

LASSITER & COUCH
ATTORNEYS AT LAW

813 WEST THIRD STREET
LITTLE ROCK, ARKANSAS 72201
TELEPHONE: 501-370-9300
FACSIMILE: 501-370-9306
WWW.LASSITERANDCOUCH.COM

February 26, 2010

School Board Members
Pulaski County Special School District

Via email:

- mtatum@aristotle.net
- clark-tim@sbcglobal.net
- pcssdzone5@msn.com
- 50gwilliams@att.net
- sawyer.sandra@yahoo.com; sandra.r.sawyer@windstream.net
- CWOOD@entergy.com
- wvasquez8@live.com
- ibequette@bbpalaw.com

Board Members,

We have compiled the information we have gathered and present to you, by this letter, our report of the investigation of this matter. Thank you for the opportunity to be of service to the district. Please do not hesitate to contact us if you have any questions or need any further information.

Investigative Report to PCSSD School Board

We were retained to investigate the allegations set forth in letter dated January 23, 2010. [REDACTED] letter is attached hereto as Exhibit 1. [REDACTED] is the [REDACTED] at [REDACTED]. We have interviewed the four witnesses listed in [REDACTED] letter - [REDACTED].

JACK T. LASSITER P.A.
JACK@LASSITERANDCOUCH.COM

ERIN CASSINELLI COUCH
ERIN@LASSITERANDCOUCH.COM

CHRISTY FURQUERON
CHRISTY@LASSITERANDCOUCH.COM
LEGAL ASSISTANT

[REDACTED] and [REDACTED]. We also interviewed [REDACTED] at the time of the remark attributed to Mr. McGill, as well as [REDACTED] and Robert McGill. All witnesses mentioned in this report were interviewed at our office unless otherwise noted. This report addresses only the allegations concerning the remarks attributed to Mr. McGill i

[REDACTED] interview was consistent with [REDACTED] January 23, 2010 letter. [REDACTED] was insistent that Mr. McGill made the remark as [REDACTED] expressed in the letter and that the remark was made twice. The witnesses that were present were equally insistent that they overheard no such remark, that they would have remembered such a comment, and that they did not observe [REDACTED] reach out to Mr. McGill or gesture in any way. On February 1, 2010, Mr. McGill apologized to [REDACTED] in person. [REDACTED] believed Mr. McGill was apologizing for the remarks [REDACTED] referenced. [REDACTED] admittedly did not understand the significance of Mr. McGill's mention of another district employee having made an improper comment. Mr. McGill stated that he apologized for whatever was said that [REDACTED] took offense to, but denied making the remark attributed to him in the letter. Following their meeting, [REDACTED] emailed the board asking the board not to take the matter in to consideration in selecting a new superintendent. [REDACTED] email is attached hereto as Exhibit 2.

The following is not in dispute.

[REDACTED], and [REDACTED], made the presentation for [REDACTED] had worked with [REDACTED] on the project. Much time and effort had been expended on the two applications. All parties interviewed remembered experiencing disappointment and frustration following the denial of the two applications. Mr. McGill, [REDACTED], [REDACTED] and the others gathered in a small lobby area outside the meeting room following the denials. Their individual recollections of what then occurred are summarized in the witness interviews that follow.

For the reasons expressed in our conclusion, we find that Mr. McGill did not intentionally make a racially insensitive remark. We wish to point out at this time that we do not believe any of the witnesses are lying or even shading the truth. We believe they told us exactly what they remember hearing or not hearing.

Witness Interviews

[REDACTED] (2/23/10)

This is [REDACTED] first year as [REDACTED] Prior to working at [REDACTED] was [REDACTED] at [REDACTED] [REDACTED] is from [REDACTED] [REDACTED] has been with the district since [REDACTED] and [REDACTED] has taught for [REDACTED] years. [REDACTED] is a [REDACTED]. She went to college at [REDACTED] and [REDACTED].

[REDACTED] for [REDACTED] and [REDACTED] worked with [REDACTED] on the phone and in person to prepare the [REDACTED]. [REDACTED] has obvious needs, and they were looking for ways to fund programs for those needs. [REDACTED] referred to the plan or presentation as a "Defense." From the PCSSD, [REDACTED] and [REDACTED] were present for [REDACTED]. Generally [REDACTED] would discuss the school's needs and how to obtain funding with her team, but they only knew of local grants. She would then present their needs to [REDACTED] for the district.

