

Ms. Durham did not recall who did that, but said that someone did. She then left for the day. In response to my question, she told me that 99% of the time when there is a fight they call 911.

During Ms. Wilson's investigation of these events, Ms. Durham had provided a written statement of her recollections (Appendix 4).

Bronwyn McDaniels' Account.

As noted above, in addition to being an Attendance Secretary, Ms. McDaniels, together with Ms. Durham, staffs the Health Room in the nurse's absence.

Ms. McDaniels became involved in this situation when she saw Mr. Schlotfeldt walk a student she did not know (later to be identified as [REDACTED] into the Health Room. She said [REDACTED] appeared "extremely agitated," with a lot of energy. She did not see his face and could not detect any injury. Moments after they went in, Mr. Schlotfeldt came out and spoke briefly with Ms. Durham; Ms. McDaniels did not hear what was said because she was helping students at her desk. She recalled that at one point (she did not know when), Mr. Brown was also in the Health Room

Some time later (she was not sure how long), [REDACTED] left the Health Room, still agitated and saying he wanted to go home. Ms. McDaniels recalled grabbing or tapping the top of his backpack and telling him he should not leave, to which he responded, "Get your fucking hands off me."

I asked her why she was trying to prevent him from leaving, and she explained that she knew there was "something going on." She thought someone might have told her that there had been a fight, and not to let him go. Nonetheless, she did nothing else to try to stop him, and he left the office. She did not see his face, but said she felt "he was on the verge of crying." Immediately thereafter, Ms. Wilson and Mr. Schlotfeldt came out of the Health Room and followed [REDACTED] out.

After some minutes, [REDACTED] and Mr. Schlotfeldt returned to the Health Room, and she heard Ms. Durham, Mr. Schlotfeldt and [REDACTED] discussing [REDACTED] tooth. They thought he had lost a whole tooth, so Ms. McDaniels got some milk from the staff refrigerator and told Mr. Schlotfeldt they needed to find the tooth. Then he and [REDACTED] left to look for it in the locker room. While they were gone, she heard Ms. Castle tell Ms. Durham to call 911, which she did.

Several minutes later Mr. Schlotfeldt and [REDACTED] returned, and [REDACTED] was much calmer

though they had not found his tooth (it turned out later that the tooth had been chipped rather than having come completely out.) Upon their return from the locker room, [REDACTED] mother had arrived, and all went into the Health Room where Ms. Castle joined them. Ms. McDaniels said that after this she “tuned out” since other staff appeared to have the situation well in hand.

I asked Ms. McDaniels why it took until 1:16 to call 911 that afternoon. She explained that she has called 911 “many times.” She said the “protocol” was that if a situation was “possibly fatal” such as an asthma assault, either she or Ms. Durham would call 911 immediately and then notify administration. If it was not of such an emergency nature, they would tell the administration about it, and then call 911. In this case, since administration was clearly involved, she did not feel that calling 911 was her decision to make so she did not take the initiative to do so.

Beth Castle’s Account

Ms. Castle told me that on the afternoon of November 6, 2009, she had a meeting with parents after school. She finished the meeting, left her office and “realized something was going on.” She thought someone might have mentioned that a student in her section of the alphabet (the alphabet is divided by three, and students are assigned to administrators based on last name) had been in a fight. She asked if the student was ok, whether she could help, and whether witness statements had been taken. She told me this was important because by the following Monday much would likely have been forgotten and so accurate accounts would be harder to get.

The attendance secretaries briefly told her what was going on. She asked whether Police and medics had been called, was told they had not been, but that the mother had been and was on her way. Ms. Castle told me she was under the impression that staff were waiting to call 911 until the mother arrived. She told them to call 911 anyway, and they made that call at 1:16 p.m.

When I asked her why she did that, given that she had not even seen the student at that point, she answered that in her previous work in the Lake Washington School District it was the policy that whenever there was a fight, 911 was automatically called. She said she had brought that practice with her and implemented it that day.

I also asked her why, if student [REDACTED] was in her section of the alphabet, Ms. Wilson had taken the lead in this matter. She explained that it was the practice of the school that the first administrator on the scene took the lead, and that in this case that had been Ms. Wilson. Thus, after directing that 911 be called, Ms. Castle left the situation in

Ms. Wilson's hands.

