

July 7, 2021

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VIA EMAIL ONLY

Kammi Mencke Smith
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Re: Complaint re. Social Studies Lesson at Sacajawea M.S.

Dear Ms. Smith:

You retained me to investigate a complaint filed by the American Civil Liberties Union on behalf of [REDACTED], mother to twin bi-racial girls attending 8th grade at Sacajawea Middle School in the Spokane School District. The complaint alleged that the twins, both half-Black, were asked to “pick cotton” during a social studies lesson on or about May 3 and that they were shamed and embarrassed by negative commentary from classmates that was not addressed by teacher, Cindy Schwartzenger. The Complaint further alleged that when [REDACTED] called to report to building administration, Taylor Skidmore, Principal Assistant, came to the teacher’s defense instead of initiating an investigation.

In the course of my investigation, I interviewed [REDACTED] and her daughters, reviewed documents provided by Spokane School District, including relevant policies and procedures, and documents referenced or provided by witnesses. This is my investigative summary report.

I. Investigative procedure - Persons Interviewed (Date interviewed)

- A. [REDACTED], [REDACTED], and [REDACTED] (w/ Teamchild representative, 6/4/21)
- B. Taylor Skidmore, Principal Assistant (w/legal counsel, 6/4/21)
- C. Cindy Schwartzenger, teacher (with WEA representative, 6/7/21)
- D. Jenn Soter, Special Education teacher (w/SEA representative, 6/9/21)
- E. Erin Jordan, Student Services Coordinator (6/22/21)
- F. [REDACTED], Father of [REDACTED] and [REDACTED]. (6/22/21)

II. Investigative Procedure - Evidence Reviewed and Relied on

- A. Complaint from ACLU of Washington (05/28/21)
- B. Seating Chart

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- C. Student Attendance Reports for [REDACTED] and [REDACTED]
- D. Academic Materials received from SSD
- E. Notes from Student Services Coordinator
- F. Notes of Call with [REDACTED] (6/8/21)
- G. 3210 and 3210P, Nondiscrimination
- H. District Communications to/from B.F.

III. Complaint

On or about May 28, advocates from the Youth Policy Council for the American Civil Liberties Union (ACLU) filed a complaint (“Complaint”) on behalf of the [REDACTED] family asserting that on May 3, 2021, sisters [REDACTED] and [REDACTED] were asked to clean cotton for a “fun” activity in their 5th period social studies class at Sacajawea Middle School in the Spokane School District (“District”). See **Ex. A**. The girls were reportedly upset and uncomfortable in the environment “because of the nature of the activity and remarks made by other students to the effect that they were glad they were not black during slave times and they would never have picked cotton.” Further, when [REDACTED] reported the incident to the Principal Assistant, rather than offer to “initiate a formal investigation,” he denied the incident occurred, defended the teacher, and offered to “segregate’ the sisters from the rest of the class so that they didn’t have to be around their ‘white teacher.’” **Id.** As a result of what is alleged to be deficient response to the complaint, the girls are out of school and fearful to return until the situation is resolved and a safety plan developed and implemented.

The Complaint cites to District policy and procedure 3210 (See **Ex. G**), and state and federal law, concerning “whether the District is discriminating on the basis of race in violation of the constitution and state law, and further states, “a District may be viewed to have subjected an individual to different treatment on the basis of race if it has effectively caused, encouraged, accepted, tolerated or failed to correct a racially hostile environment of which it has actual or constructive notices.” **Ex. A**.

This investigator was asked to investigate and make factual determinations about what happened in the classroom on May 3, and what happened on the calls between [REDACTED] and the Assistant Principal. I was not asked to make policy or legal findings.

IV. Relevant Background

The following facts are not in material dispute, unless otherwise noted.

