



MEMORANDUM

To Dr. Tim Mills
Superintendent, Bellevue School District

FROM Rob McKenna and Brian Moran

DATE July 29, 2016

RE Review of the Washington Interscholastic Activities Association (WIAA) Report and KingCo Principal Executive Board (KPEB) Decision

I. Summary

This memorandum discusses (1) how the WIAA investigators' approach to the investigation produced a skewed report; (2) how the KPEB's Decision has given unjustified credence to the WIAA Report as the definitive take on the investigation; and (3) why the investigators' and KPEB's allegations that Bellevue School District (BSD) administrators somehow obstructed the investigation and did not adequately cooperate with it are not supported by evidence either within or outside the Report or Decision.

II. Independent Review of the WIAA Report

We reviewed the WIAA Report, dated March 22, 2016. We also reviewed thousands of pages of documents that the BSD produced upon WIAA's request, along with other relevant materials such as hundreds of emails between BSD and the investigators.

Our review assessed the WIAA investigators' claims that BSD administrators did not cooperate with the WIAA investigation and, at times, interfered with or obstructed it. We find these claims of BSD obstruction and inadequate cooperation to be inaccurate and unfair but, unfortunately, they are repeated by KPEB in its Decision without any independent verification or analysis of the claims.

For reference, we attach an index which categorizes and summarizes allegations that the investigators made in the WIAA Report. In the same index, we comment on each allegation and provide alternative considerations. Reading the Report alongside (1) the underlying evidence; (2) ongoing extensive communications from the investigation; and (3) the guidelines provided for WIAA investigations, our view is that the investigators assumed an advocacy role when they should have maintained one of a neutral fact-finder. We also conclude that any objective, thorough review of the Report's evidence and of the BSD administrators' communications with the investigators