[REDACTED] told [REDACTED] the date and time to be at the meeting. They all met there, including [REDACTED], Rob McGill, [REDACTED] ([REDACTED]), and [REDACTED]. The [REDACTED] discussed state standards and budget. After the presentations, they walked into the lobby as a group. They congregated immediately in the area on the left side of the entrance, if you are viewing the lobby from the outside [REDACTED] was standing; everyone was standing except [REDACTED] [REDACTED] was facing the outside wall and pacing around. Mr. McGill was standing, and [REDACTED] was facing him. [REDACTED] was walking up. [REDACTED] came up, talked to Mr. McGill. The meeting was still going on so there was not a large crowd in the lobby.

[REDACTED] came up, [REDACTED] was sitting, and [REDACTED] stood next to [REDACTED] was on [REDACTED]s other side. [REDACTED] was between Mr. McGill and [REDACTED] remembers hearing the statements reported in letter. [REDACTED] put [REDACTED] hand out, pointing or rubbing [REDACTED] skin, as if to say, "Do you see that [REDACTED]?" Everybody was close together so [REDACTED] could see everyone's eyes. [REDACTED] not sure what [REDACTED] statement was. There was discussion about how disappointed they all were. [REDACTED] and Mr. McGill were talking when [REDACTED] walked up but [REDACTED] could not hear the conversation. The comment at issue was the first thing [REDACTED] could make out clearly from the conversation. [REDACTED] extended [REDACTED] hand. The comment was repeated, Mr. McGill did

not acknowledge [redacted] hand or comments. [redacted] was rubbing [redacted] skin as if to say [redacted] described it as sort of studdering, saying " [redacted] noting the [redacted] [redacted] s head was down. [redacted] should have seen [redacted] gesture. [redacted] was pacing, [redacted] is not sure if [redacted] heard the remark and can't say what [redacted] focus was. [redacted] was not in the lobby. [redacted] was in the group with [redacted] back angled toward [redacted]. The comment was made to the group but there was no response from anyone that [redacted] could recall. [redacted] couldn't tell what [redacted] or [redacted] were saying, but [redacted] knew they were talking. After the comment, they started talking about what could be done better to get [redacted] can't recall [redacted] telling them to re-defend both grants. [redacted] left to go talk to other people coming out of the [redacted] meeting. [redacted] walked back to the group to say goodbye. There was no mention of the comment.

On February 1, 2010, Mr. McGill came to [redacted]. He called first to talk to the secretary about his visit. Mr. McGill met with [redacted] in [redacted] office. He talked about [redacted] letter. He apologized. [redacted] talked about the letter and said [redacted] accepted his apology. [redacted] said [redacted] wasn't angry or upset; instead, [redacted] feelings were hurt. He said someone else made a statement, but he did not want to say who it was. [redacted] said [redacted] didn't know what was said or who said it. He said, [redacted] you know me, will you accept my apology? I shouldn't have made the statement. I don't want you angry at me." They hugged and that was it. [redacted] is unclear of the connection between the other statement and his statement. [redacted] is unclear as to why his mention of someone else's statement had anything to do with what he had said.

Mr. McGill and [redacted] have a work history. They were [redacted] in the district since [redacted] and saw each other one to three times a month. They also took [redacted] classes together. [redacted] feels like the situation was blown out of proportion. First thing [redacted] saw after talking with Mr. McGill was the newspaper article ([redacted] thinks it was after his interview for the superintendent position). When asked, [redacted] did not feel comfortable saying who [redacted] spoke to on a personal level about the situation. [redacted] sent the letter to Mr. McGill and to the school board members two days after it was sent to Mr. McGill. [redacted] and [redacted] did not receive the letter. She's not sure how [redacted] got a copy. [redacted] didn't have contact with anyone about the situation between [redacted] talk with Mr. McGill and the newspaper article. [redacted] didn't think the letter would be public when [redacted] sent it to the board. [redacted] does not feel that it is pertinent to the interview process. [redacted] made clear to [redacted] and other board members that this should NOT have anything to do with his candidacy for permanent

superintendent. [REDACTED] felt that after his apology, it was over. [REDACTED] provided us a copy of an email [REDACTED] sent to the board members on February 1, 2010 at 11:47 a.m. wherein [REDACTED] stated, "I met with Acting Superintendent Rob McGill today. Apology was extended and accepted. I want to make sure that my letter does NOT interfere with his opportunity to interview for our district's superintendent." [REDACTED] does not know how or why the issue was not resolved by their discussion on February 1, 2010, and [REDACTED] does not believe the issue should affect his candidacy.