█. and █ are 8th Grade students at Sacajawea Middle School. They transferred in to Sacajawea Middle School in the Spokane School District for the 2019-20 school year after experiencing racial hostility from other students at their resident school district, Cheney. For the 2021-21 school year, Sacajawea was on an alternating A/B schedule and █. and █. were on the A schedule, which meant they attended school Monday, Wednesday, and Friday. They were assigned to Mrs. Schwartzberger's 5th period social studies class. In the weeks prior to the class on May 3, the girls were absent from Mrs. Schwartzberger's class on Friday, April 16, Wednesday, April 28, and Friday, April 30. See **Ex. C.** Both girls said that they really liked Mrs. Schwartzberger and the class, and █ said the class was actually "really fun."

On Monday, May 3, however, the girls report that about 15 minutes into class, Mrs. Schwartzberger told the students to clean off their desks because they would do a project with "cotton picking." Then, with a box in her hand, she distributed cotton to each student and said, "whoever can clean the cotton the fastest would win the challenge." Mrs. Schwartzberger did not say what the prize was for winning the challenge and the girls do not remember being asked if they wanted to do the activity. Mrs. Schwartzberger explained to the students that they needed to get the seeds and dirt out until it looked like a cotton ball. According to the girls, the teacher said this was "going to teach you what slaves are like and how to be a slave when they were picking cotton." The girls describe this as a shock since the last thing they remembered was learning about Native Americans and Lewis and Clark, and being told the next lesson would be about "Sacajawea's role." █. described feeling very disappointed because Mrs. Schwartzberger was "always talking about equality," but "passing around cotton meant to me that she didn't believe what she was saying."

During the class and while the students were working on cleaning the cotton, there were also groups being taken into the hallway to see the model cotton gin display that a student had made in years prior. █. went to see the cotton gin display, but █. declined. She remembers Mrs. Soter, who co-teaches the class, coming to her and asking if everything was "ok in your home life" and if there was "anything wrong?" █. repeatedly replied, "no." █. also did not clean the cotton, but asked if she could keep it.

In the class, █. sat in the very back squarely in the middle, whereas █. sat in the very front to the left immediately in front of the teacher's desk. **Ex. B.** █.'s seat is next to a girl who she reports said, "I'd hate to be a slave. I hate to do this. This is horrible." █. sits in the back near a group of boys. She recalls that in response to Mrs. Schwartzberger asking, "What if you had to do this all your life?," a boy said, "I'd quit. I'd find other ways to do it. I'd kill myself." This made █. angry and she says she

didn't know what to think and at one point "couldn't even hear." Neither girl said anything to the other students or the teacher about how they were feeling.

█. did complete the cleaning task first, which the teacher told the class. She also said that █. had left pieces in the cotton, which prompted a discussion of the historical consequences for leaving pieces in the cotton. █. remembers the teacher saying, "Slaves would get whipped if they left pieces in it." The girls remember the cotton cleaning portion of class lasting 30-35 minutes.

After class, the teacher nonchalantly said, "Have a nice day everybody. See you Wednesday!" The girls then left for their 6th period classes, which left them no time to talk about what had happened. After the school day ended, and they walked to the bus stop, was the first time they had an opportunity to talk with each other about the class. █. was still mad and said she would talk with their mother about it when they got to her job. Indeed, as soon as they got off the bus, they ran to her job and told her about it as soon as they got to her.

█ recalls █ came in and started talking about being made to pick cotton in social studies class. When she asked them what they were talking about, █ showed her the cotton in her hand. █. went on to explain that Mrs. Schwartzenberger had grabbed a box of cotton and said they were going to do a "fun" activity and handed out cotton to each student to "teach them how to be a slave." On hearing that, █ says she was infuriated, and stopped the girls because she saw that the school front office would stop answering calls in a few minutes. She called the school and was transferred by the receptionist to Taylor Skidmore, even though she had asked for the Principal. █ told Mr. Skidmore that her students were "being taught to pick cotton," that they "were the only Black students in the class," and explained this was unacceptable. In response, █ recalls Mr. Skidmore saying Mrs. Schwartzenberger was the "most kindest, gentlest teacher they have and she would never do this." She says he defended the teacher and disputed that the activity occurred. She then told him, "the only thing you need to ask Mrs. Schwartzenberger is if she performed the activity in class." She reports being angry that he was not doing his duties to make sure children feel safe and that parents should always feel free to express their concerns. She ended the call by saying that she would be calling the District.

