

KRUM INDEPENDENT SCHOOL DISTRICT INVESTIGATION REPORT

KRUM I.S.D. BOARD MEETING – DECEMBER 12, 2018

CONDUCTED AND SUBMITTED BY ARIC L. STOCK, ESQ.



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School District's Mission Statement:

“The District’s mission is to create a collaborative atmosphere with parents, students, and members of the community in order to ensure students will reach their full potential by providing every child with an exceptional education. We will strive to prepare our students academically and socially to embrace their future challenges, as well as ignite the desire to be lifelong learners, by providing a safe, respectful, and positive learning environment.”

School District Motto:

“Preparing Today’s Students for Tomorrow’s Challenges”

Scope of investigation and assignment posed:

- (1) “Were teachers forced to change students’ grades?”
- (2) “Were students forced to sign non-disclosure agreements?”
- (3) “Did teachers inappropriately alter students’ grades, GPAs and / or class ranks?”

INVESTIGATIVE PROCESS

- I reviewed extensive relevant documentation provided by, and requested from, the District.
- I spoke with multiple school board members by phone.
- In addition to the trustees, I met / spoke with the following individuals (listed alphabetically):
 - o Ms. Jackie Beale (High School Receptionist / Attendance Clerk)
 - o Ms. Angela Borchardt (High School Counselor)
 - o Mr. Cody Carroll (Krum I.S.D. Superintendent)
 - o Mr. Robert Dollins (concerned parent)
 - o Mr. Emilio Gonzalez (concerned parent)
 - o Ms. Debra Hardy (High School physics / science teacher)
 - o Mr. Ron Harris (current Mayor of Krum – concerned citizen)*
 - o Mr. Larry Lamonica (former Mayor of Krum – concerned citizen)
 - o Mr. Bernard Lightfoot (former High School Vice Principal)

- Ms. Brenda Morrow (High School PEIMS Coordinator)
- Ms. Joann Murdock (High School Administrative Assistant)
- Ms. Lindsey Oh (High School Counselor)
- Ms. Shanna Orsi (High School Vice Principal)
- Ms. Michelle Pieniazek (High School Principal)
- Mr. Michael Schertz (concerned parent)
- Mr. Alex Sibley (former High School English Teacher)

* = phone interview, only

- I did not record any of these discussions. Each of these individuals indicated that I could report to this Board the information I obtained and the conclusions I reached from these discussions. If necessary, I believe affidavits supporting my conclusions could be obtained from the interviewed witnesses, but I chose not to do so at this time.
- I chose not to interview any of the students involved in these allegations. Several of the students allegedly involved in these situations have graduated and are continuing their studies, several of the students allegedly involved in these situations are current students in the high school; I made the professional determination that the information needed could be gathered through documentation review and interviews with those adults listed, rather than putting these students through this investigative process.
- I considered what information would likely be considered admissible evidence in a courtroom in evaluating the allegations and the evidence, and reaching the stated conclusions. Uncorroborated information from unidentified sources was not considered credible and was not considered in reaching the conclusions expressed in this report.
 - Several interviewed witnesses referenced others with information who, “preferred to remain anonymous” – I explained that I would not consider anything second-hand or from someone not identified in my investigative report. It is my conclusion that relying on undisclosed information from anonymous sources in this context would only further the spread of unsupported rumors. If information was not confirmed, it was treated as non-existent.
- I asked for, and was provided with, the names of potential witnesses at the outset of my investigation. I considered my investigation completed when the names of potential witnesses became circular, the investigation reached the point of apparent information saturation and I had met with everyone with whom I was requested to meet.
- I did not conduct a forensic examination of the District’s computer system to determine improper influence on students’ grades over the last several years and was not retained to do so. If the District believes this is necessary, useful and economically feasible, the District can retain a forensic accountant or I.T. specialist to conduct such an audit. I am not qualified to conduct such a forensic audit of the District’s computer grading system, nor will I agree to conduct such an audit of the District’s computer grading system(s).