Rob McGill (2/19/10)

Rob McGill is in his seventeenth year with the PCSDD. He was principal at Pine Forrest for four years. He was at Sherwood for six years. He served in the military during this time. He was selected to be interim superintendent on March 11, 2009. He also previously served as assistant principal at Landmark Elementary and as a teacher at Pine Forrest and Jacksonville. He has an undergraduate degree from UCA and got a master's degree from Henderson State.

He recalled the meeting and the presentations for [redacted] for [redacted] and [redacted]. He believes [redacted] was identified at the meeting. After their presentations, they were in the lobby on the side without a television. They were standing - McGill, [redacted] (who he has known since [redacted] when [redacted] was hired), [redacted] (who he has known since approximately [redacted]), [redacted] (who he has known for approximately [redacted]), [redacted] (who he has known [redacted]), [redacted]. They were brainstorming about what happened in the meeting. [redacted] came over to him and asked, (this conversation is paraphrased) did they not give it to us because the presenters were white? He responded that no, that was not the reason and could not be true because the [redacted] didn't get theirs either. He told the group that no one had done anything wrong, everyone had done a good job, and they would resubmit the applications. He had no one-on-one conversation with [redacted] in the lobby. He has known [redacted] since [redacted] came to the district [redacted]. They were [redacted]. They took [redacted] classes together at [redacted]. He moved [redacted] to [redacted] in the summer of [redacted].

He went to [redacted] once to visit. He got a letter from a [redacted] stating some complaint about [redacted] a few days before he got [redacted] letter. He was also aware that a school board member was upset about [redacted]. He has at this time not taken action on that complaint.

He received [redacted] letter on a Saturday. On Monday he called and went to talk to [redacted]. He didn't know everyone else had the letter. He told [redacted] he was glad [redacted] told him and explained what he remembered, and that someone else had said something. He apologized, explained he had not thought about it being a racial issue and wanted to move on. [redacted] accepted his apology. During their meeting, they also briefly discussed the complaint from [redacted]. Then, later that afternoon, [redacted] sent an email, and then he heard that other people had [redacted] a school board member, shared the letter with the board that night. Mr. McGill talked to [redacted] and [redacted].

about it. On the 3rd, he said he wanted an investigation because he realized it was not going to end without one. He talked to [REDACTED] before going to see [REDACTED]. [REDACTED] remembered something related to [REDACTED]. He talked to [REDACTED] that night (after he talked to [REDACTED]), and [REDACTED] said he had corrected something [REDACTED] had said. On Tuesday, he talked to [REDACTED] then to [REDACTED]. He called them. He also spoke to his lawyer and to Jay Baquette. Mr. McGill is aware that [REDACTED] called [REDACTED] and demanded [REDACTED] call a special meeting to investigate.

Mr. McGill provided us with various emails from [REDACTED] related to the allegation against Mr. McGill and to the superintendent selection process. He also provided us a letter [REDACTED] of the [REDACTED] wrote to the school board president.

(2/23/10)

is the J [redacted] for the PCSSD. has [redacted] was previously employed with the [redacted] and [redacted]. This is [redacted] with the [redacted] implemented some [redacted] received a [redacted] in [redacted] from [redacted] has a [redacted] from [redacted] and a [redacted] from [redacted]. She is from [redacted] knows [redacted] from preparing [redacted] for [redacted]. The permission for preparing [redacted] goes through cabinet. [redacted] works with the school to [redacted]. [redacted] presented the [redacted] to the [redacted] presented the [redacted] [redacted], Rob McGill, [redacted] [redacted], [redacted], and [redacted] ([redacted]) were present for the district at the January meeting. There was a lot of contact between [redacted] and [redacted] during preparation of the [redacted]. They worked on this for several months.

