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BIRDVILLE INDEPENDENT SCHOOL DISTRICT

HALTOM MIDDLE SCHOOL

LEVEL I COMPLAINT HEARING

APRIL 2, 2010

\*\*\*\*\*

The following Level I complaint hearing was held on April 2, 2010, at 11:30 a.m., at Haltom Middle School, 5000 Hires Lane, Haltom City, Texas.

**COPY**

REPORTED BY:  
Jacci Walker, CSR  
Allied Court Reporters  
55208 Airport Freeway, Suite 105  
Fort Worth, Texas 76117

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PAGE

Caption.....	1
Proceedings.....	3
Reporter's certification.....	69

P R O C E E D I N G S

11:30AM

11:30AM

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MS. TAYLOR: First thing I'm going to do is I'm going to read what we're here for today. Let me go ahead and do that. I'm going to enter into the record the complaint, the formal written complaint -- the three complaints that you have made, and I have them here.

MS. JACKSON: Okay.

MS. TAYLOR: I would also like to enter into the record the investigative report from Dr. Kempe.

MS. JACKSON: Uh-huh.

MS. TAYLOR: All right. Now, Board policy -- BISD Board policy requires that these matters be reviewed at the lowest level. Once today's hearing is concluded, I will respond to you in writing within ten school days. Okay. And this hearing will follow the timelines listed in the Board policy FNG local.

All right. Now, I'm going to ask you -- When we start in a minute, I'm going to ask you to give information about the situation and I'm going to ask each person, we'll do one at a time, what happened from their perspective.

And I may ask questions of you and I may

1 ask questions of them, but you're not allowed to ask  
2 them questions. You ask me and I will ask them.

3 MS. JACKSON: Okay.

4 MS. TAYLOR: And they will be the same  
5 way. They will ask -- If they have a question for  
6 you, they will ask me and then I will ask you.

7 Okay. Do you have any questions about  
8 how that will work?

9 MS. JACKSON: No. Just if I have  
10 anything to say or ask, I say it to you?

11 MS. TAYLOR: Yes, ma'am.

12 MS. JACKSON: Okay.

13 MS. TAYLOR: Okay. All right. This is  
14 Coach Donnell. I do need to read the time. We are  
15 here on April 2nd. We're in the school office. The  
16 time at this time is 11:34.

17 And present we have: Christine Jackson,  
18 Joe's mother; I have Ellen Jackson, Joe's grandmother;  
19 I have Jacci Walker, our court reporter; Matt Donnell,  
20 who is our athletic coordinator, and myself, Susan  
21 Taylor.

22 All right. Now, on the complaint for  
23 Coach Donnell I want to read the resolution that you  
24 request. And when it asked you to state what specific  
25 relief or resolution you are requesting, you stated:

1 I would like to see an investigation take  
 2 place to assess if Coach Donnell followed district  
 3 procedures, i.e., when action was taken, and if he  
 4 took action on his own accord or acted because I told  
 5 him that I was going to. I ask for disciplinary  
 6 action according to BISD policy of failure to follow  
 7 policy in the case of a reported assault.

11:33AM

8 Is that the resolution that you  
 9 request --

11:33AM

10 MS. JACKSON: That is correct.

11 MS. TAYLOR: -- for this complaint?

12 All right. Now, what I'm going to ask is  
 13 for you to tell me all the information that I need to  
 14 know about this situation on this complaint with Coach  
 15 Donnell.

16 MS. JACKSON: Okay. A Thursday morning  
 17 after athletics my son was in the shower. [REDACTED]  
 18 [REDACTED] approached him, rubbed his genitals on my  
 19 son's rear end and told him if he's not out of his way  
 20 in ten seconds, he's going to hump him as hard as I  
 21 can.

22 Joe promptly got out of shower and went  
 23 and told Coach Donnell, and that was the end of that  
 24 for that day until I picked Joe up at 5:30.

25 MS. TAYLOR: Okay.

1 MS. JACKSON: Joe then told me what  
2 happened, what he did, what Coach's response was. And  
3 Coach's response was -- to him was: He would talk to  
4 [REDACTED] about it.

11: 34AM

5 MS. TAYLOR: Okay.

6 MS. JACKSON: Due to the history of how  
7 prior complaints have been handled with [REDACTED]  
8 I didn't really expect anything would be done, sadly,  
9 but, you know, I waited until the next morning. And  
10 Joe and I had discussed, you know, what -- the "what  
11 if's" and how Joe should handle it and whatnot.

11:35AM

12 And the big "what if" is what if  
13 [REDACTED] is in class again the next morning. And I  
14 told Joe, if [REDACTED] is, you can refuse  
15 participation. You don't need to get back in the  
16 shower and I want you to call me.

11:35AM

17 MS. TAYLOR: Okay.

18 MS. JACKSON: Joe returned to school the  
19 next day. [REDACTED] was present. Joe refused  
20 participation and Joe called me as I told him.

