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January 10, 2025

Mr. Sam Chalfant
Pacifica Law Group
1191 Second Avenue Suite 2000
Seattle, WA 98101

Re: Investigation of allegations concerning classroom management at Utsalady Elementary School

Dear Mr. Chalfant:

At your request, I investigated allegations against [REDACTED] in the Stanwood Camano School District. The allegations, as set forth by the Board of Directors at a special meeting held on October 22, are that [REDACTED] retaliated against a teacher by placing a disproportionate number of high needs students in her classroom, that [REDACTED] created a hostile work environment for this teacher, and that [REDACTED] generally failed to support teachers and ensure that student behavior was appropriately managed.

This report constitutes a summary of the evidence, the witness interviews, and the conclusions I draw therefrom. It is not intended as a full recitation of the facts gathered. I base my conclusions on a preponderance of the evidence standard, under which I accept an allegation as fact when it is more probably true than not true based on the available evidence.

DOCUMENTS REVIEWED

Incident report concerning playground injury, dated November 8, 2023

Intervention Team recommendations for “Students 1, 2, and 3”

Video footage from meetings of the Board of Directors, dated October 15 and October 22, 2024

Video of [REDACTED] classroom, taken on September 11, 2024

Email exchange between [REDACTED] and [REDACTED] concerning September 11 classroom incident, dated September 11-13, 2024

Email exchanges between [REDACTED] and [REDACTED] concerning Responsive Classrooms training, dated September 23, 24, and 30, 2024

Notes for classroom substitute, dated October 4, 2024

Email exchanges between [REDACTED] and [REDACTED] concerning implementation of student accommodations, dated October 1-8, 2024

Email from [REDACTED] to former [REDACTED]
[REDACTED], dated October 16, 2024

Email exchanges between [REDACTED] and [REDACTED] concerning additional student behavior supports at Utsalady, dated October 16-17, 2024

Email exchanges between [REDACTED] and [REDACTED], dated October 16-18, 2024

Emails from [REDACTED] dated October 17-18, 30, 2024

Email from [REDACTED], to Board of Directors, dated October 21, 2024

Email from [REDACTED], to Board of Directors, dated October 22, 2024

Email from [REDACTED], to Board of Directors, dated October 22, 2024

Email from [REDACTED], to Board of Directors, dated October 22, 2024

Emails between [REDACTED]
[REDACTED], dated October 22, 2024

Email from Sam Smith, district parent, to Board of Directors, dated October 23, 2024

Email from [REDACTED] to Board of Directors, dated October 23, 2024

Email from [REDACTED], to Board of Directors, dated October 23, 2024

Email from [REDACTED], to [REDACTED], dated October 24, 2024

Email from [REDACTED], to Board of Directors, dated October 24, 2024

Email from [REDACTED], to Board of Directors, dated October 26, 2024

Email from [REDACTED], to Board of Directors, dated October 26, 2024

Email exchanges between [REDACTED] and [REDACTED], dated October 30, 2024

Email from Stanwood Camano News to [REDACTED], dated October 31, 2024

Email from [REDACTED] to Board of Directors, dated November 1, 2024

Email from [REDACTED] to [REDACTED], dated November 1, 2024

Email from [REDACTED] to [REDACTED], dated November 3, 2024

Article from Stanwood Camano News, *Behind the decision: New details uncovered in Utsalady principal controversy*, dated November 5, 2024

Email from [REDACTED] to [REDACTED], dated November 5, 2024

Email from [REDACTED], to Board of Directors, dated November 5, 2024

Email from [REDACTED], to Board of Directors, dated November 5, 2024

Email from [REDACTED] to Board of Directors, dated November 6, 2024

Email from [REDACTED] to [REDACTED], dated November 7, 2024

Letter of reprimand issued to [REDACTED], dated November 25, 2024

Letter from [REDACTED] with attached exhibits, dated November 25, 2024

Concerned Citizens 4 Stanwood-Camano Schools survey, December 2024¹

¹ This document summarizes the results of a survey of a small group of anonymous parties. It states, “Any content included as part of the survey which could be identifiable has been scrubbed from the published information in this report.” Accordingly, the survey provides insufficient detail for follow-up. The methodology of the survey was not objective. It asked participants, “Please share the experiences that give you concern,” rather than asking a more open-ended question about parent and staff experiences. Summaries of potential concerns used charged language such as “violence, threatening, bullying, and resulting anxiety” and “culture of silence,” suggesting that only parties who had strong opinions responded and/or the survey takers were biased. The survey covers concerns I already heard and considered when reviewing evidence and speaking with witnesses, such as students with special needs engaging in violent

WITNESS INTERVIEWS

[REDACTED], on November 20, 2024²

[REDACTED] on December 2, 2024

[REDACTED]
[REDACTED] on December 4, 2024

[REDACTED]
[REDACTED] on December 5, 2024

[REDACTED] on
December 5, 2024

Father of “Student 2” on December 6, 2024

[REDACTED] on
December 9, 2024

[REDACTED] on December 11, 2024

[REDACTED] on December 11,
2024

[REDACTED] on December 13, 2024

[REDACTED] on December 16, 2024

Mother of “Student 2” on December 17, 2024

[REDACTED] on December 17, 2024

[REDACTED] on
December 17, 2024

behavior and being “rewarded” with playtime or snacks, [REDACTED] not enforcing school rules, and students assaulting staff. The survey addresses matters that are beyond my scope, such as student behavior on the bus or at other schools.