At the meeting, the [redacted] presented for a [redacted] and their request was tabled. The PCSSD presented for [redacted] [redacted] spoke at the podium and bragged on [redacted]. They both remained standing. The [redacted] started voting to deny [redacted] couldn't hear the motion, so [redacted] wasn't sure what they were voting on. [redacted] asked [redacted] what was happening, and [redacted] said they were voting to deny. The [redacted] also comes with \$450,000 in federal money [redacted] sat down after the denial. [redacted] asked if [redacted] could bring the request back to the board to clarify points. Then [redacted] presented the [redacted] for [redacted] and it was denied. Then the [redacted] application for [redacted] was approved. The [redacted]

When [redacted] went to lobby after the presentation, [redacted] was upset and they were all "whipped." [redacted] sat in a chair. Mr. McGill stood by her. [redacted] may have been there at this time. [redacted] was there and was working on [redacted] phone. [redacted] was there. [redacted] was approximately ten feet away. They were standing in a circle. People were walking by. [redacted] said to Mr. McGill, "Maybe it would've been better if a black had presented." Mr. McGill responded that wasn't the case; he noted that the LRSD didn't get their charter. [redacted] turned and began talking to someone. [redacted] began yelling/talking to [redacted] across the lobby. [redacted] never heard goodbyes or

anything, everyone just dispersed. [REDACTED] is [REDACTED] by [REDACTED] and assisted with the [REDACTED] because [REDACTED] was unavailable. [REDACTED] does not remember [REDACTED] coming. [REDACTED] did not see [REDACTED] approach Mr. McGill or try to get his attention.

Some time after this date, [REDACTED] in the district asked [REDACTED] about a rumor [REDACTED] heard that Mr. McGill had said the word "nigra" after the BOE meeting. [REDACTED] does not recall anyone saying that word.

Mr. McGill also called [REDACTED] and asked if he had said anything sarcastic in the lobby. He wanted [REDACTED] to refresh his memory if he had. [REDACTED] told him what her friend, [REDACTED] had said about him saying "nigra." [REDACTED] said [REDACTED] didn't hear that word from anyone and reminded him of what was said. He said there's going to be an investigation, and [REDACTED] name would be mentioned, and that all he asked was for [REDACTED] to tell the truth. [REDACTED] told her mom and sister about the situation after it was in the paper. She also talked to [REDACTED] about it. [REDACTED] has been with the district for a long time. [REDACTED] didn't remember the lobby conversation. [REDACTED] told him about the rumored "nigra" comment. [REDACTED] told him what [REDACTED] said and that [REDACTED] believed [REDACTED] statement is what someone heard.

(2/23/10)

After speaking by phone, [redacted] was interviewed on February 23, 2010 at our office in the presence of [redacted] attorney, [redacted]. [redacted] has been with the district since [redacted]. [redacted] serves as [redacted]. This position requires [redacted] to have contact with many people within the district as [redacted] responsibilities are broad. [redacted] was hired by the school board on recommendation of the cabinet, which included [redacted], a human resources person, and Rob McGill. [redacted] was interviewed twice by the cabinet, who recommended [redacted] to the school board. [redacted] is [redacted] after Mr. McGill, although [redacted] does not have authority over other [redacted].

Prior to employment with the PCSSD, [redacted] served as [redacted]. Prior to that, [redacted] was employed with the [redacted]. [redacted] has a [redacted], [redacted], and a [redacted].

The PCSSD presented two requests to the [redacted] meeting. The requests involved [redacted] and [redacted].

[redacted] was familiar with [redacted], as [redacted] wrote a [redacted]. The PCSSD was already working on the [redacted] when [redacted] accepted [redacted] employment. [redacted] recommended to the cabinet that they approve [redacted] to complete an application [redacted] believes [redacted] and [redacted] brought [redacted] before the cabinet for approval. [redacted] was notified of the [redacted] meeting when someone received a letter notifying them of the January meeting. [redacted] recalls [redacted] with the [redacted] being responsible for the [redacted].

[redacted] asked [redacted] to present the [redacted] to the [redacted] believes [redacted] received information from [redacted] about the procedure for presenting the [redacted]. [redacted] believed the superintendent would begin and introduce the speakers. When they presented to the [redacted], however, [redacted] doesn't remember Mr. McGill speaking to the [redacted].

