

December 5, 2023

To: *The Laconia Daily Sun*

Re: Inaccuracies and Imbalance in the Ford Investigation of Superintendent Tucker

Good day *Laconia Daily Sun*:

The Laconia School Board Chair and the Superintendent have decided to release to *The Laconia Daily Sun* a 2021 investigative report by Attorney Ford regarding claims made against Superintendent Stephen Tucker. The Superintendent, on the advice of counsel, initially denied *The Laconia Daily Sun's* 91-A request for the report as it was stamped **"CONFIDENTIAL DOCUMENT - ATTORNEY CLIENT PRIVILEGED"**. However, after more discussion with counsel and our recent attendance at the Bradley Kidder Law Conference this October, we are releasing the report.

We are also writing to express our concerns about the one-sided, inaccurate, and incomplete nature of the report. We want to provide another point of view in hopes of presenting a more complete picture of the circumstances surrounding the report. This report is based on twenty to thirty minute "Microsoft Teams" conversations (remote) with witnesses; the five who spoke against the Superintendent had their complaints documented. Six additional witnesses who spoke on behalf of the Superintendent had their support literally reduced to a footnote if noted at all.

This report is now over two years old. Superintendent Tucker met with the Laconia School Board regarding this report on two occasions. The first time the Board directed him to do his job with no restrictions. The second time they voted unanimously (7-0) to indemnify Superintendent Tucker and pay his legal fees. There are obvious issues, including zero attempt by Attorney Ford at fact checking, with how the report was conducted and written to cast Superintendent Tucker in a negative light.

Specifically, we have significant concerns that the five complainants referenced in the report are likely to be easily identified in our Great Little City. In addition, the imbalance of perspective, inaccuracies, and blatant mistakes regarding content related to Superintendent Tucker are of such a magnitude that we believe we must address them and offer context in connection with the release of the report.

First we will address the confidentiality of the investigative report.

Our understanding is that the report was meant to be confidential, and would only be provided to the Laconia School Board. The report itself even states that the investigation is confidential – "This investigation is a confidential one - it will only be reported to those who need to know it."

Even with the complainants' names not listed, we are concerned that readers will still be able to identify the participants based on the contents of the report. We do not believe this is fair to the complainants.

Next, we have several concerns with the credibility of the report, based on how the report was investigated and written.

1. The entire report relies only on the claims of the individuals making complaints.
2. Attorney Ford was asked by the representation of Superintendent Tucker to interview additional witnesses in connection with the investigation. However, Attorney Ford failed to substantively include these witnesses in the report, merely referencing the additional witnesses, and questioning their credibility, despite no similar analysis regarding the credibility of the complainants. Additionally, we note that these individuals are also likely to be identifiable despite not being named in the report.
3. Likewise, Attorney Ford states that she reviewed voluminous emails and other documents from witnesses (page 2), but she did not allow Superintendent Tucker to supply any documents to rebut the complaints against him.
4. At least two of the complainants had personnel issues that were ongoing and before the investigation began that could represent potential motives and credibility issues of the complainants, but these issues were not addressed in the report.
5. The only witnesses against the Superintendent or the Laconia School District referenced in Attorney Ford's investigation were the complainants themselves.
6. The interviews were not recorded, leaving no way to review testimony later.

Finally, we will address some of the specific inaccuracies of the report.

1. There are factual mistakes and false statements in the report that could and should have been investigated and corrected as they were documented in the public record of Laconia School Board meetings, newspaper articles in *The Laconia Daily Sun*, and other public documents. The posted minutes and video of recordings of all School Board meetings are available to anyone for review.
2. Attorney Ford references a "majority of the witnesses" as being against Superintendent Tucker, when in reality she only references five complainants, and there were six individuals willing to be interviewed in support of Superintendent Tucker. On page 3 of the report, Attorney Ford discussed the Superintendent's handling of COVID-19. All of the Superintendent's Covid recommendations came from state and local public health officials, much of them from the State Epidemiologist himself. These accusations are easily refuted as Superintendent Tucker was in regular contact with the State of New Hampshire's Epidemiologist, Dr. Benjamin Chan. Email communication between Superintendent Tucker and Dr. Chan were shared in a public session with the Laconia School Board. There was also documentation of regular contact between the Laconia Educational Association and the Superintendent regarding joint protocols. This could have been easily fact checked and

wasn't.