CONCLUSIONS

1) **Teachers accused of altering grades.**

- a. The rumors and allegations are determined to be unfounded based on discussions with witnesses and a review of relevant documents. No evidence of this allegation was presented by any of the witnesses with whom I met, nor was it substantiated by any documentation I obtained and reviewed.
- b. Consideration was, and is, made regarding the inherent conflict with some of these witnesses to admit wrongdoing and/or accuse others of such wrongdoing. These conclusions are reached based on in-person discussions and interviews and a subjective credibility assessment.
- c. Teachers provide opportunities for students to improve grades through extra work, available time to provide additional instruction and other methods. These opportunities apply to the top students in any class, as well as to those whose challenges are much different. I did not find evidence that any students were provided with more or different opportunities by the school or teachers than others, but certainly some students took advantage of some available opportunities more than others.
- d. Students share confidential information with each other (potentially, not always truthfully), adding to pressures to excel and, at times, fueling rumors about other students.
- e. If teachers and/or administrators had evidence supporting improper, unethical, immoral or illegal grade-changing issues existed, they would preserve the integrity of the Krum I.S.D. institution, by providing such evidence to the administration and/or the school board.

Conclusion: There is no credible evidence supporting the rumor that teachers were forced to change some students' grades.

2) **Allegations of Non-Disclosure Agreements.**

- a. Suggestions that statements taken from students constituted "Non-Disclosure Agreements" could not be verified and, generally, were determined to be an incorrect understanding of what non-disclosure agreements are and are not.
- b. In the school's various investigation(s), statements have been taken from students to help document the process undertaken and to support the conclusions reached. These statements contain no indication of "non-disclosure" requirements. Being asked, or even directed, by teachers or administrators not to spread rumors or further discuss on-going investigation(s) is not improper, under the circumstances, and does not involve entering into valid, enforceable "Non-Disclosure Agreements." It

is possible such instructions were misperceived as non-disclosure statements.

- c. Written statements that were taken and reviewed did not include any “non-disclosure” language that would limit or inhibit students’ rights in any way. Parents’ rights were not addressed or limited in any of the reviewed statements.
- d. Requiring students and parents to acknowledge the District’s drug policy and/or confirm receipt of the Handbook does not equate with signing a “Non-Disclosure Agreement.”

Conclusion: There is no credible evidence supporting the rumor that students were forced to sign non-disclosure agreements or non-disclosure statements

3) Improper Grade or Class Ranking Alterations.

- a. Without evidence supporting such allegations, the rumors effectively de-legitimize students’ achievements.
- b. Attempts to require students and faculty / administrators to “prove they didn’t cheat” flips the generally accepted burden of proof or responsibility onto the accused, rather than requiring an accuser to provide relevant, persuasive evidence of wrong-doing.

Conclusion: There is no credible evidence supporting the rumor that grades, GPAs and/or class-rankings were improperly changed, and not earned by the students.

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- 4) Issues related to perceived nepotism / favoritism / cronyism were related to me and discussed with many of those interviewed. These issues have become more pronounced when suspicions of unfairness have arisen, especially with children / relatives of School Board members, administrators and teachers, as well as spouses employed (and potentially supervising each other) within the District.
 - a. I concluded that no credible evidence existed factually supporting the rumor / assertion that Sterling Pieniasek (class of 2018 salutatorian and daughter of high school principal & high school teacher) did not earn her grades and class-rank, and was the beneficiary of improper influence. At this point, allegations (without any substantive evidence) border on defamatory statements about this particular student.
 - b. Some believe / suspect that Ms. Pieniasek supervises her husband, agricultural teacher, Mr. Pieniasek (a potential conflict of interest). I found this to be an incorrect assumption as structures are in place for Mr. Pieniasek to be “appraised, evaluated and reviewed” by other administrators, rather than by his wife, the current principal. The general Krum ISD community may not be aware of this arrangement, leaving

room for an unfounded rumor to fester based on a misunderstanding of current process. It also appears that Mr. Pieniazek's employment preceded Ms. Pieniazek's current position as High School Principal. From a "nepotism" perspective, this arrangement would not typically qualify as such, with the principal being hired by others in a supervisory role over the teacher. A more common illustration of nepotism would be a principal hiring an unqualified relative as a coach, teacher or employee upon taking the supervisory position.