After the presentation and denial of the [redacted], [redacted] exited the room. When [redacted] left the [redacted] room, [redacted] went to the lobby, on the right side facing the exit doors (on the side without a television), where they all congregated. [redacted] and Mr. McGill were standing, talking to each other. In [redacted] opinion, Mr. McGill was chastising [redacted], saying something to the effect of

"No that's not what happened." When asked if [redacted] heard the comment quoted in [redacted] [redacted] said [redacted] did not hear those words from anyone. [redacted] did not recall anyone saying or doing anything confrontational, or anything happening that gave [redacted] any pause. [redacted] doesn't recall anyone discussing the racial makeup of the districts requesting charter applications at the [redacted] meeting. During the discussion about the [redacted] and the discussion about how to get them approved, a [redacted] member came up and [redacted] turned and started talking with [redacted] about how to fix the application for resubmission. [redacted] were in proximity and [redacted] also came up. [redacted] recalls [redacted]) waving at them, encouraging them to resubmit the applications.

After speaking with the [redacted] member, [redacted] re-engaged with the district group. They weren't talking about any specific issue, or any racial issue; they were talking about [redacted] (which comes with an [redacted] [redacted] was in the lobby with them.

Later, [redacted] called [redacted] at home -way after everything- to visit about the [redacted]. [redacted] told [redacted] that [redacted] had made a comment to the effect of "Would it have been better for me to have had [redacted] there during the presentation for diversity"? [redacted] told her [redacted] did not hear that comment, but only heard Mr. McGill getting on to [redacted]. [redacted] acknowledged that Mr. McGill is [redacted] boss. [redacted] stated, however, that [redacted] was not concerned about speaking with us, telling us the truth, because the Teacher Fair Dismissal Act prevented [redacted] from being fired for speaking up. [redacted] believes the [redacted] and [redacted] would also be protected under the Act.

When Mr. McGill got the letter from [redacted], Mr. McGill asked [redacted] if he had made an inappropriate or offensive comment, although Mr. McGill did not tell [redacted] about the letter until later. [redacted] said [redacted] heard him chastising [redacted] later understood [redacted] comment to be something like, "Do you think we didn't get it because of the race of our presenters?" [redacted] thought Mr. McGill had already talked to [redacted] when he spoke to [redacted].

(2/19/10)

is the is from has lived in Little Rock for has been with PCSSD for has been with district for attended the January meeting with Mr. McGill, role was to support in presenting the does not believe was introduced to the Before the meeting went to the media room with was listening to the meeting. Mr. McGill arrived, and then arrived. went to a room to prepare. They were called in to the meeting sooner than expected. The presentation went The told, the PCSSD, to come back. The had budget-related issues. Then presented for They were very disappointed/shocked to be denied

Mr. McGill said nothing inappropriate does not have a personal relationship with Mr. McGill. They have not had any personal interactions, and has no allegiance to him. After the meeting, they all stood outside Mr. McGill, talked to about the presentation. Mr. McGill gave a comment to the media. A member came over and explained the issues and told them to re-present the applications. was sitting down. Someone had said "Maybe I should have let a black lady stand next to me." is not sure who all was there. does not remember Mr. McGill saying anything. does not remember doing anything, making any movements or gestures. There was no discussion about the race of the presenters. There were no comments about the denial

After reading the paper (about Mr. McGill being questioned about the alleged comment) called who is and whose was formerly of the district. called to ask him his advice about what should do. did not want Mr. McGill's interview for the superintendent position to be based on this incorrect information. told this was Mr. McGill's fight and to call him and see what he wanted her to do. He gave Mr. McGill's cell phone number called. Mr. McGill that night. Mr. McGill appreciated support. He told could call board members to tell them what recalled called, a member of the school board. called in particular because knew him due to having the past left a message that had information for him and was upset about what read in the paper. mentioned something about

not being able to keep quiet about this, but it was all very vague. Mr. McGill did nothing inappropriate. [REDACTED] did not return [REDACTED] call.

[REDACTED] has no personal relationship with [REDACTED]. [REDACTED] leads [REDACTED] meetings, but other than that, they do not have a personal relationship. Mr. McGill might be at a principals' meeting to say hello. There are no other reasons. [REDACTED] has regular meetings with [REDACTED].

(2/19/10)

_____ has been with the district _____ is the _____ for the school board or superintendent. _____ previously worked for _____ attended the _____ previously served as a _____ and was employed by the _____ he asked _____ to come to the _____ meeting in case there were questions about _____ attended the meeting to talk about _____ attended the meeting to talk about _____ and Mr. McGill, _____ and _____ were also at the meeting. _____ recalls that _____ had budget issues.