Mr. Skidmore called her a few minutes later and said he could "segregate them into a room by themselves so they wouldn't have to be around a White teacher." (Later in the interview, █ also used the word "separate" to describe what Mr. Skidmore had said.) She acknowledges she "dropped a few f-bombs," told him not to call her

again, and hung up on him (again) because she was so appalled. [REDACTED] reports that her prior interactions with Mr. Skidmore had been limited and uneventful.

[REDACTED] is very emotional over the experience. She says that the girls “don’t need to pick cotton to learn what it’s like to be Black, they can experience that just walking out the front door.” She is also very upset that the school “put trauma into my child[ren] by saying they would be whipped for leaving the pieces.” Although initially it looked like her communications with District officials would lead to a resolution and she received an apology from at least one District official, she says when the “counselor started defending everyone” and the “Assistant Principal started talking about her bi-racial grandchildren,” she lost hope. See generally, **Ex. H**. Thus, even though she was offered the opportunity for a sit-down face-to-face apology from Mr. Skidmore, it was too late. From her perspective, all of this is made worse because she believes all the staff knew of the racial trauma the girls experienced at Cheney that necessitated the transfer to Spokane School District in the first place.

[REDACTED] says she “absolutely adores SPS” and the girls unequivocally say they want to be back in school. They have not been in school since May 3rd and school ended on June 22. [REDACTED] reports she would like to see the curriculum overhauled and Cultural Competency training delivered to teach staff how to have “productive, healthy lessons that are informative, without trauma.” She would also like to see Mr. Skidmore removed from his administrative position.

Students in 5th period Social Studies. In class that day were 7 other students, but this investigator was only able to interview 5 of them. They included students who self-identify as White, Latin/x, and Asian-American/Pacific Islander. Although there are two other Black/African-American students in that class period, they were not present on the day of the cotton activity.

All five students remember that, although it touched on slavery in context, the lesson that day was primarily focused on the cotton gin and advent of machinery in the Industrial Revolution. Two of the five students recall the cotton cleaning activity presented as a challenge to see who would finish first or clean it the best. Two others recall that it was voluntary and you could choose to do it or not. Two students recalled that the accompanying visual images included slides about slavery and one said they showed the purchasing of slaves and, specifically, two children being taken from their mother. All remembered that Mrs. Schwartzenberger said the lesson was so they could learn what slaves experienced when it came to picking and cleaning cotton, and how hard it was. All denied that it was posited as an exercise to teach them *how* to be a slave.

Four of the five recall that a teacher congratulated [REDACTED] for finishing first or having cleaned it the best, but then noting that there were pieces of twigs and material in the cotton. In the subsequent discussion, four students did recall that Mrs. Schwartzenberger mentioned that if the cotton was not completely clean, the slaves would be “whipped or beaten.” Four of the students also corroborated that comments were made by classmates. Although the exact words varied between “I’d hate to be a slave,” “I’d kill myself,” and “I’d hate to be Black,” all acknowledged hearing comments along those lines. For those that could remember, they thought the activity lasted less than 10 minutes.

Overwhelmingly, the students were credible, with one self-admitting that he had said he would “kill himself” because the work was so hard. A student who three students identified as having made the comment, “I’d hate to be a slave,” denied having said anything. This same student referred to Black people as “colored people” in their interview and also made a point to say that the girls had lied to the media about what happened in the class. When asked what the lie was, the student said the girls had told the media that they were the only students asked to do the cotton cleaning activity. (This investigator has not viewed any media in which the girls allege they were the only students in the class asked to do the activity.)