3. The report describes the one building administrator complainant's report of retaliation, without fully explaining that the individual was provided all salary and benefits and the Laconia School Board offered to hold a public hearing and to conduct an exit interview at the complainant's request. Additionally, every action that was claimed to be retaliatory was in fact the result of numerous complaints of other employees that then became the Superintendent's responsibility to act upon. It's important to note, he sought the advice of counsel on all these personnel matters.
4. Page 6 of the report makes reference to one of the complainant's use of District funds for home internet use. The report states that "the funds had not been disbursed," which is absolutely untrue. In fact, the complainant had been taking these funds for years, and this fact could have been easily verified.
5. The report presents and describes complaints against Superintendent Tucker without fully and clearly addressing that they are ultimately unfounded and discredited. For example, there are video clips and public records that directly discount claims regarding race discrimination included in the report, but the claims were included without reviewing the video or directly discounting the claims. Merely repeating the claims in the report without reviewing the video and directly stating that the evidence discounts the claims is harmful to the Laconia School District and Superintendent Tucker.
6. To close out this section, please note that Attorney Ford did not determine any of the claims of so-called "age/gender/race discrimination" were founded. Rather, she unequivocally dismissed them all.

In summary, we believe that Attorney Ford expressed a sentiment that in conducting the investigation, it should just be done and if there was nothing found, the District could resume its operations and the Superintendent could go back to doing his job. However, in our opinion, because she did not conduct this investigation with due diligence and because she failed to realize that an investigation of the Superintendent of a School District is highly significant in itself this would disrupt the daily operations of the District. Writing a report that is one-sided and only recounts and addresses the complaints against the Superintendent, is harmful to the Laconia School District and the Superintendent, and is particularly unfair given that the report ultimately concludes that four of the five complaints are unfounded and the other is based on inaccurate information.

There are close to 400 employees in the Laconia School District. Of those, 19 are administrators. The remaining are teachers, paraeducators, secretaries, counselors, student support personnel, coaches, custodians, food service workers, media specialists, IT professionals, psychologists, directors, and School Resource Officers. Attorney Ford referenced complaints from only five complainants, which were ultimately discounted.

It is also worth noting that in his three years as Superintendent, there have been no grievances issued by either of the unions, which represent about three-quarters of the staff in the District.

Indeed, the Superintendent was a major influence in the new Teachers Union contract that resulted in being passed unanimously by both the School Board and the City Council.

Still, *The Laconia Daily Sun* conducted and reported on anonymous interviews of a small group of administrators, again only speaking with the complainants against Superintendent Tucker. Once the article was printed in May 2023, the public was left questioning the worthiness of the District. Yet, those in the know (the Laconia School Board), not only indemnified Superintendent Tucker, they offered him a three-year extension on his contract. Surely, if those closest to the situation were sure enough of his character and abilities to offer him this extension, then those with limited or no knowledge of the "situation" should have taken their lead from the Board.

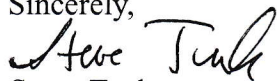
The fact that the investigation was unbalanced and inaccurate puts the Superintendent and the School District in a precarious and unfair position. As an investigator, Attorney Ford was obligated to approach these complaints objectively and hold any biases in check while gathering evidence in this case. Not allowing Superintendent Tucker to present evidence clearly compromises the objectivity and credibility of the report.

It is also worth noting that after the School Board unanimously indemnified the Superintendent, the problems with the complainants did not cease. Rather, they intensified because they hoped to divide the district, build alliances, and create a shield from supervision so they could follow their personal interests instead of the District's initiatives, which is what the School Board charged the Superintendent to do.

There is such great work being done for the children and families in the Laconia Schools. We feel so fortunate to have our Staff dedicated and engaged in teaching and learning. Our Strategic Plan is a living document with critical components like Literacy and Mental Health at the forefront. We believe strongly that this is where our attention and energy should be focused.

We are submitting this letter to be released alongside the report, to shed light on some of the issues with the report and in hopes that the Laconia School Board and Superintendent Tucker can move forward and continue the important work of reestablishing a credible level of shared leadership among our Administrative Team.

Sincerely,



Steve Tucker

Superintendent of Schools



Jennifer Anderson

School Board Chairperson