There were two entrances to the building where the meeting was held. There was an A side (closer to _____) and a B side. _____ was standing near the entrance closer to the A side of the building. _____ ran into _____ who is _____ of the _____ remembered _____ from a previous encounter.

After the meeting, _____ was introduced to _____ and recalled that they knew each other prior to being reintroduced. Another group of PCSSD employees was already in the lobby. _____ joined them. _____ came out of the board room and talked encouragingly, telling them to reapply. _____ also saw _____ with the _____ and visited with him about 40 feet away from the group, but within line of sight. He could not hear everything that the group said. He heard they were disappointed.

_____ was turned down, although _____ had heard that both the the FCSD used the same grant writer.

_____ read the paper and knew Mr. McGill wanted an investigation. _____ recalls that everyone was standing when they were in the lobby. He doesn't recall the race of presenters being discussed. _____ was quiet. _____ has no memory of _____ being upset, or a hand shake, or any similar gesture. _____ does not recall anyone raising their voice.

Within a few days, _____ came to his office, and _____ asked _____ to come and hear something. _____ said _____ had a phone conversation with some friends at _____s, and _____ said _____ was hearing that a superintendent may have made some inappropriate remarks. She had heard that Mr. McGill said "negro or nigra." _____ said that if anybody had said that word it would have been _____. _____ said _____ hoped this went away. _____ said it would not have been Mr. McGill, it would have been _____ they heard. The _____ who called _____ didn't say who said that Mr. McGill had said "negro" or "nigra." _____ said if _____ had to take the fall for it, _____ would.

took it that [REDACTED] said "negro."

[REDACTED] had a meeting with [REDACTED] and [REDACTED] regarding the investigation being done by a private firm. [REDACTED] said they should not discuss the matter anymore.

[REDACTED] (by phone: 2/18/10)

[REDACTED] is employed by the [REDACTED]. He works on Mr. McGill called him and asked "Did I say this?" [REDACTED] responded, "No," [REDACTED] did not hear any racial conversation. When [REDACTED] left the lobby, the PCSSD group was still there. It was strictly professional the entire time [REDACTED] was standing there. [REDACTED] would definitely have taken note of any such comment in this day and age. [REDACTED] was insistent that [REDACTED] recalled nothing other than professional discussion about the [REDACTED] [REDACTED] said we can call [REDACTED] back to confirm if necessary.

[REDACTED] (by phone; 2/17/10)

[REDACTED] is a [REDACTED] with the district. [REDACTED] started employment in [REDACTED] in [REDACTED]. [REDACTED] shares office space with [REDACTED] and their secretary, [REDACTED]. [REDACTED] was not present at the meeting or in the lobby afterwards. One day [REDACTED] came in the office and discussed the comments allegedly made after the [REDACTED] meeting.

[REDACTED] is in charge of [REDACTED] and [REDACTED] on [REDACTED] schools. After the [REDACTED] meeting, [REDACTED] tried to figure out why they didn't get the charters. [REDACTED] surmised, "Was it because all whites stood up and no blacks?" [REDACTED] said Mr. McGill corrected [REDACTED] - he said "no, that's not why." [REDACTED] said [REDACTED] made the comment, not Mr. McGill. [REDACTED] was worried about being in trouble with Mr. McGill. [REDACTED] never heard more comments about race from anyone.

[REDACTED] recalled [REDACTED] at some time expressing [REDACTED] feeling that anyone investigating this matter should call [REDACTED].

[REDACTED] attended the public meeting at which Mr. McGill answered questions after interviewing for the permanent superintendent position. [REDACTED] with the NAACP came to all meetings of superintendent candidates to grill Mr. McGill. Mr. McGill never admitted making the comment. He said someone else said something and he corrected it. He attempted to avoid discussion about it, to no avail. [REDACTED] at some point made a comment about the parameters of the questioning. [REDACTED] said [REDACTED] has spoken with an editor for the newspaper, who has a tape recording of the meeting, and the editor assured [REDACTED] that they would preserve the tape. [REDACTED] said [REDACTED] could not get a copy of the tape, as the request has to go through the district's attorneys. [REDACTED] said [REDACTED] could identify most of the voices on the tape, including [REDACTED] own, should we need [REDACTED] assistance in determining who is speaking on the tape. After the public meeting, the next day, [REDACTED] said Mr. McGill admitted making the comment after his interview.