- c. Although perceived as nepotism, Board Policy and state law create a definition of illegal nepotism. According to state law, nepotism prohibits a public official (school trustee) from appointing (hiring, voting on) a person who is related, as defined by statute, to that person to a position that is to be directly or indirectly compensated from public funds. Tex. Gov't Code § 573.002. *See* Board Policies BBFE (LEGAL), DBE (LEGAL). Legally prohibited nepotism is limited to relatives within a certain degree of the current school trustees, not employees of the district (and there are possible exceptions for even those individuals).
- d. There are inherent conflicts of interest and opportunities for challenging influences by parents who have positions on the school board and/or are employed by the District, as well as by students of these parents who use this perceived power and authority to their advantage. Some of these perceptions may never be fully avoided due to the relatively small size of the District, but continued efforts at increased transparency may benefit the District and the individuals involved in these circumstances.
- e. Krum I.S.D.'s Board Policy FDA (LOCAL) says, "A child of a nonresident full-time District employee shall be eligible to attend District schools on a tuition-free basis." Children of school board members, administrators, coaches, teachers and other staff have the additional challenge of potentially being suspected of beneficial, improper treatment, even when unsupported. Recognition that these children / students also have the right to fair treatment, the right to earn their grades / class-ranks, and to earn their own successes and failures should be acknowledged, especially absent any evidence to the contrary. It is common for children with parents involved in education to be relatively high academic achievers, similar to those whose parents are musicians, athletes or involved in any other specific extra-curricular activity (such as FFA, religious activities or other social groups) to excel in these areas of family priority, proficiency and commitment.
- f. Board members, administrators, teachers and involved parents may have "flipped the burden proof" in demanding that those accused of any improprieties must demonstrate their innocence. I strongly caution the District that this is dangerous precedent to adopt, whether formally or informally. Allegations without proof or evidence should NOT be the basis for punishment.

- 5) The issue with Mr. Lightfoot's employment separation from the District, though generally outside the scope of this investigation, was repeatedly brought up to me. It appears that a challenging tension exists between agreed upon confidentiality with the District and Mr. Lightfoot on one hand and a vacuum of factual information shared to the general public on the other hand. This tension has led to rumors and speculation by some in the community. I discovered no credible evidence that the Administration or the School Board inappropriately handled Mr. Lightfoot's departure from the District. The timing of Mr. Lightfoot's departure from the District has also led some to (improperly) conclude that they know the reasons and cause for this separation. The chronology of events, while less than ideal, does not necessarily reflect on the cause of Mr. Lightfoot's employment separation from the District, nor does it necessarily reflect a causal connection with the issues raised in this investigation.
- 6) It appears that at least two "sides" have emerged regarding these issues. One group believes that, under no circumstances could any wrong-doing have taken place within the Krum I.S.D., whereas, the other group is so suspicious of the people involved, as well as the swirling rumors, accusations and investigations to likely not believe the results of any investigation. These groups are similarly identified as those who trust in the institutional integrity of the District and those who expressed cynicism about the institutional integrity of the District. Both groups seek to claim the entire truth. Both groups claim to want the community to heal – but potentially only on their terms.
- 7) Interviewed administrators and teachers have high respect levels for the District, institutionally, and, generally, believe strongly in this community, the District, their involvement in these schools and their commitment to the education of Krum I.S.D. students.
- 8) The role of social media in the investigated situations must be acknowledged. In my interviews and document review it is clear that many inaccurate statements were shared as "fact" through various social media platforms. These statements were often accepted as being true and accurate by some, without questioning the source, the process or the conclusions reached. Those who attempted to seek clarification or to raise questions (on all sides of these issues) were not always heard or treated respectfully. The social media storm continued, forcing separations within the community and "sides" to be taken or assigned, with threats and insults rather than a civil exchange of ideas. Additionally, students used social media and technology to communicate with each other in ways that were not always productive or truthful.

SUMMARY OF CONCLUSIONS

I have found **no credible evidence** supporting the allegations that:

- 1) Teachers were forced to change grades or inappropriately changed students' grades;
- 2) Students were forced to sign non-disclosure agreements; and
- 3) Grades, GPAs and/or class ranks were improperly calculated or altered.

Peripherally, it is clear that a perception of conflicts of interest, possible nepotism, favoritism and/or cronyism are issues for some in the Krum I.S.D. ("the District") community that may be the genesis of (or concurrent motivations behind) these allegations, at whole or in part, and should be further addressed by the District.

The Krum I.S.D. administrators, teachers and former teachers, community leaders and concerned parents with whom I spoke were all sincerely interested in the well-being of the students and transparent fairness to all. The people with whom I spoke were cooperative and helpful during this investigation, even when not required by their current jobs or positions in the community.