Students in other periods of Mrs. Schwartzenberger’s Social Studies class. I also interviewed other students in Ms. Schwartzenberger’s social studies class, but in different periods, who had also been assigned the cotton cleaning activity. All the students said the activity was presented as one you could choose to do or not; there was no challenge or contest; that Mrs. Schwartzenberger wanted them to experience how hard it is to clean the twigs and dirt out of the cotton; and that comments were made about how difficult the work was, but that nothing “offensive” or “inappropriate” was said by the teachers or the students. Indeed, most of the students appreciated the activity because it was a hands-on activity that allowed them to experience the hard work on a personal level. All remember the lesson unit generally being about slavery, the Civil War, and the Industrial Revolution.

In total I interviewed 10 students in other periods, 3 of whom self-identified as Black or African-American. At least one of the Black students reported that the visual images of slavery, including children being taken from their mothers, were “too much” for him. The images were so difficult to watch that when he ended up having to sit through the lesson again, he asked to be excused.

Of note, **every single student** interviewed reported that “Mrs. Schwarty” (as they call her), is fair to all students, kind, and their favorite teacher. I did not interview one

student who believes that Mrs. Schwartzy would have intentionally created an environment that was harmful to even one student.

Cindy Schwartzberger has been teaching Social Studies at Sacajawea for the last four years. Prior to that she taught six years at the high school, and at Sacajawea before that for eight- nine years. She reports this is the first objection to this cotton cleaning activity she has received in the years she has taught it. She also denies having previously received complaints of racial discrimination. As a matter of practice, Mrs. Schwartzberger does not forecast to students or families what lessons are forthcoming or when difficult subjects are going to be addressed in class.

Mrs. Schwartzberger was in the middle of Unit 4 of Social Studies curriculum and had just completed review of the Civil War the week prior to the subject class. Specifically, on the Wednesday and Friday that the girls were absent in the week before, the lesson transitioned from Westward Expansion to the Civil War, in preparation for the Industrial Revolution. (See chart below). By the time she had [REDACTED] and [REDACTED] in class on May 3, she had taught the lesson and activity four times that day.

Date	Lesson
April 12	Louisiana Purchase and Westward Expansion Map
April 14	Louisiana Purchase Grade level reading SoapStone Lewis and Clark
April 16	The Westward Journey of Lewis and Clark Reading and questions. Class Read-around. Land of the Unknown
April 19	OPTIC Review- Manifest Destiny
April 21	Story of US – Westward
April 26	Missouri Compromise 1820 & 1850
April 28	Civil War Overview
April 30	Civil War Map

May 3	Industrial Revolution
May 5	Differences between North and South at start of War Abolition Movement Harriett Tubman Reading
May 7	Start <u>Behind Rebel Lines</u> by Seymour Reit- Kahoot
May 10	Story of US- Division

Monday, May 3, was the start of a new month. After the students completed their entry task, she recalls asking them to clear their desks while she started the Powerpoint on the Industrial Revolution. This was part of the larger lesson Unit 4 on the Civil War, Western Expansion, Manifest Destiny, etc. As a prompt, she asked them to identify anything with cotton that they use in their daily lives. As they called out answers, she began to distribute clumps of cotton to each of them. She denies that she said it was a “challenge,” “contest,” or “competition.” Mrs. Schwartzberger believes that she would have heard any students making comments because there is “no more whispering” due to of the 6’ distance between the desks during COVID-19. However, she also acknowledges she was teaching at the front of the class.

Mrs. Schwartzberger denies having said that the exercise would “teach the experience of slavery,” or that she congratulated E.F. for finishing first or that she commented on that there were still pieces of twigs in the cotton. She also denies knowing if anyone “finished first,” saying that wasn’t the point of the exercise and she was teaching from the Powerpoint. She adamantly denies saying “Slaves would get whipped if they left pieces in it.” She does say she told them to “play with it, take out the leaves” while she began discussing “Eli Whitney and the invention of the cotton gin and how it would change our country forever.”