² [REDACTED] tendered her resignation on November 5, 2024. On December 18, the Board’s three-member majority voted to approve an agreement for [REDACTED] to leave immediately in exchange for severance pay.

██ on
December 18, 2024

██ on December 18, 2024

██ on
December 18, 2024

██ on
December 19, 2024

██ on December 20, 2024

I requested to interview ██████████ and ██████████, both of whom expressed concerns to the Board of Directors about student behavior at Utsalady. ██████████ declined to be interviewed. ██████████ did not respond to my emails requesting to schedule an interview.

SUMMARY OF ALLEGATIONS AND EVIDENCE

October 22, 2024, Board meeting

This investigation was requested following a special meeting of the Board of Directors on October 22, 2024. After receiving complaints from Utsalady staff and community members, ██████████ scheduled an executive session to discuss ██████████ performance. ██████████ requested to move the discussion to a public meeting, which occurred on October 22.³

During the meeting, ██████████ proclaimed that each Board member would have a chance to describe the complaints they had received, then it would be up to ██████████ to recommend appropriate action against ██████████ including placement on leave pending investigation or termination of employment. ██████████ was not given the opportunity to speak, nor was the superintendent despite her request to offer clarifying information.⁴

³ RCW 42.30.110(1)(g) states that an executive session may be held “to . . . review the performance of a public employee. However . . . when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public.” 42.30.110(1)(f) states that an executive session may be conducted “to receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge.”

⁴ ██████████ claimed he did not allow ██████████ to speak because she interrupted him, but that is not consistent with the video.

██████████ stated from the dais that earlier in the fall, a retired teacher and volunteer reported that student behavior at Utsalady was out of control. ██████████ told me this person contacted him in response to comments made by ██████████ ██████████, at the September 17 Board meeting. ██████████ had advised the Board that the implementation of the “Responsive Classroom” approach had helped teachers to more effectively handle student behavior after a chaotic 2023-24 school year. ██████████ told me he did not believe what ██████████ stated was accurate and neither did the person who contacted him.

██████████ stated from the dais that the following day, a medical provider in the community commented negatively about student behavior at Utsalady. He noted that on October 15, community members voiced similar complaints during the public comment portion of the Board meeting.

██████████ proclaimed that ██████████ was allowing harassment, intimidation, and bullying to occur at Utsalady and that staff and students were “traumatized” by behaviors such as pushing and throwing chairs. ██████████ accused ██████████ of failing to comply with provisions of the Collective Bargaining Agreement, which require the district to provide teachers with a safe working environment.

██████████ proclaimed that classrooms had been evacuated due to student behavior, a student threatened to kill a teacher, and a teacher was unfairly blamed for not attending an optional training. ██████████ referenced a cellphone video showing a classroom in disarray after a student acted out. He stated that last year, a paraeducator was injured on the playground when she stepped between an “attacker” and his “victim.”⁵

██████████ mentioned that during the public comment portion of the October 15 Board meeting, a community member claimed he pulled his children out of Utsalady and was now homeschooling them due to unsafe conditions during the 2023-24 school year. He claimed additional parents were reluctant to speak up for fear of retaliation.

██████████ concluded his remarks by stating, “the ball will be in the superintendent’s court to take action, hopefully immediately.” He held up a flyer for school safety week and called for district leaders to “get our heads out of the sand and work together to protect our kids.”

⁵ An incident report submitted in October 2023 states that the paraeducator was “reverse head butted” by a student on the playground. The report states the student has “significant impulse control challenges” and that “programming is being readjusted and redesigned to respond to student need for coaching around impulses.” The paraeducator said this was not the only incident that occurred last year at Utsalady. Due to a perceived lack of support for staff in dealing with student behaviors, the paraeducator took a position at a different school for the 2024-25 school year.

██████████ stated from the dais that he had also received “many, many comments” from teachers, paraeducators, and volunteers in Utsalady, who wished to remain anonymous for fear of retaliation. He claimed the administration intentionally placed four high needs students in the same class in retaliation against a teacher. He read a letter from an unidentified teacher claiming a student had threatened to kill her and that she called for help, but no one responded. ██████ claimed a classroom was evacuated twice before 11 a.m. Finally, ██████ claimed the principal is harassing a teacher.

Board member Charlotte Murry encouraged the Board to hear both sides of the story before drawing conclusions. ████████████████████ stated that the meeting constituted “public shaming” of the principal and that the Board had skipped steps by not allowing complaints to undergo the grievance process before calling for action against ████████████████████. ██████ stated the Board had received positive comments about ████████████████████ however, only negative opinions were aired.

Placement of ████████████████████ on administrative leave

██████████ emailed former ████████████████████ after the meeting ended: “██████████ should not return (to) the building until the investigation is completed and a substitute principal should be placed in the school tomorrow morning before the staff meeting.” ████████████████████ responded, “I was under the impression last night that the next steps were ‘in the superintendent’s court’ . . . Is this email a directive to me from the board collective to place ████████████████████ on leave?”

██████████ replied, “The Board of Directors has met their contractual duty and at this time you are responsible for personnel. . . Based on [██████████] actions, a proper investigation cannot be conducted while he is left in the building.” ████████████████████ told me he did not understand why the superintendent had not already placed ████████████████████ on administrative leave pending investigation, because the district had placed a bus driver on leave for “manhandling a kid on the bus.”

██████████ interpreted ████████████████████ message as a directive from the Board. On October 23, she placed ████████████████████ on leave.