Darren Brown's Account

Mr. Brown did not know [REDACTED] and, when I spoke with him, hardly recalled the November 6, 2009 incident at all. He said that what he did remember was that he was at the gym at the end of class when several students indicated there had been a "ruckus" and that something was going on in the locker room. He proceeded to the Freshman side of the locker room, but saw no one there and returned to the gym. However, the "buzz" continued, at that point indicating there had been a "fight" in the locker room. He said that he returned to the locker room, and saw Mr. Schlotfeldt there with a student. The two men then accompanied the student, who, Mr. Brown said, "seemed fine to me" to the Health Room. Because Mr. Schlotfeldt said he would write up the incident, Mr. Brown gave it no more thought. He added that it was his understanding that Ms. Wilson did interview Mr. Schlotfeldt about it later, but said she did not speak with him.

Analysis: One of the challenges in this situation is that I was speaking with witnesses more than four months after events had taken place. Additionally, while some adult witnesses provided written statements about what they had seen and done (Appendices 1 - 3), one of those (Mr. Schlotfeldt's) was not written until January 11, 2010 and does not reflect all that Mr. Schlotfeldt told me had happened. Ms. Wilson, Mr. Taylor, Ms. Castle, Mr. Tawney, Mr. Brown and Ms. McDaniels did not provide written witness statements.

In reviewing the adult responses to the November 6, 2009 events, it is evident that although parts of some of the witness recollections are quite consistent with [REDACTED] comments and with one another, others are not. The following are the differences on major questions:

- *Whether or not [REDACTED] was ever unconscious:* [REDACTED] is the only one who asserts that [REDACTED] was unconscious. According to Ms. Wilson, [REDACTED] told her that [REDACTED] was never unconscious.
- *How badly injured [REDACTED] appeared to be:* [REDACTED] told me that [REDACTED] was bleeding a lot while he was in the locker room and Health Room, and that she hardly recognized one side of his face when she first saw him. It was immediately apparent to her that he had been badly injured. Staff members varied in their descriptions, from stating that he did not appear at all injured (Mr. Brown) to describing him as shaken but clearly not bleeding (Ms. Durham and Ms. McDaniels) to describing some bleeding from the mouth and increasing swelling of the cheek (various staff members). It should be noted that people also saw [REDACTED] at different times, and that it appears that his visible symptoms varied over time.

- *Who called [REDACTED] and when:* [REDACTED] and most witnesses said that [REDACTED] called his mother after leaving the Health Room. Mr. Tawney recalled [REDACTED] asking Mr. Schlotfeldt to talk with his mother from [REDACTED] phone while they were in the locker room looking for the tooth, and Mr. Schlotfeldt doing so.
- *Whether [REDACTED] was ever in the Health Room without an adult:* [REDACTED] asserted that at some point [REDACTED] was left in the Health Room with only a student to tend to him. Hers is the only account that mentions a student attendant in the Health Room. Mr. Tawney recalled that he and Mr. Schlotfeldt left [REDACTED] in the Health Room to return to the locker room to search for the tooth. He said he believed the school nurse was in the Health Room when they left him. Mr. Schlotfeldt strongly asserted that he never left [REDACTED] alone after finding him in the Health Room, though he did say he stepped just outside the Health Room for a moment to ask one of the Attendance Secretaries a question.
- *Who looked for the missing tooth, and when:* By most accounts, [REDACTED] and Mr. Schlotfeldt left the Health Room at some point to go back to the locker room to look for the tooth that was thought to have been knocked out. Only Mr. Tawney said [REDACTED] did not leave the Health Room to look for the tooth. Reports of when the search happened (before or after [REDACTED] left the building) and who else helped look for the tooth vary.
- *Why 911 was not called until 1:16 pm:* [REDACTED] told me that 911 was not called until she arrived and told staff to do so. Staff differed somewhat in their recollections as to when the question of calling 911 first came up. By most accounts, various adults told [REDACTED] he needed assistance from the time that Mr. Schlotfeldt first spoke with him in the locker room, but did not tell him they were going to call 911. Any actual mention of 911 did not appear to be made until [REDACTED] was initially speaking with [REDACTED] in the Health Room and Ms. Wilson asked her if she wanted the Police called. At that point, according to Ms. Wilson and Mr. Schlotfeldt, [REDACTED] said she did not want 911 called. Then after speaking privately to her son, she did request that 911 be called; by then, per Beth Castle's direction, it had been.

There is no disparity among the recollections of the following:

- 911 was called at 1:16 after Beth Castle directed this to happen.
- No Mount Si High School staff member called [REDACTED]
- Mr. Taylor joined Mr. Schlotfeldt in talking to [REDACTED] after he had gone outside, and walked him back into the Health Room. Having done so, he left the situation in the hands of Ms. Wilson, who was then the administrator in charge.

