looney was supportive of the incumbent Williamson County School Board members prior to the August 7, 2014 election as well as the Group Williamson Strong that was supportive of the incumbent School Board Members. It is also not disputed that Dr. Looney met with the new school board members several weeks after the election and pledged his support to them and the policies the Board would enact in the future.

In his interview, Dr. Looney stated that since the election he has not provided support to the group Williamson Strong or encouraged others to do so or talked to any member about politics. Dr. Looney also stated that he distanced himself from the group after the election. Dr.

Looney further stated that he has seen some of the parent members of Williamson Strong at “Let’s Talk School Meetings” and at other school functions which are attended by a large number of people but that he has not met privately with them since meeting with the new board members. He also stated that he was not aware of any political activity taking place at Winstead Elementary or at any other school or school resources being used for a political purpose.

Dr. Looney also stated that as Superintendent he is contacted frequently by parents and people in the community about a variety of issues, including complaints about politics and expressions of support for his work as Superintendent. He also freely gives out his contact information to parents, teachers and others in the community since that is his management style.

Dr. Looney was asked by the undersigned to produce the emails and other documentation identified above and did so. He confirmed in his Statement that he did not withhold anything that was requested.

The investigator, during the June 29, 2015 interview with Dr. Looney, went over a number of the emails that were produced and Dr. Looney explained them to the best of his recollection. Many of the WCS emails were emails where Dr. Looney was copied, along with School Board Members. Two of the WCS emails reviewed were an email dated September 18, 2014 from Kim Heinke (a parent) and an email from Kristin McGilvra (a parent and teacher) dated September 22, 2014. Both Ms. Heinke and Ms. McGilvra, at the time of the emails, were supportive of the group Williamson Strong. Dr. Looney stated that these were unsolicited emails and that he did not respond to them. I found Dr. Looney to be credible.

None of the Administrators interviewed (Ms. Wells, Ms. Sparrow, Ms. Miller, Ms. O’Neal, Ms. Justice, Ms. Goodwin or Mr. Oakley) stated that Dr. Looney directed them to engage in political activity to oppose the new School Board or its policies. I found all of the Administrators credible on this point. Ms. McGilvra also provided a statement which was consistent with the Administrator statements on this point.

As a final note, during the investigation, it came to the undersigned’s attention that at least one meeting was held on school property. Kathy Wells, Principal of Winstead, stated that Kim Heinke (a parent at her school) came into the library after school one day in the Fall of 2014 (Ms. Wells was unsure of the date) and made herself available to meet with teachers to share information about Williamson Strong. Approximately 10 to 12 teachers came through to meet with Ms. Heinke and the meeting lasted 15 to 20 minutes. Ms. Wells stated that there were no handouts and there were no emails announcing the meeting. Ms. Wells stated that she did not view this as a political meeting. Ms. Wells also stated that Dr. Looney was not made aware of the meeting before or after the meeting. Another meeting occurred at Edmondson Elementary between the Principal, Assistant Principal and a parent who shared her concerns about the new Board and its policies. However, this meeting occurred prior to September 1, 2014.

III. Conclusion

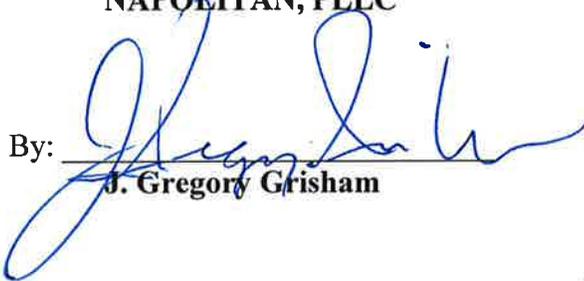
In sum, the undersigned finds that Ms. Summer Martin did not make a complaint or grievance with the Board claiming hostile environment or retaliatory conduct based on the conduct set forth in her April 5, April 7 and April 8 emails. Additionally, the undersigned finds that no WCS administrator improperly used government resources or compelled subordinates to attend a political meeting on or off school grounds or otherwise violated WCS policy or state law in connection with the Hillsboro Matter. Finally, the investigator finds that Dr. Mike Looney has not engaged in conduct that could be considered disloyal to the Board or engaged in political activity in violation of WCS policy or state law that governs his conduct as Superintendent.

Please contact the undersigned if you have any questions.

Respectfully submitted,

**LEITNER, WILLIAMS, DOOLEY &
NAPOLITAN, PLLC**

By: _____



J. Gregory Grisham

Cc: D. Randall Mantooh (via email).