Placement of students for 2024-25 school year

Prior to the 2023-24 school year, the Board redrew elementary school boundaries to balance enrollment amongst the schools. The new boundaries were adopted in accordance with the recommendations of the Capital Facilities Advisory Committee, which reviewed enrollment data, transportation information, and community feedback. Utsalady’s student population increased from 286 students to 385 students.

The 2023-24 kindergarten class had a higher-than-normal number of students with special needs related to behavior management. Witnesses described the year as chaotic and “a mess,” with up to 10 kindergartners routinely eloping from class, sliding around on the floor, taking off their shoes, and tearing posters off walls. District administration arranged for three behavior interventionists to assist at the school. Utsalady simultaneously got a new principal and new curriculum, which one witness described as a “perfect storm.”

One teacher, who transferred to Utsalady for the 2023-24 school year, did not perceive that year as exceptionally challenging. Rather, the behaviors she observed at Utsalady were typical of her prior experience at a different school. She and other witnesses opined that Utsalady staff were not as accustomed to dealing with high needs behaviors as staff at other schools.

Utsalady staff, especially the kindergarten teachers, collaborated on building the first-grade classes for the 2024-25 school year. Each student’s strengths and challenges were written on an index card. Staff applied green, yellow, or red stickers to denote academic ability and behavior. Staff attempted to balance classrooms by gender and to separate students who trigger each other’s behaviors. Class sizes were kept small. Currently, each first-grade class has 16 or 17 students while other grades have 23-30 students.

Students with known behavior needs were placed in each of the three classrooms. One teacher received the student who was identified as having the highest behavior needs of all first graders, who had to be separated from other students with big behaviors. This teacher also received the cohort of multi-lingual learners. A note on the bottom of a class assignment chart states that another high needs student would be sent to this teacher’s classroom if the “highest needs” student did not return to the school. When the “highest needs” student did return, the other student remained in his original assignment.

The district arranged for a four-day onsite training in the Responsive Classroom method of behavior management, which occurred in August of 2024. This program focuses on establishing a sense of community and instilling self-motivation rather than using a traditional carrot and stick approach to student behavior. The program lists among its objectives: Creating a safe and predictable learning environment; preventing/responding to off-task behavior and misbehavior; solving chronic behavior problems; and managing outbursts. The program encourages tactics such as conducting morning meetings and using positive “teacher talk.”

The program is aimed at tier 1 and tier 2 behaviors (mild to moderate). It is not specifically intended for tier 3 (severe) behaviors; however, if a teacher successfully uses the techniques to manage lower tier behaviors, that can calm the class and reduce triggering circumstances for students in higher tiers.

Every witness who participated in the training—even those who were the most critical of [REDACTED]—found it helpful. [REDACTED], wrote in a letter to the Board:

I have adopted the Responsive Classroom technique and have had the most relaxing and successful year of my career because of it, 17 years in! I have a high class size of 30 students, the biggest class at UES. Four of my students are very high need behavior students with many ACES⁶ or neurodivergence.

[REDACTED] was not available to attend the training. When she reported she was having trouble with student behavior in her classroom, [REDACTED] suggested she take the course online. He emailed [REDACTED]

I am writing to offer a significant [professional development] support opportunity for improving the classroom environment. As you know many of your colleagues were able to participate in the 4 day Responsive Classroom course on site. I would like to offer that you participate in an online version of the course offered by Responsive Classroom on October 10, 17, 24, and 30. The full cost of the workshop would be paid by the school. One tricky part is that it would run on central time 8:30 - 3:30 so it would be 6:30 a.m. to 1:30 p.m. But if you're willing, I believe it would offer you a hugely helpful framework to work with this year's class.

[REDACTED] found [REDACTED] suggestion to be “insulting.” She believed he was unfairly shifting blame to her teaching ability instead of the composition of her class. She wrote to [REDACTED]:

I had wanted to take the RC training at some point because I could not attend last summer. Are all of the staff members who were unable to attend invited to this “extensive training?” I can't help but feel that rather than acknowledging that too many intense behaviors were placed in one class, I am being made to feel that my teaching is the problem. This training will not be a fix for the unique challenges/needs of my students, but if you just want me to experience the RC approach as others on the staff have, then I'll look at my calendar to see if this will work.

[REDACTED] ultimately agreed to take the training in November, but again she expressed skepticism. She wrote to [REDACTED], “Please be aware that this won't be an ‘easy fix’ for the severe behaviors in my classroom.” [REDACTED] did not take the course in November.

⁶ ACES = Adverse Childhood Experiences, such as abuse and trauma.

████████████████████ *classroom*

██████████ teaches the class that was the primary topic of discussion at the October 22 Board meeting. Four students were placed in her class who were characterized as displaying problematic behaviors. They are hereinafter identified as “Students 1 through 4.” Students 1, 2, and 4 are qualified for special education and are legally entitled to receive the accommodations outlined in their individualized education programs (IEP).

Student 1

Student 1 had difficulty functioning in the school environment in kindergarten and was homeschooled for most of that year. In November of 2024, he was placed on an IEP.

Student 1 is smart and creative but has difficulty maintaining attention and managing strong emotions including frustration. He was described as a “perfectionist” who finds handwriting frustrating because it is hard to get it exactly right. Student 1 has impulse control problems and blurts out inappropriate words and phrases. He may display frustration physically, such as shoving chairs, knocking over objects, hiding under his chair, or kicking at other students.

Student 1 was placed in ██████████ room to separate him from the “highest needs” student, who was placed in a different class. If that student did not return to Utsalady this year, the plan was to move Student 1 to a different teacher. In the end, the student did return, and Student 1 remained in ██████████ classroom. Student 1 and Student 4 occasionally rile each other up. If that happens, a fulltime paraeducator assigned to Student 4 can redirect him or take him outside for a break.

