

## Investigation

July 15, 2015

In attendance at 12:50 p.m.: [REDACTED] Tina Sardina

Tina: Is your TA representation attending this meeting?  
[REDACTED] No, I didn't have a chance to call.  
Tina: Do you know what this meeting is about?  
[REDACTED] I think so.  
Tina: So, you are aware that concerns have surfaced regarding one of your students.  
[REDACTED] Yes, my Facebook was hacked.  
Tina: Your Facebook was hacked.  
[REDACTED] Yes, I deleted it immediately.  
Tina: Due to the nature of the concern/formal complaints, I think you may want to consider having representation from your association. I need to conduct an investigation that could lead to discipline. Do you want to call [REDACTED] is out of town.  
[REDACTED] Yes.  
The meeting was rescheduled to 3:30 p.m.  
Tina: It will be very important for you to show evidence that your FaceBook account was hacked.

In attendance at 3:30 p.m.: [REDACTED] and Tina Sardina

Tina: The purpose of this meeting is to inform you that formal complaints were made yesterday regarding a conversation you had with one of your students. I want to assure you this process will be confidential and I encourage you to be open and honest. Employees and students have a right to be protected from retaliation and I will personally make sure this does not happen. I have a variety of questions I need you to answer.  
[REDACTED] Do you have copies of the complaints? We would like to read them before the questions.  
Tina: The complaints were distributed.  
Tina: Questions ([REDACTED] answers are in bold)

1. How many years have you worked for the LMSV School District? **15 years**
2. How many positions have you held? **Three (3) positions, 10 years** [REDACTED], **2 years** [REDACTED], **3 years** [REDACTED]
3. How long have you worked at [REDACTED] School? **15 years**

Tina: I want to ask you about your use of technology.

4. Are you aware of the Employee Technology Use Agreement? **Yes**

But did you sign it?

I'm sure I did. If I were asked to sign it, I would have. I don't remember when though.

I don't remember signing one in a while.

5. Did you receive Brian's email regarding using social media/Facebook? **Yes**

6. Did you remember the staff meeting when Principal, [REDACTED] discussed her concerns regarding FaceBook? **Yes. [REDACTED] said to never be on Facebook with current students, which I have followed to the letter.**

Tina: [REDACTED] I don't understand. I thought [REDACTED] was your student. He graduated. He is now in 9<sup>th</sup> grade.

7. Why do you think we have these type of policies? **To be above reproach and to set expectations.**

8. What do you think Brian meant in his email? **The same, to be above reproach.**

Tina: Yes, we have these policies to avoid the appearance of impropriety and to ensure we maintain safe learning environments for our students and to protect teachers from accusations.

9. Do you use Jupiter Grades? **Yes**

10. Do you use email to communicate with parents? **Yes**

11. Do you use email to communicate with students? **Sometimes. I email both parents and students through Jupiter Grades. I never respond to students. I never emailed [REDACTED] I only had one conversation with biological dad during parent conferences about concerns with depression.**

12. Do you have a FaceBook account? **Yes**

13. Do you have parents as friends? **No**

14. Do you have students as friends? **Yes, but they are former students.**

15. How many former students are you friends with? **Ten (10) over the last fifteen (15) years.**

16. Do you use Messenger on FaceBook? **Yes, only over the last few months. I just learned how to use it to chat with my niece in Japan.**

17. Have you "Poked" someone on FaceBook? **No**

[REDACTED] What is "Poking"

Tina: It's like a playing tag. One can "Poke" a FaceBook friend and they can "Poke" back.

18. Do you use other types of social media to communicate? **No.**

19. What computer do you use to FaceBook? **I didn't use my school laptop. I never use Facebook on my school computer, I know not to do that. I only use my tablet, my own computer, and my smart phone.**

20. What computer do you use to email parents and students? **My school laptop.**

21. How do you get the students' numbers, FaceBook names, etc...?

**My past students will initiate and ask to be my friend on FaceBook and sometimes I initiate.**

22. Why is the purpose of your friendship? **I always tell my students I expect to hear from them when they graduate. One student shared he played in a band. One girl raised by a single mom shared a picture of the strapless dress she got for an event. I want them to know they matter.**

23. How have you communicated with [REDACTED]

Text? **No**

Messenger? **Yes, for 1.5 weeks during ComicCon. Four different conversations that lasted one to two hours. We became friends the week after school was out.**

[REDACTED] Wait, I'm sure these weren't one to two hour straight conversations. Did you leave the conversation throughout and come back to it over this time period?

[REDACTED] Yes. I used the shower, etc... It was over that time period.