[REDACTED] disagreed and said he did not ever admit making the comment. He instead attempted to explain that he may have said something while correcting the other district employee, but he did not make the alleged comment. [REDACTED] said he eventually just agreed with some statement [REDACTED] made regarding the context of the statement, or something to that effect, but nothing to be construed as an admission to making the comment.

[We contacted counsel for the district to see about obtaining a copy of the tape. Counsel advised we could not obtain the tape at this time, that the newspaper contact said the article accurately reflected the content of the meeting, and to

proceed without the tape.]

[REDACTED] (2/22/10)

We called [REDACTED] because we could not identify any complainant other than [REDACTED], but his letter to the school board indicated that more than one person alleged Mr. McGill made the comment at issue. We, therefore, contacted [REDACTED] to determine if there were more witnesses to the comment that we could interview in an effort to complete our investigation.

[REDACTED] began by saying, "the comment was made." [REDACTED] explained that people heard it and that, according to [REDACTED], Mr. McGill later admitted making the comment at a board meeting. [REDACTED] also noted that Mr. McGill had apologized, and an apology would not make sense if he had not admitted making the statement. [REDACTED] explained the purpose for the call, particularly that we were investigating the circumstances of the alleged statement and wanted to get as much information as possible before issuing a report. [REDACTED] explained that if there were other complainants – other witnesses – we would like to consider their comments as well.

[REDACTED] explained that the [REDACTED] policy is not to disclose any names due to the fear of retaliation. [REDACTED] explained that all interviews and information would be documented and, therefore, should anyone face anything retaliatory, we would make certain that our work was documented so that anyone retaliated against would have adequate legal protection. [REDACTED] did not believe that [REDACTED] would be sufficient to protect employees from retaliation. [REDACTED] also mentioned that it was unlikely that most people in the district would be truthful, as they work for Mr. McGill.

After some discussion, I proposed [REDACTED] provide my contact information to anyone who might have information that could be useful in determining whether the alleged comment was made. [REDACTED] agreed that allowing each potential witness to decide how to proceed was a good solution. No witness called us with any additional information directly relevant to the comment allegedly made after the [REDACTED] meeting.

I later received a call from [REDACTED], who had received my contact information from [REDACTED]. This call related to a matter several years earlier and therefore information related to this call will be submitted separately.

Conclusion

We find it highly unlikely that a racially insensitive remark of the nature and the manner described by [REDACTED] could have been made without some or most of the witnesses having overheard it or at the very least having been aware that something upsetting or offensive had occurred. We have observed the lobby where the gathering took place, and it is a very small area with a significant echo, making it unlikely that someone within the lobby area would be out of hearing distance. We believe there is a logical explanation for what on the surface appears to be contradictory recollections between [REDACTED] and the other people present. It was clear to us that [REDACTED] was not falsely accusing Mr. McGill, but that [REDACTED] was genuinely offended by a remark [REDACTED] heard. We also believe [REDACTED] did in all likelihood react when the comment was made, although it appears to us from the statements of the witnesses that [REDACTED] gesture was not as pronounced as [REDACTED] believed it to be as no one recalls her reacting, commenting, or gesturing in any way. It is also clear to us that [REDACTED] has been insistent that this matter should not have so impacted the superintendent selection process.

[REDACTED] remembers seeing Mr. McGill talking to [REDACTED] as [REDACTED] approached the lobby area. We believe [REDACTED] overheard Mr. McGill correcting [REDACTED], or "chastising" [REDACTED] as characterized by one of the witnesses. Rather than overhearing a gratuitously racially insensitive remark, we believe it is most likely [REDACTED] overheard Mr. McGill's conversation with [REDACTED], wherein he was explaining that [REDACTED] question or comment was not accurate and showing his disappointment and frustration. This is also consistent with Mr. McGill's remark to [REDACTED] at their meeting that [REDACTED] had not heard what was said before the remark, but that he apologized for anything offensive that was said and wanted to move on, as he had always maintained a good relationship with [REDACTED].