While Student 1’s IEP was pending, an intervention team (IT) convened in September to discuss accommodations. The team recommended measures to help manage Student 1’s behavior, including a seat kick band, visual schedule on desk, fifth grade buddy at recess, removing the bouncy ball chair from the classroom, and a calming space. Student 1 was given the option to go to the behavior interventionist’s room, where he can take a break in a calming tent or do a jigsaw puzzle until he is regulated enough to return to class.

██████████ told ██████████ she removed the bouncy ball chair; however, he subsequently saw it in her classroom. ██████████ said Students 1 and 4 would be “on fire” with envy if other children were using the bouncy ball. In September, a parent reported that Student 1 had pulled the bouncy ball out from under her student. Members of the IT believed the most constructive approach was to remove the ball temporarily and work on teaching Students 1 and 4 how to take turns with it.

██████ did not follow Student 1's break schedule or place a visual schedule within Student 1's sight. ██████ claimed there was no room in her classroom for a calming corner because she has two doors, one of which leads to the playground. She wrote that Students 1 and 2 were taking breaks in the hallway:

[Student 1] goes to the table in the hall and brings [Student 2] with him - this has happened multiple times (at least 5). They reset the timer and have a hard time coming back in despite me giving a 5 minute warning. It's not working well but this has been happening anyway, as per suggested at the IT meeting. If [Student 1] is violent or disturbing learning for the rest of his classmates (screaming, knocking down furniture, threatening to poke eyes out, etc), I use the walkie talkie to call for backup. If you'd now prefer for me to let [Student 1] go out to the hall unsupervised when [Student 1's] behaviors are violent, I will do so. You had previously told me to use the walkie talkie, so please clarify the plan.

██████ directed ██████ not to take away recess as a consequence for behavioral infractions. He wrote, "Yesterday you took away recess from [Student 1], and in your notes to the substitute for last Friday you said that [Student 3] was to miss 10 minutes of Fun Friday (sit on the bench) due to behavior issues this week. Not only is this not legal, it is not best practice."

On October 8, ██████ directed ██████ to faithfully implement the accommodations outlined in students' behavior plans and IEPs. He wrote:

Regarding the 3 higher need students [Students 1, 2, and 3], there were one page behavior support plans sent to you, and you were asked to provide feedback to the draft but you wrote how many of the accommodations are "not needed" because the children are "very smart and "capable of following directions." IEP accommodations are mandatory and cannot be disregarded. You said in an email to me on October 1st - in both content and tone - that you don't believe them to be effective or necessary, but that is not sufficient reason for these accommodations not to be implemented. The breaks that were created for [Students 1 and 2] need to be followed as non-contingent, and the schedule for them followed; the whole point of the frequent breaks is to give students the opportunity to regulate after keeping self-control in the classroom for extended periods of time and to build endurance.

██████ reported she "evacuated the classroom twice because other kids were visibly stressed and there were too many distractions for them to learn." ██████ reminded ██████ that the classroom should only be evacuated "If a student is so decompensated that he or she is out of control and harming others physically." ██████ told ██████ she should call for support on the radio before determining that an evacuation was necessary.

Multiple witnesses alleged that the district inappropriately failed to report the classroom evacuation to parents; however, other witnesses stated that parental notification was not required because the standard for evacuating the classroom had not been met.

On October 7, 2024, [REDACTED] alerted [REDACTED] that Student 1 threatened to kill her. She wrote:

Just wanted you to know that [Student 1] told me he's going to kill me this morning Monday 10/7 at around 10:30am right after you and [REDACTED] left the room. I figured this should be taken seriously so wanted to let you know. He also screamed that he hates me and that I'm stupid and so is the whole class. He's done that before but never threatened to kill anyone.

[REDACTED] took the threat as credible because Student 1 was "in a rage" and "can be scary when he's mad."

Student 1 also threatened to kill the [REDACTED], more than once. [REDACTED] did not take it as a credible threat because Student 1 is six years old and has trouble controlling verbal outbursts. [REDACTED] said Student 1 seems to be doing better than he was at the beginning of the year, as he is taking breaks in her office less frequently and is calmer when he does.

Student 2

Student 2 qualifies for special education and has an IEP. She is highly intelligent and performs well above grade level in reading, writing, and math. Student 2 was described as "funny and sweet;" she will hold a trusted adult's hand and walk to class if a hand is extended to her. Due to an identified disability, Student 2 requires support in behavior and social/emotional learning. Student 2 can be destructive, such as ripping papers, tipping over objects, scattering supplies, and writing on desks. One witness observed that Student 2's behavior may elevate if she is bored.

One witness explained that she supported placing Student 2 in [REDACTED] classroom on the belief that it could be a good fit, as [REDACTED] is a well-regarded teacher for academically inclined students. Student 2's kindergarten teacher had successfully worked with Student 2 in part by pulling her aside for special activities and testing. [REDACTED] has predictable routines, which can work well for students who have trouble with transitions.

Student 2's IEP accommodations include preferential seating, regular breaks, use of manipulatives, access to a calming space, a visual schedule, and fidget objects such as silly putty. [REDACTED] did not post a visual schedule within sight of Student 2, and she took the putty and other fidget items away if Student 2 threw or tipped over objects. In an email on October

8, [REDACTED] wrote, “Specifically, you said that use of fidgets are ‘put up’ when ‘she’s tearing things apart.’ Of the ‘brain break box’ or use of ‘calm corner’ you said that ‘there is no room in the classroom for a calming corner that would not be disruptive to learning for others.’ Again, these are not optional accommodations.”