23. How have you communicated with [REDACTED]

Cell phone? **No**

Other? **No**

For what purpose? **Casual conversation.**

24. Have you communicated with [REDACTED] After school. **No current students ever.**

25. When did you start communicating with [REDACTED] **After school was out.**

26. How did you communicate with [REDACTED]

Text? **No**

Messenger? **Yes, she initiated and it lasted ten (10) minutes.**

Cell phone? **No**

Other? **No**

For what purpose? **During the thunderstorm in San Diego she wanted to know if this was like the thunderstorms in Minnesota I told my students about during the school year.**

Tina: Is this the conversation you had with [REDACTED] (A copy of the FaceBook conversation was distributed)? **Yes**

Tina: Can you verify this is your account? **Yes**

27. Have you met with students outside of school? **No, but I have attended their baseball games on my own.**

28. Have you met with former students outside of school? **No.**

29. Why were you planning to meet with [REDACTED]? **He was suffering from depression during the school year due to his relationship with his biological dad not being good. My full intention was to be supportive and let him know someone cared. My para professional, [REDACTED] and I would let him come before school started to leave his clothes.**

Tina: Do you realize what this looks like?

Yes, It was a stupid mistake.

Tina: The parents are very upset and concerned. They have already contacted the police and Child protected Services (CPS). As a mandated reporter, I also contacted CPS. Similar to what we all see on TV about how petafiles try to lure their victims, your conversation looks very similar.

I see that now. It was a stupid mistake. I blocked this students immediately once I read the message from [REDACTED] parents. I also de-friended the other former students.

He wants to come clean.

Tina: I expect you to not discuss this with others during the investigation, except for your association representation, attorney, or anyone who you feel is needed for support or guidance. This is a confidential investigation. I will be interviewing others. Will you be available next week?

Yes.

Tina: You mentioned when we first met today at 12:50 p.m. that your FaceBook account was hacked. I don't get the sense that this happened based on your responses to my questions. Is this true?

It wasn't hacked.

Tina: So you lied to me.

Wait, this isn't fair.

Tina: Respectfully [REDACTED] I asked him to bring evidence that his FaceBook account was hacked when he shared this with me earlier today. I am following up. I now need to understand why [REDACTED] lied to me about this?

I was shocked. I didn't know what else to say.

Tina: I am shocked by what you said and didn't say (I reviewed his responses to a few questions about touching) to this student.

I was intoxicated when messaging.

Tina: How much had you been drinking?

Wait, what are we talking about here. Are you saying just a couple of drinks.

A couple of drinks.

Tina: Why are you sharing this with me?

It dulled my responses. I was also shocked and didn't know how to answer those type of questions.

Tina: Do you have a drinking problem?

No.

Tina: I explained the EASE and Optum health programs for alcohol and substance abuse.

Tina: I hope you understand the magnitude of your actions. It raises suspicions of immoral conduct. I question your judgment regarding your friendships with students, your judgment to take a student to the

movies and to the Chinese buffet alone and to bible study, and now your judgment to communicate when intoxicated.

Tina: I showed [REDACTED] the FaceBook post from [REDACTED] step-father, [REDACTED] "There is a predator working at [REDACTED] School. Check your child's Facebook account for friends that aren't family, please." Actions like this can ruin reputations. The [REDACTED] and [REDACTED] communities have a large presence on FaceBook. If you return to [REDACTED] it may be a distraction to the learning that needs to take place there.

[REDACTED] Would you be willing to transfer [REDACTED]

I am willing to transfer.

Tina: I need to get your school laptop from you today. I can follow you home to get it.

Observation: [REDACTED] pulled into his garage and quickly went into his home. I jumped out of my car and walked to the door in his garage that he entered. He quickly came out with his laptop right before I reached the door. The laptop was open and as well as his email.

Meeting

August 3, 2015

10:30 a.m.

Present: [REDACTED] [REDACTED]'s biological mother, Cara Serban-Lawler, Director, Learning Support, and Tina Sardina, Assistant Superintendent, Human Resources

[REDACTED] Mom printed at home the Facebook conversation and provided me with copies.

Tina: Can you show us when [REDACTED] requested your son's friendship on Facebook?

[REDACTED] No, I "unfriended" [REDACTED] on July 13, 2015. As a result, I am no longer able to view this request on my son's timeline.

Tina: Can you let me know when you were told [REDACTED] requested your son's friendship on Facebook?

[REDACTED] The last day of school was June 19, 2015. On June 24, 2015, my son, [REDACTED] my sixteen year old daughter, [REDACTED] and I were eating breakfast when [REDACTED] shared his teacher, [REDACTED] had asked him to be friends on Facebook. [REDACTED] seemed excited. He seemed to act like he felt special; like it was cool. My daughter asked him if he accepted and then said she didn't think the teacher could do this and that it was inappropriate. My son said, "Yes" to my daughter, but didn't seem as excited after my daughter's question (See signed statement date 8/3/15).