11: 35AM

21 MS. TAYLOR: Okay.

22 MS. JACKSON: I then asked to speak to  
23 Coach Donnell.

24 MS. TAYLOR: Okay.

1:36AM

25 MS. JACKSON: Let me know when you're

1 ready. I'm waiting for you out of courtesy.

2 MS. TAYLOR: I appreciate that so much.  
3 Okay. Go ahead.

4 MS. JACKSON: I spoke to Coach.

11:36AM

5 MS. TAYLOR: Okay.

6 MS. JACKSON: Asked him what his  
7 intentions were, and he said that he had spoken to  
8 [REDACTED] that day and he had also addressed the team.

9 MS. TAYLOR: Okay.

11:36AM

10 MS. JACKSON: And left it at that. That  
11 was the answer of what was going to happen as a result  
12 of what [REDACTED] did.

13 MS. TAYLOR: Okay.

11:36AM

14 MS. JACKSON: That was the end. And my  
15 response was: I just wanted to make sure because I'm  
16 going to proceed outside of the school. I wanted to  
17 see what you guys are doing, and he said okay, and we  
18 hung up. That was the end of our conversation.

19 MS. TAYLOR: Okay. All right. Anything  
20 else?

11:37AM

21 MS. JACKSON: That's all pertaining to  
22 Coach.

23 MS. TAYLOR: To this one? Okay.

24 MS. JACKSON: Uh-huh.

1:37AM

25 MS. TAYLOR: All right. Now, Coach

1 Donnell, can you tell us what happened from your  
2 perspective, please?

3 MR. DONNELL: On March 4th Joe came up to  
4 me about 8:50 and reported the incident that happened  
5 in the shower, told him I would look into it and get  
6 back to him. And so, once again, that was it for that  
7 day. It was already at the end of class period. It  
8 was getting ready to ring.

9 Next morning, first thing, I called in  
10 [REDACTED], questioned him about the situation. After  
11 talking with him, I let Joe know I talked to him, and  
12 Joe said, My mom wants you to call her. I said I'd  
13 planned on doing that.

14 At this point the boys had already gone  
15 out -- all the other kids had already gone out to the  
16 field. Joseph said he didn't feel comfortable working  
17 out, getting in the shower. I said, That's fine.  
18 We'll figure something out or when you get  
19 comfortable, we can.

20 Me and Joseph were walking on the way out  
21 to the football field. I said, Hey, about you call  
22 your mom so we can talk to her. He called his mother,  
23 and I let her know that I talked to the other student  
24 involved and that I'd also addressed the team, that I  
25 would be contacting the administration as well.



1 After I got off the phone with her, I  
2 came up to the front office, spoke with Ms. Taylor,  
3 let her know the situation. Right after that, we went  
4 to Mr. Bailey's office, filled in Mr. Bailey on the  
5 situation, that it occurred, and basically turned it  
6 over to the administration from there.

7 MS. TAYLOR: Okay. When the call was  
8 made, whose phone was that made from?

9 MR. DONNELL: It was on Joe's cell phone.

10 MS. TAYLOR: Okay. Was he already on the  
11 phone at that time?

12 MR. DONNELL: He was not when I asked him  
13 to call his mother.

14 MS. TAYLOR: Okay. Did you watch him  
15 dial the number?

16 MR. DONNELL: Yeah. He took his phone  
17 out and called her.

18 MS. TAYLOR: Okay. Do you have any  
19 questions for me to ask?

20 MS. JACKSON: Why was it waited until the  
21 next day to address the issue with [REDACTED]? This  
22 happened fairly early in the morning.

23 MS. TAYLOR: Okay. What was the reason  
24 for the delay in waiting?

25 MR. DONNELL: I wanted to be able to look

1 into the situation as much as I can and then give  
 2 y'all as much information as I can and turn it over to  
 3 the administration.

4 MS. TAYLOR: Is that pretty much policy  
 5 within athletics?

6 MR. DONNELL: Yeah. Yeah. We pretty  
 7 much try to -- I mean, we don't -- we try to get as  
 8 much information as we can at first and then provide  
 9 the administration with as much information as we can.

10 MS. JACKSON: What information was  
 11 gathered on the day of the incident?

12 MS. TAYLOR: What information was  
 13 gathered on the day of the incident?

14 MR. DONNELL: I spoke with the other  
 15 student involved. He denied all -- denied anything  
 16 that had happened in the shower. So at that point  
 17 once he denied it, didn't admit to anything, that's  
 18 when I came and told the administration.

19 MS. TAYLOR: Was that Thursday or Friday?

20 MR. DONNELL: That was Friday morning.

21 MS. TAYLOR: Okay.

22 MR. DONNELL: At 7:30.

23 MS. JACKSON: My question is: What was  
 24 done on Thursday?

25 MS. TAYLOR: Okay. Was anything

1 addressed on Thursday?