On September 11, 2024, [REDACTED] was reading Charlotte’s Web aloud while students were playing with stuffed characters. Student 2, who has an interest in spiders, became upset and had a “meltdown” (as described to me by Student 2’s parent) when she did not get to hold Charlotte. [REDACTED] called for assistance and [REDACTED] responded.⁷ [REDACTED] took the remainder of the students to their specialist time.

Student 2 knocked over plastic tubs, scattered art supplies, tore papers, and drew on desks with whiteboard markers. [REDACTED] tried calming Student 2 by talking to her. She stood between Student 2 and objects she could use to harm herself, and took objects away before Student 2 could throw them. Student 2’s behavior did not meet the imminent harm threshold for a hands-on intervention; accordingly, [REDACTED] attempted to “herd” Student 2 along without touching her. [REDACTED] stayed with Student 2 for approximately 45 minutes until her parent arrived.

As a consequence for her behavior, Student 2 was assigned to clean the classroom with help from her parent and another teacher. Student 2’s parents were advised that additional incidents of this severity could result in a suspension.

In an email to [REDACTED] [REDACTED] described the incident as follows:

I called for you today and you didn’t come.⁸ It was an emergency. Kids were getting hit in the head with pencil tubs and water bottles and some were crying. They were physically unsafe. Books were torn apart and my room was destroyed. I didn’t even get a planning time as I had no place to go while [Student 2] and [REDACTED] were in here. [Student 2] literally had an entire hour to destroy the place while [REDACTED] looked on. When [Student 2’s] dad arrived, he couldn’t even stop [Student 2] from destroying the room further. Yet I’m supposed to somehow be able to do so while managing and teaching 16 other kids (with an additional 3 MAJOR behaviors in here because my class is STACKED?

[REDACTED] took a video of her classroom after the incident, which shows the classroom in disarray and Student 2 writing on a desk. You can hear Student 2 say “spiders.”

⁷ [REDACTED] was provided with a radio so she could call for help. The behavior interventionist and in-class paraeducator said that each time [REDACTED] called for assistance, she received it.

⁸ As noted, the behavioral interventionist responded to [REDACTED] call, in accordance with her job duties.

██████ described Student 2 as a “bottomless pit for attention and connection.” He advised ██████ to make this student feel welcome, such as by stating, “Hello, I’m happy you’re here” and making sure to call on and acknowledge the student in class. ██████ also suggested that ██████ play with putty with this student for a minute or two, which could prompt Student 2 to play quietly by herself.

██████ took ██████ suggestions as him blaming her for Student 2’s behavior. Following the incident on September 11, she wrote:

Frankly, I’m devastated by how our conversation went on Monday. Being a teacher is my favorite part of life, and I’ve always devoted my whole heart and soul to my students/job. It is my greatest joy and the one thing I know I do well. Being told that I’m not good enough and need to have a major shift in how I do everything was a blow, and honestly I don’t agree. There is always room for improvement don’t get me wrong. BUT you implied that there are such major changes that need to take place and made me feel like an incompetent loser. My STRENGTH as a teacher is with relationships. These kids KNOW I adore them . . . and I always get to know them well and play to their strengths . . . so to imply that the reason for all my troubles is due lack of relationships is just nonsense. These behaviors are SEVERE.

██████ attempted to schedule a meeting with ██████ for the morning of September 12, to discuss the incident. ██████ responded that she was unable to meet due to stress.

On September 13, ██████ ██████ and ██████ met with Student 2’s parents. They identified additional measures to help prevent reoccurrences of elevated behavior, such as offering regular breaks, convening a multi-tiered systems of support (MTSS) team, ensuring Student 2 has tactile objects to manipulate, and ensuring regular food intake. Student 2’s parent advised that Student 2 may act out if she is overheated, hungry, or dehydrated. She recommended leaving Student 2’s lunch available for her to “graze,” ensuring she has access to water, and reminding her to remove her coat.

After the meeting, ██████ emailed ██████

It was really good to meet with you and the family of [Student 2] today. I think it was really productive for everyone. I very much understand how challenging it is to respond to high need kiddos like [Student 2], and how challenging it is to do with others who seem to need additional help in the classroom. I’m also really grateful to have [████████████████████] as part of the classroom team, too.

...

I think what's common about all of these is everyone coaching [Student 2] to step away from provoking environments before [Student 2] decompensates to the point we saw earlier in the week. Having said that, we cannot run interference perfectly, so do have to expect that [Student 2] will not engage in the behavior [Student 2] did on Wednesday for any reason; going forward that would lead to a school suspension, of which we informed the parents today.

On October 17, 2024, [REDACTED] notified [REDACTED] that Student 2 was being removed from her classroom and placed with a different teacher. Student 2 was assigned a paraeducator to help with the transition. After a period of adjustment, Student 2 is doing well in her new class. Her parent described her as "thriving."

Student 3

Student 3, who was described as "cute and sparky," has trauma in her home life. Her parent had indicated an intent to transfer her to a different school within walking distance of their home but changed that intention shortly before the school year began. Student 3 was placed in [REDACTED] classroom because at the time, [REDACTED] was assigned fewer students than the other teachers.