[REDACTED] has admitted making a statement that someone could construe as racially insensitive, although it appears that it was made out of frustration, an attempt to determine a reason for the charters' denials, and naivety about the sensitivities of others. [REDACTED]'s conversations with other district employees, prior to our investigation, confirm that [REDACTED] has openly admitted [REDACTED] comment and has shown concern that [REDACTED] comment has been viewed as offensive and attributed to Mr. McGill. We also note that, although we did not attend the

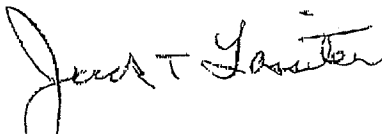
meeting where Mr. McGill was questioned about this comment, there is a significant dispute about whether he admitted making the comment or not. Mr. McGill's explanation, as well as that of another witness who attended the meeting, leads us to the conclusion that Mr. McGill tried to explain the comment as it

related to the comment of another employee but without providing too many details prior to the investigation. This explanation has apparently been construed by some as an admission, although we do not believe that is a fair construction.

For your review, we will separately provide information we did not feel was directly relevant to determining whether the comment at issue was made. We feel, however, that it is important for us to provide all the information we received during the course of our investigation; therefore, we will provide this information separately next week.

If there is any additional information you would like us to gather, or any further assistance we can provide, please feel free to contact us.

Sincerely,
LASSITER & COUCH



Jack T. Lassiter



Erin Cassinelli Couch

EXHIBIT

1/23/2010

Mr. Robert McGill
Acting Superintendent
Pulaski County Special School District
Little Rock, Arkansas 72206

Mr. McGill:

During my more than [REDACTED] in the Pulaski County Special School District, I have never had the occasion to write any personal correspondence to a co-worker, colleague, or fellow administrator, voicing my dissatisfaction on a professional basis with that co-worker's conduct. Before January 19, 2010, that would undoubtedly remain the case. Unfortunately your very direct comments in the lobby [REDACTED] changed all of that.

When you stated, "They Gave The Blacks Something, And Didn't Give The Whites Nothing," I was aghast. Four days later, I am still in shock. I mean you knocked me off my feet. However that wasn't enough, you topped that by saying it again. "They Gave The Blacks Something, And Didn't Give The Whites Nothing." Had the floor not been beneath me, I would have crumbled where I stood. Having known you for all these years, it had been inconceivable to me that you felt like that and would openly display that type of temperament.

I knew the

request, or the "blacks" as you referred to them, but I don't think the intent was to show favoritism toward a predominately "black" district, and discriminate against one that is predominately white. I just don't think "they" did that on purpose. However your response in that circle that included [REDACTED] and [REDACTED] was more than disturbing.

In all of my years in public education, I have never heard a [REDACTED] and especially not a "Superintendent" make such an obvious racist remark. Worse, when I extended my hand in the midst of our circle to make you aware that I, "An African-American person" was there, you said nothing, and even repeated it a second time.

Your comments were insensitive, and disrespectful toward all African-Americans, or "Blacks" as you refer to them. I cannot help but to question your appreciation of the diverse makeup of your own district's employees and student body, if you think the "black" people in this world are getting something that the white people are not. Education is, and should be equal opportunity for all.

I would never assume you actually thought, felt, and would communicate such a racist tone in your conversation or in your work performance/duties.

As an [REDACTED] who works to ensure the equal education and opportunity for all students, it is just so disappointing to know that my Superintendent harbors such ill language in his heart, and doesn't mind making racial insensitive or tinged statements in public places.

Mr. McGill, I am deeply hurt and truly offended by your words and actions.

Sincerely,
[REDACTED]





This message was sent with high importance.
The sender of this message has requested a read receipt. [Click here to send a receipt.](#)

From: [Redacted] **Sent:** Mon 2/1/2010 11:47 AM
To: timclark@pcssd.org; williamvasquez@pcssd.org; dannygilliland@pcssd.org; mildrediatum@pcssd.org;
gwenwilliams@pcssd.org; WOOD CHARLIE
Cc: [Redacted]
Subject: Apology Accepted
Attachments:

Committed Board Members:

I met with Acting Superintendent Rob McGill today. Apology was extended and accepted. I want to make sure that my letter does NOT interfere with his opportunity to interview for our district's superintendent.

Thank you.

[Redacted signature block]

CONFIDENTIALITY NOTICE: This email transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify the sender by telephone.