Finally, in speaking with me, [REDACTED] asserted that her son should never have been moved from the locker room after the assault by [REDACTED] and that he should never have

been taken back to the locker room to look for his tooth. She was also very forthcoming with her praise for Mr. Schlotfeldt, and told me several times that she appreciated all he had done for her son. It is interesting to note that it was Mr. Schlotfeldt (with Mr. Brown) who found [REDACTED] and walked him from the locker room to the Health Room, and Mr. Schlotfeldt (with Mr. Tawney) who more likely than not walked [REDACTED] back to the locker room to look for his tooth.

Findings: Based on the above evidence, I have found that it is more likely than not that

- [REDACTED] appeared more or less injured at different times to different staff members. Though several staff members expressed concern that he might have a concussion, and though witnesses described him bleeding from his mouth at various times, scrapes and a swollen cheek, these were never assumed to indicate serious injuries to anyone with whom I spoke.
- [REDACTED] was never left in the Health Room without an adult, and most likely he was never without Mr. Schlotfeldt until [REDACTED] [REDACTED] was there.
- No one, including Mr. Schlotfeldt, had reason to believe that [REDACTED] had ever been unconscious, and it is unlikely that he ever was.
- In spite of concerns that he had a concussion, Mr. Schlotfeldt and perhaps another staff member walked with [REDACTED] from the Health Room back to the locker room to look for his tooth after he said he wanted to do that.
- [REDACTED] actively resisted the attempts of most staff members to help him during the hour after he was assaulted.
- Staff members were extremely focused on [REDACTED] safety and well being after he was initially brought into the Health Room by Mr. Schlotfeldt. At various times Mr. Schlotfeldt, Ms. Wilson, Ms. Shinn, Mr. Tawney, Mr. Taylor, Ms. McDaniels and Ms. Durham were actively engaged in activities intended to ensure and promote his health and safety.
- Though it was a hectic environment in the office from the time Mr. Schlotfeldt brought [REDACTED] in until [REDACTED] [REDACTED] arrival, a staff member could have called 911.
- Though it was a hectic environment in the office from the time Mr. Schlotfeldt brought [REDACTED] in until he called his mother, and although witnesses reported he did not want his mother called, a staff member could have done so.
- After her arrival, [REDACTED] [REDACTED] initially did not want 911 called.
- Mr. Schlotfeldt offered to accompany [REDACTED] [REDACTED] and [REDACTED] to seek medical attention.
- The point at which Mr. Taylor left the situation in Ms. Wilson's hands, she and Ms. Castle, as well as several other staff members, were all tending to [REDACTED] and involved in identifying his assailant. Though [REDACTED] [REDACTED] apparently felt he

should have stayed involved, there was no objective reason for him to have done so.

Concern/Issue #2: [REDACTED] takes issues with the investigation into the events of November 6, 2009 and their antecedents, the consequences imposed on the perpetrators, and the Superintendent's responses to both of these.

Perspective: [REDACTED] told me that she feels the investigation into the assault on her son by [REDACTED] which was conducted by Cindy Wilson, was inadequate and incomplete. Further, she feels that when she shared her views about this with Superintendent Aune, stating that she disagrees with the way the investigation was conducted, asking whether he supported the way it was done, and requesting the situation be re-investigated, he did not respond adequately or appropriately.

She said that Ms. Wilson never shared the details of her investigation into the November 6 incident, and never did more than provide her with an "incident report." (Appendix 5) She was frustrated because she did not feel that Ms. Wilson thoroughly investigated the situation. She said she repeatedly reiterated to Ms. Wilson that she never spoke with [REDACTED] about what happened and that therefore she could not possibly have conducted a complete investigation. In addition, in her e-mail of December 9, 2009 to Joel Aune, she told him that Ms. Wilson had never even interviewed [REDACTED] who had been in the locker room with [REDACTED] when he was assaulted. She says,

As long as MSHS administration is unwilling to let [REDACTED] and [REDACTED] have their say in this investigation there is no way I can move forward and be a responsible parent and advocate for my son. If I can not move forward I must step up. I will...MY SON AND THE OTHER STUDENT HAVE NOT EVEN RECEIVED THE DECENCY OF BEING INTERVIEWED. HELLO, WE ARE NOT IN KANSAS ANY MORE!!! (Appendix 6)

[REDACTED] believes this proves that the administration never wanted to learn the truth about what happened that day, and was totally uninterested in the background that created what the events of November 6.

In addition to feeling that the administration did not truly investigate this situation, [REDACTED] believes that the consequences for [REDACTED] (emergency expulsion from Mount Si High School and placement at Two Rivers School for the remainder of the 2009-10 school year, with the possibility of requesting re-admission for subsequent years) were highly inappropriate for the severity of his offense. She feels [REDACTED] should have

been permanently expelled from the Snoqualmie Valley School District and not allowed to return to any District school, and that there should be absolutely no chance that he will ever return to Mount Si High School. However, she has been told that he will have the opportunity to request re-admission to that school, and she is not at all convinced that [REDACTED] is safe from being in the same school with his assailant next year.