[REDACTED] said Student 3 broke her computer. She said that during an observation, [REDACTED] followed Student 3 around while she roamed the classroom. The behavior interventionist responded more than once to [REDACTED] class and took Student 3 out for breaks. In September, an intervention team (IT) convened to discuss accommodations for Student 3, which included some freedom movement in the classroom, hands-on activities, and a visual schedule. When a draft accommodations plan was circulated to [REDACTED] for comment, she returned it with several of the accommodations crossed out with notes stating they are unnecessary or ineffective.

Student 4

Student 4, who was described as a "little cutie," is on an IEP and has a one-on-one paraeducator assigned to him. He was placed in [REDACTED] classroom on the belief that the dedicated paraeducator could assist [REDACTED] and take Student 4 for breaks if he was being overly disruptive or had conflicts with other students, especially Student 1. Witnesses who have regular involvement with Student 4 told me he is doing well this year.

Additional supports put in place

As [REDACTED] continued to express concerns about her classroom, and as those concerns caught the attention of the Board, the administration adjusted Student 1's schedule to start and end his day in the behavior interventionist's room. The special education team reviewed students' behavior response plans. A paraeducator was added to [REDACTED] classroom, which

created a student/staff ratio of 16:3. The superintendent announced the intent to add a part-time dean of students to the elementary schools. Additional training in student behavior management was offered to the staff. Board members were invited to visit the school to “see areas of need and where things are going well.”

The level of additional resources that can or will be made available for Utsalady is unclear. School districts state-wide are experiencing budget deficits due to drops in enrollment and the expiration of ARPA funding. Paraeducators can be difficult to hire and retain even under good budgetary conditions.

Moreover, the Board may have limited willingness to afford resources. In an email to [REDACTED] dated November 1, 2024, [REDACTED] wrote:

Just so you know, I have no intention of approving any more money to be spent on staff. That’s taxpayer money and they’re not interested in throwing more money at your problems. Figure out a solution that doesn’t cost people more money in terms of [REDACTED] class. No teacher should have more than one special-needs person and if that person is interfering with the academics they need to be taken out of the classroom. That’s a federal law [REDACTED] you don’t interfere with peoples education and that’s what you’ve been doing for the last three years stop doing it.

Staff opinions about [REDACTED]

Utsalady staff are polarized in their opinions of [REDACTED]. On one end of the spectrum, some witnesses described [REDACTED] as “absolutely, 100% supportive;” “would take over classrooms to give teachers a break;” “always happy to help;” “a good man with a good heart;” and a “wonderful . . . strategic leader.” In an email to the Board, [REDACTED] wrote that she had personally witnessed [REDACTED] discipline students for poor behavior, put safety plans in place, meet with students and parents to discuss peer-to-peer conflicts, require parents to pick up students, and participate in IT meetings.

At the other end of the spectrum, some witnesses characterized [REDACTED] as “manipulative;” “nasty;” “blames teachers for student problems;” and “not a good person;” “a bad principal;” and “creates a hostile work environment.” These witnesses said [REDACTED] unfairly criticized teaching performance, gave unsatisfactory marks on evaluations, and failed to support teachers in dealing with discipline problems. Witnesses faulted [REDACTED] for lack of follow-through and poor communication.

Witness accounts were inconsistent in many respects. Some witnesses said [REDACTED] did not set clear expectations for student behavior or consequences for misbehavior. For example, he allegedly adopted vague guidelines such as “be safe on the playground” rather than

specific rules such as not to misuse playground equipment.⁹ Other witnesses said [REDACTED] *did* set clear expectations and that school policy was to discipline students if their behavior caused harm to other students.¹⁰

Some witnesses suggested students should be excluded from classrooms as a disciplinary consequence if their behavior is hindering other students from learning. Other witnesses said students should be excluded from class to go the behavior room, but that the exclusion should not be perceived as a reward for poor behavior.¹¹ For example, students should not receive snacks or treats to “reward” misbehavior, as this is unfair to other students. (These witnesses did not suggest alternatives for how to regulate students whose behavior may be affected by hunger or thirst.) Still other witnesses said the behavior room needs to be a welcoming and calming space for students, with play equipment and snacks to help regulate their emotions.

Packs have formed in the building, with staff who strongly support [REDACTED] in one pack, staff who strongly oppose [REDACTED] in the other, and a middle group trying to remain neutral. The polarization has made coming to work difficult and unpleasant. I have the impression that [REDACTED] may be trying to change the school culture, which some staff members welcome but others do not.

Communications to Board of Directors

As reflected in their remarks at the October 22 special meeting, [REDACTED] and [REDACTED] received input from staff and community members about the circumstances at Utsalady. [REDACTED] and [REDACTED] are two members of the community who expressed concerns to the Board. [REDACTED] is an Utsalady parent, but she does not currently have children in [REDACTED] class. [REDACTED] declined to be interviewed for this investigation.

On October 15, [REDACTED] stated during the public comment portion of the Board meeting that she intended to provide a video as evidence of the alleged turmoil at Utsalady. [REDACTED] was referring to the video [REDACTED] took of her classroom on September 11, which [REDACTED] had given

⁹ [REDACTED] said expectations for student behavior remained in place, although he attempted to work with staff on different ways of responding to misbehaviors, as a different means to the same end. The administration recently circulated a slide deck of behavioral expectations district wide, with the request that it be presented in all classrooms.

¹⁰ In an October 22, 2024, email to a parent, [REDACTED] wrote, “[W]e also have a discipline response procedure that is and has been implemented when students hurt other students. But ‘removing them from class’ is a challenge for educators all over the country because we can do so for a time, but need to provide everyone with the least restrictive environment.”