According to her, prior to this lesson the class had talked about the abolitionist movement, and the dynamics between North and South that led to the Civil War. They had also discussed and were discussing how slavery had been diminishing but, once the cotton gin came along, it actually increased the demand for cotton and slaves. See also, **Ex. D**. She states that because she is a veteran teacher, she may not follow the precise order for the lessons, but does stick with the state curriculum guides. And she recalls the activity itself lasting only 6-7 minutes, although she was teaching the Powerpoint while the cotton sat on the students’ desks for the duration of the remainder of the class.

Mrs. Schwartzberger recalls that the discussion of slavery was only in the context of the “atrocities of slavery,” which she remembers saying specifically because it is an SAT word and she tries to weave those in to the lessons as much as possible. She does remember that a couple of students, including one of the girls, declined to go see the cotton gin, but reports that since COVID-19 she doesn’t push participation so didn’t see that as unusual. She does remember speaking with Mrs. Soter about it and she said maybe she was having a bad day. She is also sensitive to students being put on the spot because she has a severely handicapped sister and is “very sensitive to not harming students.”

She recalls that █.¹ usually participates in class, but has no recollection of her speaking during this class. She does not remember either of them objecting or expressing concern or upset about the lesson. She does remember them not saying much that day, sitting with masks on and their hoods up. In total the cotton activity was 6-7 minutes and she cleaned it up off the desks as the bell rang. She remembers some students asking to keep the cotton, including █.² She acknowledges it would be inappropriate to ask the girls to replicate a slave experience.

Jenn Soter is a Special Education teacher who co-teaches with Mrs. Schwartzberger for her 5th period social studies class. She remembers █ and █. being absent several of the days the week before May 3, which included scaffolding for that day’s Industrial Revolution lesson. Mrs. Soter recalls that Mrs. Schwartzberger put up a Powerpoint to introduce the lesson and then began to distribute cotton. She reports that Mrs. Schwartzberger allowed students to choose if they wanted to take some cotton and whether they wanted to engage with the cotton. She denies that the students were required to clean it or that it had been set up as a competition or challenge. The purpose was to see how long the process takes to clean the cotton so they could appreciate how significant the cotton gin was for revolutionizing the cleaning process. She recalls the part of class in which the students were handling the cotton took a total of 5-10 minutes.

When it was time to go out to see the cotton gin display in the hallway, Ms. Soter recalls that █. declined to go in to the hall to see, so she asked her if she was ok. She denies asking her about her “home life” and, indeed, denies even knowing anything about their family structure or home life. Ms. Soter reports nothing else unusual about that class and denies hearing any students making comments, despite that she “would have been in a position to hear.” She further denies that the activity was presented as a

¹ I believe she may have meant █., as she also thought █ sits in front and █. sits in back, which is inaccurate.

² See prior FN.

competition or challenge, or that there was discussion of anyone coming in “first,” or any discussion about slaves being whipped or beaten. She recalls that any discussion of “fun,” was in the context of the format of the lesson as activities help her students in the class with access needs to retain the information.

Taylor Skidmore has been a Principal Assistant at Sacajawea for 5 years, and in that capacity supports the Principal Jeremy Ochse and Assistant Principal Tracey Leyde. At the time that ██████████ called on May 4, the morning after the class, the Principal was conducting interviews and the Assistant Principal was in a training, so she was transferred to Mr. Skidmore. Mr. Skidmore does not report having interacted much with ██████████ prior to this as the girls had no office referrals and had not expressed any complaints. He remembers that the twin girls were transferred in to Sacajawea following bullying at their prior district, and that to his knowledge the girls were having a great experience. The school is “not as diverse” as other schools in the District, but they are “laser-focused on equity training,” and he reports staff just completed Module 2 in the Cultural Competency training.