[REDACTED] also told me she is convinced that [REDACTED] was responsible for inciting [REDACTED] to violence against her son and that, as such, he too should have been expelled. Even though the school administrators told her that they did not discover any connection between the two boys prior to the November 6 incident, she believes that there was one and that [REDACTED] is as much to blame for the assault on [REDACTED] as the assailant himself. She believes that as long as [REDACTED] remains at Mount Si High School, her son is in danger from him. [REDACTED] does not know what consequences, if any, [REDACTED] suffered for his role in the assault. She says that Ms. Wilson told her she could not share that information due to student privacy concerns. [REDACTED] only knows that [REDACTED] apparently continued to attend Mount Si High School without a break after the events of November 6.

Finally, [REDACTED] feels that no attempt was made by administration to investigate the causes of the assault on [REDACTED] and the weeks of "bullying" behavior by [REDACTED] toward [REDACTED] that preceded that November 6 incident. She believes [REDACTED] was doing nothing other than standing up for [REDACTED] protecting him from [REDACTED] and his friends with their anti-gay and other taunting comments, and that the November 6 assault by [REDACTED] was a culmination of [REDACTED] responses to [REDACTED] supportive behavior toward his friend.

[REDACTED] told me that one of her great frustrations is that she does not believe that any attempt was made to look into or understand these antecedents. She feels that if such work had been done, it would have become clear to the administration that [REDACTED] was behind the assault on her son. In her e-mail of November 30, 2009 to counselor Joe Galagan she states:

I have made it clear to Cindy Wilson that I am not at all comfortable with [REDACTED] sitting in any classroom with another student who used an older, larger student as a WEAPON against my son... Why did [REDACTED] at the request of [REDACTED] brutally assault my son... (Appendix 7)

In that same missive, she also questions why the Snoqualmie Valley School District would put a student who committed a "brutal assault" and is therefore "more than just a bully" into a school with other students, and states, "I'm betting there is a lot more to this story." (*ibid.*)

Her belief that this is the case was underscored by a statement in an e-mail she received from Ms. Wilson on November 18, 2009, in which the latter states, "[REDACTED] never believed that [REDACTED] would take it to the extent that he did." (Appendix 8) To [REDACTED] this statement clearly indicates that [REDACTED] knew [REDACTED] asked [REDACTED] to beat up [REDACTED] and then was surprised that [REDACTED] did so much damage. She believes this is a clear statement that these two boys conspired to beat up her son.

[REDACTED] is also extremely frustrated by what she perceives to be blind support by Principal Randy Taylor for the investigation conducted by Ms. Wilson (E-mail of December 1, 2009, Appendix 7), and in turn Superintendent Joel Aune's support for Mr. Taylor and Ms. Wilson (E-mails of December 8 and 9, 2009, Appendix 9). She feels from Mr. Aune's first involvement with this situation, and his first communication with her on December 9, 2009 (*ibid.*) his response was to do nothing to address her concerns. Rather, he flatly told her that "Mr. Taylor has complete the investigation and taken appropriate steps to address the situation."

[REDACTED] believes that in all of the above communications with Mr. Taylor and Mr. Aune she has been abundantly clear in stating that the investigation was incomplete because neither [REDACTED] nor [REDACTED] was interviewed, and because no attempt was made to delve into the cause of the assault on [REDACTED]. She also believes it is inadequate because the connection she believes exists between [REDACTED] and [REDACTED] was not made. Finally, she believes the administration's actions in the way they dealt with [REDACTED] and [REDACTED] were totally unacceptable.

Administration's Perspective: Ms. Wilson explained that she was the one who conducted the investigation into the events of November 6, 2009 because she was the first administrator on the scene. She explained to me that it is the High School's practice that the first administrator on the scene follow the situation through to its conclusion. As such, she first identified the student responsible for assaulting [REDACTED]. As noted above, she did this with the assistance of Security person Mandy Shinn and [REDACTED] [REDACTED] the one student witness other than [REDACTED] and [REDACTED]. She said that because the assault took place at the end of the school day on Friday, she was only able to speak with [REDACTED] that day; and that only by phone. He was also the individual who identified [REDACTED] from the photo that Ms. Wilson sent to his cell phone based on the video that had been reviewed by other students.

Ms. Wilson related that [REDACTED] told her that [REDACTED] had "beat up" [REDACTED] in the Locker room after "a lot of yelling" between [REDACTED] and [REDACTED]. [REDACTED] reported that