¹¹ The behavior room is intentionally configured as a welcoming space because its purpose is to deescalate students who have lost control of their emotions. Its current set-up was in place prior to the 2023-24 school year.

to her. On October 21, [REDACTED] emailed the video to the Board. In her email, [REDACTED] wrote that the class had to be evacuated because of “flying objects and violence.” [REDACTED] wrote, “This is SO disrespectful on so many levels and contradicts what MANY district wide policies have to say about safety, security, respect, order in the classroom, etc.”

[REDACTED] also provided [REDACTED] with screenshots of her email exchange with [REDACTED] which included the unredacted names of Students 1 and 2. On November 25, 2024, district administration issued [REDACTED] a written reprimand for disclosing personally identifying information about students in violation of the Family Educational Rights and Privacy Act (FERPA).¹²

Student 2’s parents were upset that their student’s identity was disclosed and that she was portrayed in a negative light. In a November 5 email to the Board, Student 2’s parent wrote:

Our public records request confirmed indeed the footage submitted contains our special needs child, who is visible in the classroom and can be heard speaking. Video captured by the 1st grade teacher herself, and passed along to this parent. Even more terrifying, submitted alongside the footage, the teacher had circulated confidential emails of conversations between herself and administration, specifically regarding our child, with our child’s name unredacted.

The parent added that student names were “being circulated online, via live streams and Facebook comments.” The parent wrote, “The true irony of this being, it is in **this** way they are the most unsafe.” This parent said that negative comments about staff and students were circulating online, which she characterized as an internet “bloodbath.”

[REDACTED] volunteered in [REDACTED] class one day/week. She does not have children in the class. [REDACTED] led a small picketing operation outside Utsalady to protest alleged violence in classrooms. The picketing made the parents of accused students feel targeted. District administrators revoked [REDACTED] volunteer status after receiving complaints from staff and parents. [REDACTED] did not respond to my request for an interview.

On October 17, [REDACTED] emailed the Board and superintendent to report that she had seen Students 1 and 2, whom [REDACTED] identified by their first names, elope from the classroom and rip artwork off the walls, and that Student 1 ate goldfish crackers in front of other students. (The behavior interventionist had given Student 1 a snack to help regulate his emotions.) [REDACTED] wrote:

¹² FERPA prohibits the disclosure of personally identifying information about students without parental consent. [REDACTED] claimed the district “threatened to fire” [REDACTED] for the FERPA violation, which is not accurate.

What kind of education are these children receiving ?? I'm super uncomfortable with all the points you make in your mission statement that are being violated in this classroom. The [constant] daily interruptions are not fair to the children on task. Please help me understand why all 4 known behavioral challenged children were put in the same room.

On October 18, [REDACTED] emailed the superintendent and Board to reiterate the claim that [REDACTED] class was unfairly stacked. [REDACTED] urged the Board to fire [REDACTED] or put him on leave. She wrote, "I will give you guys until Monday end of school to act. [REDACTED] needs to be fired or put on leave immediately. If this is not done I'm calling the Attorney General and reporting you and the school."

After the conclusion of the October 22 meeting, [REDACTED] emailed [REDACTED] to state, "PLEASE make [REDACTED] put him on leave tonight!!!" Twenty-five minutes later, [REDACTED] emailed [REDACTED] "[REDACTED] should not return (to) the building until the investigation is completed and a substitute principal should be placed in the school tomorrow morning before the staff meeting."

On October 30, [REDACTED] emailed the superintendent to report that two students yelled, "fake cried," threw chairs,¹³ pounded on desks, flopped on the floor, and spit on other students.¹⁴ [REDACTED] demanded that these students be removed from the classroom. [REDACTED] responded that the behavior interventionist and paraeducator had appropriately responded to the behaviors, and that special education students are legally entitled to attend school in general education classrooms. [REDACTED] replied:

If this is your final word and you are blowing me off I will post my experience on Fb describing exactly what's happening. I will also find a way to pass this information on to the parents of the children in this classroom. I will also rally the troops to picket at the school. You are not doing your job! So the public that is already upset about this school need to hear some more truth. I will not give up or back down on this. So game on!

Community members and staff submitted letters of support for [REDACTED], prior to and following the October 22 meeting. Many of the comments, set forth below, referenced the right of special needs students and the strict parameters imposed by law:

¹³ Other adults in the room did not observe chairs being thrown, although students did shove or knock over chairs. A paraeducator saw Student 1 lift a chair over his head, but she removed it from him. Student 1 was suspended for shoving a chair into another student.

¹⁴ The spitting was "blowing raspberries" rather than forceful spitting on other students.