When ██████████ called and he spoke with her on the morning of May 4, he says he did the “best he could to listen,” but acknowledges that his initial reaction on hearing ██████████ very upset was to come to Mrs. Schwartzberger’s defense. His experience of Mrs. Schwartzberger is that she is a “caring, incredible, loving woman” who has not been the subject of any bias or discrimination complaints. He reports she is a “kid-magnet” who has received positive feedback from Black families. Thus, on hearing ██████████ repeatedly call Mrs. Schwartzberger a “racist,” he admits he did defend her and her “character.” In hindsight, he acknowledges this was not an ideal response. ██████████ said, “You are a White principal supporting a White teacher,” then said she had to go and hung up. He called ██████████ back to let her know that if the girls were to come back tomorrow, there were “safe spaces” at school where they could be separated from the class “until we figure out a new lesson or teacher.” He reports ██████████ didn’t even give him the chance to say the words “safe space” because she was so upset and just wanted the teacher fired immediately, which he doesn’t have the authority to do. Mr. Skidmore adamantly denies saying that he would “segregate” the girls from the class, and that instead said he could “separate” them. After speaking with ██████████, Mr. Skidmore advised Mrs. Schwartzberger of the complaint and directed her (and other 8th grade teachers) not to teach the lesson again until administration had a chance to review. He did not interact with ██████████ after that. He did reach out to Erin Jordan, Student Services Coordinator, and report the calls to her.

Erin Jordan is the Student Services Coordinator; in that capacity she had engaged with [REDACTED] when the girls were transferred in to the District from Cheney. According to what she remembers, [REDACTED] claimed there had been “racial issues” at Cheney, so Spokane School District agreed to accept the girls for an inter-district transfer. She reports that [REDACTED] has always been respectful and appropriate and denies receiving any complaints or concerns from the [REDACTED] in the two years that [REDACTED] and [REDACTED] have been at Sacajawea and in the District.

She reports that on May 4, 2021, Mr. Skidmore called her right after he had spoken with [REDACTED]. He said he wanted to loop back with Mom on how best to support the kids and that he gave her options, including the girls not being in the class that day. Right after that call with Mr. Skidmore, she called [REDACTED] but was not able to connect until the next day, May 5. When they finally spoke, [REDACTED] told her that she was frustrated because she wanted to speak with Principal Ochse or Assistant Principal Leyde, but she got Mr. Skidmore, who she reported defended the teacher.

Thereafter, there was a miscommunication about whether Assistant Principal Leyde would reach out to her or vice versa, that was compounded when Assistant Principal Leyde finally spoke with [REDACTED] and, in attempting to build a bridge and rapport, discussed her Black grandchildren. Additional miscommunications around building administration contact with the girls, development of the Safety Plan, and whether the girls would have homework obligations, resulted in [REDACTED] feeling like there was a lack of collaboration and respect for the seriousness of what had occurred. As such, [REDACTED] expressed to her that she no longer trusted administration and mediation discussions stalled.

Ms. Jordan also spoke with the girls’ father when he called the District to provide information about [REDACTED] and the incident. See **Ex. F**. He reportedly told her that he “didn’t want [the District] to get in trouble” and the complaint should have been kept in the school. He also told her to “disregard Brandi’s crying that’s what she does, she will exaggerate” and that “she wants to make it public.”

[REDACTED] is [REDACTED] and [REDACTED]’s father. He reached out to the District on June 8 to ask if girls were in school and to talk with someone about what was happening. He had not been informed by [REDACTED] and had only learned through family members who saw his daughters on the news. He reports that he has visitation rights and is current on his obligations, [REDACTED for family privacy - father was critical of mother's credibility].

[REDACTED]. They have been separated since 2011.

He has been in contact with [REDACTED] who reportedly informed him that they “didn’t want to” pursue national media attention and that if it was up to them “it would be dropped.” In [REDACTED] opinion, this could have been “solved inside the school” without the girls being put on nationwide news. He says the girls have said they “like the school, teachers, and have friends.”