[REDACTED] I asked my husband before I said or did anything to [REDACTED] When I showed my husband the conversation he said the teacher looked weird and that it didn't seem right. I continued to monitor this every day. We then went camping. My husband asked his son, [REDACTED] (16 years old), what he thought about a teacher requesting to be friends on Facebook. My husband did not let [REDACTED] know what had happened, even when [REDACTED] asked, "Why you are asking me this?" He just asked him what he thought in general terms. [REDACTED] said, "Why would a teacher want to be a student's friend? It seems inappropriate."

[REDACTED] We returned Sunday, July 12, 2015 from camping.

[REDACTED] On Monday, I saw a conversation that started the night before at 10:15 p.m. I looked at Facebook and saw the conversation unfolding. I "unfriended" [REDACTED] on Monday, July 13, 2015 from my son's Facebook at 4:47 p.m. I then tried to call the District office at approximately 4:50 p.m., but they were closed. [REDACTED] started another conversation at approximately 8:31 p.m. to 9:06 p.m. with [REDACTED] when at his dad's house. My

husband entered the conversation at approximately 9:25 p.m. (See Facebook conversation provided on 8/3/15.)

Tina: How were you able to monitor your son's Facebook activity.

█ I have his login information.

Questions:

1. Were there any communications between the teacher and the parents during the school year (other than parent teacher conference or back to school night). **No, just the regular e-mails.**
2. Were there any concerns raised by █ to your son's family regarding transitions and/or ability to perform in middle school? **No, just the regular emails. He did mention something about him not wearing his glasses and tried to encourage him to wear them like his teacher. There was never any talk about depression.**
3. Did any teacher or staff member raise concerns to your son's family about your son? **At the parent conference, two of his teachers (█ math teacher and his █ history teacher) mentioned he was having trouble learning and he was writing on himself/skin. His history teacher said she was really worried about his F grade. She said █ was very capable, but he was lazy and didn't pay attention. I used to get phone calls from the school on my voice mail when █ got into trouble for not wearing his PE uniform, or coming to PE late with a girl named █. I caught █ communicating inappropriately with my son on Facebook. I called █ mother about the content.**

Tina: What type of things did he write on himself?

█ Scary things he learned from Marilyn Manson, like a pentagram, a devil. He was even given a pentagram necklace from someone at school. I threatened to not let him use Facebook if he didn't delete all Marilyn Manson pictures. He deleted them all.

4. When was the Facebook conversation brought to your attention? **On June 24, 2015 during breakfast (see mom's statement dated 8/3/15).**
5. What was the child's demeanor when asked to be friends with █ on Facebook? Was he scared, anxious, uncomfortable, etc...? **█ acted like he thought it was cool to get a request from his teacher (see mom's statement dated 8/3/15) until his sister questioned this during breakfast on June 24, 2015.**

█ Later, after reporting this to the District office, I asked █ if this teacher █ was his friend during the school year. █ said, "We only spoke a few times. I asked █ if they were close. My son said, "No". I asked him how he felt about this now. He said, "I thought it was cool when he asked me to go to bible study, but weird when he said he wanted to teach me how to cook and go to dinner."

6. Has your son communicated with any other teacher on Facebook? **No.**
7. Does your son have friendships with other adults? Who? How long? **No, he is always with his parents or his older sister. He is only friends with adult family members like his sisters, aunts, uncle, me.**
8. Does your son have any emotional issues? **█ seemed depressed all the time and his grades were dropping so I sent him to counseling at the Cross Roads Family Center in El Cajon. I took him there once a week for fourteen weeks. This started in March. This seemed to work, because his grades improved and he was able to graduate.**
9. Has ever seen a counselor? **See response above.**
10. What is his relationship like with dad, step dad, mom and step mom.
  - a. Dad: Good, but doesn't like to go to his house because he doesn't like to follow dad's rules. Dad is stricter.
  - b. Step-dad: Good.
  - c. Mom: We are very, very close.

- d. Step-mom: She is cool and he gets along with her.
11. How is your son doing now? **He has his moments. He gets excited sometimes when he thinks we are going to the pool or to the beach.**

Tina: What percent of the time is he depressed?

25% depressed at my house and 75% happy. At his dad's house he is mostly depressed. A friend of mine said she saw him at his dad's house and [REDACTED] was very quiet and wanted to return to my house.

12. Do you have any concerns regarding your son? **I was worried about his grades. I am worried that since he is so close to me he doesn't want to go to his dad's house or to school. I wish he was more independent. When we go to the store, he is always scared that I will leave or not return. When at Starbucks, I told him to stay in line while I go to another place. Next thing I know he was running behind me to catch up with me with his Starbucks.**