RECOMMENDATIONS

- 1) Create and / or increase communications rules, regulations, and/or practices between administrators / teachers / school board members with high school students and their teachers.
 - a. Recommended rule, regulation, and/or practice is to include another (designated) administrator in any e-mail exchange between parents (who are also teachers, administrators or school board members) and teachers to increase transparency and to reduce any sense of undue pressure being applied to teacher(s) of students with parents in positions of authority. (For example, if an administrator's son / daughter is in a Spanish class – e-mail communication between parent and Spanish teacher would also include a vice principal.) This would be intended to monitor the appropriateness of all communication and to recognize the inherent challenges for parents employed by the District (or in elected positions) to act only in a "parental capacity" when communicating with their children's teachers. This would also allow school board members, administrators and teachers to exercise their rights and responsibilities as parents to raise issues or questions with their children's teachers in a manner that alleviates some potential sense of under pressure between the family and the teacher.
 - b. Recommended rule, regulation, and/or practice is to provide appeal or concern path of improper influence of teacher(s) to the Superintendent. If the District Superintendent is recused due to their own potential conflict of interest (having a child currently in the school), a previously determined

alternative administrator will become the arbiter(s). A review of evidence, rather than suspicions or rumors should be the minimal standard.

- c. Recommended action includes discussion / presentation of challenges faced by students whose parents are on the school board or employed within the District at open parent meetings to raise the level of awareness of these challenging issues.
- 2) Standardize high school handbook and regulations regarding cell phones in the classrooms during all tests.
 - a. Recommended policy is to require all cell phones and electronic devices to be collected by the teacher or completely out of sight during any test (unless considered “open book” and “open source” to all students).
 - b. Violations of such rules should have consequences for staff/students and will be deemed reasonable suspicion under Board Policy FNCE (LOCAL) for a search or review of any all phone / device data obtained and transmitted during testing time to increase fairness to all students and the teacher(s) and maintain testing integrity.
 - 3) Significant issues, well outside the scope of my retention, were repeatedly raised with me regarding perceived nepotism / favoritism / cronyism and generally perceived abuse of authority within the District. Recognition of existing problems of this type, whether perceived, real or both, should take place, with additional recognition that potential conflicts of interest rules, regulations, and/or practices may need to be reviewed, altered and/or updated.
 - i. “Nepotism” is generally considered to be the hiring of unqualified family members. However, Board Policies BBFE (LEGAL) and DBE (LEGAL) only prohibits illegal nepotism as narrowly defined by statute and policy.
 - ii. “Favoritism” is generally considered to be the practice of giving unfair, preferential treatment of one person or group at the expense of another.
 - iii. “Cronyism” is generally considered to be the practice of partiality in awarding jobs and other advantages to friends or relatives, without appropriate qualifications.
 - a. Recommendation to retain consultant / attorney to review current hiring and supervision policies, regulations and/or practices and recommend specific updates or appoint a volunteer task force to review current hiring practices and make recommendations to the Board, if appropriate. Appropriate legal training with regard to proper, appropriate, and legal hiring practices is encouraged for all in the process.
 - b. Recognize potential benefits to the District and the community of having trustees, administrators, coaches, teachers, and other staff with children in the school system, having attended and graduated from the District, as well as having committed school board members with children in the school system. Inherent conflicts exist and can be addressed, recognized and avoided. Eliminating those with children in the District or with

children of District graduates from employment with, or service to, the District would likely have a detrimental impact on the District and the Krum community, including employee retention and recruitment, extra-curricular activities, and possibly TEA rankings and state funding based upon average daily attendance. As an example, hiring coaches whose children could not attend the school district, or finding bus drivers and cafeteria workers from outside Krum I.S.D. because they cannot work where their children go to school could significantly impair the school's ability to fill vacancies. In fact, most districts have specific policies that permit children to attend school within the district as transfers if their parents work in the district, and that is used as a recruiting technique. In some instances the law may even prohibit Krum I.S.D. from having a policy prohibiting children of trustees or employees from attending Krum I.S.D.

- 4) As the District continues to grow and evolve, additional awareness of public relations and "optics" should be considered during significant decision-making processes to mitigate, reduce or eliminate apparent conflicts, including potential conflicts of interest or situations in which appropriate confidentiality requires a balance against clear, complete transparency.