IV. Analysis and Findings

Given the corroboration of critical facts in the girls’ narrative of the class on May 3, as discussed below, I do find by a preponderance of the evidence that:

- 1) Each student in the class was provided cotton with the intent that they have the opportunity to experience the difficulties of the cotton cleaning task prior to the invention of the cotton gin,
- 2) the activity was received by the students as some sort of competitive challenge to see who could complete it the fastest,
- 3) [REDACTED]. was understood to have completed the task the fastest or cleaned the cotton the best,
- 4) one of the teachers noted that not all the materials were picked clean from [REDACTED] cotton,
- 5) there was discussion about the historical consequences of not cleaning the cotton sufficiently, which included discussing that enslaved people would have been beaten or whipped,
- 6) at least two students made comments to the effect that they would hate to have been slaves and/or Black and would have “killed” themselves,
- 7) the girls were upset and disturbed as a result, and
- 8) the teachers were unaware of what the students had said or that the girls were upset about the class.

While there is a significant divide between what the adults in the class that day remember and the students, there is also significant enough corroboration that one can account for the differences in perspective as related to age and positionality (rather than intent to misrepresent).

There is no evidence to support the conclusion that Mrs. Schwartzenger intended to harm the girls. Nevertheless, the reality is that the lesson was extremely hard for these 13-year-old Black students to process without warning and with the added element of insensitive classmates and lack of attunement. For Mrs. Schwartzenger, who is a veteran teacher, this lesson was routine and, therefore, she may not have been

processing the connections students were making in what was being said or that this was, as far as these girls were concerned, the replication of a “slave experience.”

Enslaved people who had not cleaned out the cotton sufficiently **would** have received whippings and/or beatings. This is part of history and, therefore, part of the lessons of history. But, likely in part because the girls had missed 2 of the 3 classes immediately prior to the lesson, to them it may have felt like slavery was just dropped on them out of the blue. This was clearly shocking and they were unprepared. Further, as the only two Black students in class that day, discussing an incredibly painful chapter of U.S. history and the enslavement of their ancestors without context or warning resulted in emotional overwhelm, which is known to impact memory and cognition. This is evidenced by the girls describing how they were shocked into silence, and couldn’t even hear. Indeed, even a Black student who was prepared for the lesson confessed to finding the material “too much” to process.

As for the allegations concerning the conversations between ██████████ and Mr. Skidmore, I do find by a preponderance of the evidence that Mr. Skidmore did not offer to initiate a formal investigation and did come to the defense of the teacher, which included denying that the activity occurred. I further find that Mr. Skidmore did offer to separate the girls from the rest of the class as an interim measure.

In her interview, ██████████ initially said that Mr. Skidmore said “segregate,” but then later used the word “separate.” Ms. Jordan reported that ██████████ told her he said “segregate,” but in an email reporting her conversation with ██████████, Monique Grant, Communications, said she said “separate.” See **Ex. E**. Regardless of whether Mr. Skidmore said “segregate” or “separate,” there is no dispute that his response was to defend Mrs. Schwartzenberger and offer to pull the girls out of the class as an immediate mitigation measure.

I do not find that Mr. Skidmore said he would pull the girls out of the class so that they “would not have to be with a White teacher.” ██████████ acknowledges that on the second call with Mr. Skidmore she was so upset that she was cursing and distraught. Mr. Skidmore saying, “so they don’t have to be with a White teacher,” neither sounds plausible nor does it make sense when I understand most of the teaching staff at Sacajawea is White. Otherwise, their narratives overlapped significantly.

V. Closing

This concludes my investigation. Thank you for allowing me to assist with this investigation. Please contact me with any questions, etc.

Kammi Smith
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Very truly yours,

HELSELL FETTERMAN LLP

By
Onik'a I. Gilliam-Cathcart

Enclosures