- “Students have a legal right to education in their home district regardless of their physical, behavioral, or emotional needs, and it is completely unfair to vilify the administrator due to problematic student behavior . . . Student behavior sometimes requires multiple interventions”
- “I believe we’re looking at a larger, systemic issue that led to the events that culminated [in] yesterday’s board meeting that cannot be placed solely on [REDACTED] shoulders. We’re looking at the fact that [the Individuals with Disabilities Education Act] has never been fully funded on a federal level. We’re looking at the fact that the high paraeducator turnover might be due to the fact that their pay does not match the level of work they do. We’re looking at the fact that students with special needs have, for so long, been segregated from their general education cohort that when they are exhibiting escalated behaviors their peers respond with fear or unease because they don’t understand when inclusion could foster a response of empathy and understanding.”
- “[W]e are extremely concerned about how, as a board of directors, the narrative of this has shifted to the blame being placed on children with disabilities. This is an adult issue, not a kid issue, and it was inappropriate to discuss the four students with behavioral disabilities. Because this is a small town and we all know the classroom you were referring to, those children have now been publicly vilified.”
- “[My student] often gets overwhelmed and will sit down on the floor. Apparently you [REDACTED] kneeled down on the floor, talked to him at his level, and it made enough of an impression that he wanted to tell us about it. I’ve told his IEP team repeatedly that at the end of the day, my goal for him is not that he accomplishes every academic goal in his plan, but that he is included, seen and known. Thank you for modeling this and for seeing [my student].”
- “The details shared at the 10/15 and 10/22 board meeting were taken out of context and distorted to perpetuate a political agenda. They completely ignore the comradery the children in these classes share, and the benefit those friendships have in shaping, not only how peers view children who are different, but also how unique children view themselves. They distract from the aptitude and intelligence which can sometimes be accompanied by extreme behaviors. Which, in case it needs saying, being a complex needs child and a gifted child is not mutually exclusive. In fact, it is through exposure to neurotypical peers that we foster and strengthen positive behaviors in these children.”
- “Our district is currently facing a mental health crisis among its students, and placing the blame for this on [REDACTED] is both misguided and unfair. . . . To attribute the challenges we face to one individual is not only erroneous but also reflects broader systemic issues. . . . [REDACTED] has been the most engaged principal I have seen. He is regularly in the hallways, actively involved with parents, and a constant presence in the

classrooms. While not every family's experience mirrors mine, many have shared similarly positive feedback about his leadership."

- "The challenges we face stem from a lack of resources, not from inadequate leadership. With the right support, the Responsive Classroom model could be successfully implemented. The school board must increase funding for our schools by raising the base student allocation to better equip our teachers and staff with the latest inclusive behavioral practices. This is vital for supporting students with behavioral and learning challenges and advancing equity. Currently, the needs of our students, teachers, staff, and possibly even principals are not being met, which undermines classroom safety."
- "It can feel like going up against a giant when laws are in place preventing quick resolution to some of these issues, but as a parent whose child has been directly affected, I'm wanting to do anything I can to help push change in this area, specifically when kids are being physical."

The Board's three-member majority has not publicly acknowledged receipt of these comments or cited them in their remarks.

POLICIES CONSIDERED

The Individuals with Disabilities Education Act (IDEA) establishes a right of students with disabilities to obtain a Free Appropriate Public Education (FAPE). The IDEA requires that students be educated in the least restrictive environment, which means that to the maximum extent appropriate, special education students must be educated with children without disabilities.

Section 504 of the Rehabilitation Act requires school districts to provide accommodations for students with disabilities and limits the ability to discipline students for conduct that is a manifestation of a student's disability.

Board Policy 3241 requires student discipline to be administered in "ways that respond to the needs and strengths of students and keep students in the classroom to the maximum extent possible." Consistent with state law, the policy prohibits excluding students from class unless their presence "poses an immediate and continuing danger to others or an immediate and continuing threat to the educational process."

RCW 28A.405.100 requires the superintendent to evaluate the job performance of school principals under detailed, specified criteria.

RCW 28A.405.210 requires a finding of probable cause to non-renew or terminate the contract of a certificated employee such as a school principal. The finding of probable cause must be made by the superintendent.

CONCLUSIONS

It is undisputed that [REDACTED] received four students with high needs, which created significant challenges in her classroom. However, the evidence does not support the allegation that the class was wrongfully or intentionally stacked. Significant care went into the teacher assignments for the 2024-25 school year. Classroom placement is an inexact science, as staff must coordinate many variables, students grow and change, and it is not always possible to predict how students will respond to their assigned teacher or classmates. I cannot discern a motive to deliberately stack a particular teacher's class, as that would self-inflict problems for the entire school.

The evidence does not support the allegation that the administration failed to support this teacher, retaliated against her, or created a hostile work environment. Significant assistance was offered, including professional development, intervention teams, assistance from the behavior interventionist and paraeducators, student discipline where appropriate, and the transfer of a student to a different classroom. Email correspondence shows that the teacher pushed back on many suggestions and in fact failed to implement legally required accommodations.

It is not within the scope of this investigation to evaluate [REDACTED] job performance or determine whether there is probable cause to terminate his employment. Per state law, those are the duties of the superintendent. Even if it were my role to assess [REDACTED] performance, it would not be feasible to do a fair assessment in this case. [REDACTED] encountered a "perfect storm" in his first year, with a 100-student increase in the Utsalady population and a challenging cohort of kindergartners. Staff opinions of [REDACTED] are polarized. Absent unusual circumstances, it is generally fair to give new principals a few years to find their footing before proclaiming they have failed. Finally, the Board's interference in this matter, and the resulting community uproar, have thoroughly muddled the waters.

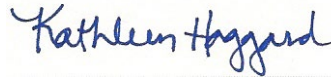
Unfortunately, some Board members, staff, and community members displayed a troubling lack of empathy toward students. Charged language such as "violence," "horrendous," "attacker," "victim," "dangerous," "really don't care about their actions," and "behavior problems" were used to describe young children. Demands were made to segregate and punish students who have disabilities and/or trauma, through no fault of their own. This sends the unfortunate message that these students are less worthy of an education.

Mr. Sam Chalfant
January 10, 2025
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If you have any questions or need additional information, please let me know.

Sincerely,

HAGGARD & GANSON LLP

A handwritten signature in blue ink that reads "Kathleen Haggard". The signature is written in a cursive style and is positioned above a thin horizontal line.

Kathleen Haggard