2 MR. DONNELL: Nothing was addressed on  
3 Thursday morning, no, ma'am. I --

4 MS. TAYLOR: And the reason for that?

11:40AM 5 MR. DONNELL: It happened right at the  
6 end of the period. I didn't have time to address it  
7 right then. I went to class and knew I'd see him in  
8 the morning and addressed it in the morning.

9 MS. TAYLOR: Okay. Do you have a  
10 question?

11 MS. JACKSON: Considering the nature of  
12 the matter, I would like to know why time wasn't made  
13 to pick up the phone and call Mr. Bailey or call  
14 Ms. Taylor and notify you of what happened and then a  
11:40AM 15 phone call placed to me to notify what happened to my  
16 son the day that it happened?

17 MS. TAYLOR: I understand. I think  
18 that's --

19 MS. JACKSON: And my question is for  
11:40AM 20 Coach Donnell.

21 MS. TAYLOR: Okay. I understand that.  
22 That question has been addressed because I asked -- he  
23 stated that that is policy, for him to check it out  
24 first before he reports to administration.

11:40AM 25 MS. JACKSON: And why? I still don't

11 understand why he didn't have time when this occurred  
 12 at 8:50 in the morning.

33 MS. TAYLOR: Athletics was over.

44 MS. JACKSON: The rest of the day wasn't.

11:40AM 55 MS. TAYLOR: I understand.

66 MS. JACKSON: Okay. Why wasn't a call  
 77 placed sooner?

88 MS. TAYLOR: That -- Like I said, that  
 99 was for -- our policy and that's -- that they have a  
 110 chance to deal with that through athletics.

111 MS. JACKSON: And that can only happen  
 112 during athletics?

13 MS. TAYLOR: That was when he had the  
 14 students available, yes. Okay. Anything else?

11:41AM 15 MS. JACKSON: No.

16 MS. ELLEN JACKSON: Can I ask a question?

17 MS. TAYLOR: Yes.

18 MS. ELLEN JACKSON: Where is the policy?  
 19 Can we have a copy of that policy?

11:41AM 20 MS. TAYLOR: You have the policy?

21 MR. DONNELL: It's in the handbook.

22 MS. TAYLOR: Student handbook?

23 MR. DONNELL: I don't know if it  
 24 specifically lines out this specific situation.

1:41AM 25 MS. ELLEN JACKSON: Because we want that

11 copy, you know, just to be sure that you're following  
12 the policy, because a 12-year-old is involved in this  
13 situation, you know.

111: 442A11 44 MS. JACKSON: And I'm still having a hard  
111: 442A11 55 time grasping why wasn't it taken seriously enough for  
111: 442A11 66 something -- a simple phone call. Ms. Jackson, Joe  
111: 442A11 77 has been involved in something that appears to be an  
111: 442A11 88 assault and will be investigated.

111: 442A11 99 I don't understand why. Okay. I  
111: 442A11 110 understand, okay, Coach had a day to wait until the  
111: 442A11 111 kids were available. Why didn't he have the courtesy  
111: 442A11 112 to call me and let me know what happened to my son  
111: 442A11 113 since it wasn't going to be passed on for someone else  
111: 442A11 114 to call me?

111: 442A11 115 MS. TAYLOR: Okay. And, once again, what  
111: 442A11 116 we're doing here today is we're gathering information  
111: 442A11 117 and I will make a report -- a written report to you  
111: 442A11 118 after all the proceedings today.

111: 442A11 119 MS. JACKSON: Okay.

111: 442A11 120 MS. TAYLOR: Okay. Anything else?

121 MS. JACKSON: Why didn't Coach call me  
122 and let me know what happened to my son?

123 MS. TAYLOR: Yes. And I've entered that  
124 into the record.

z: 43A11 125 MS. JACKSON: Okay. I'm asking Coach

1 through you.

2 MS. TAYLOR: And he's already said that  
3 that was his -- he wanted to check it out in  
4 athletics --

5 MS. JACKSON: Before he talked to you?

6 MS. TAYLOR: That's what he has said,  
7 yes, ma'am. And that's --

8 MS. JACKSON: The question still rises:  
9 ~~Why didn't he call me and let me know something had~~  
10 happened with my son?

11 MS. TAYLOR: Okay. I understand that,  
12 but we're going to have to move on because we've  
13 addressed that question already at this level.

14 MS. JACKSON: Okay. I didn't get an  
15 answer for that.

16 MS. TAYLOR: Okay. Right now we're  
17 gathering information and then we will give you a  
18 report at the end. When you receive the report, if  
19 you chose to pursue at a Level II, then I'm going to  
20 give you information about that at the end of our  
21 proceedings.

22 MS. JACKSON: So will you repeat the  
23 answer since we've already addressed it because I must  
24 have missed it? He didn't call me because?

25 MS. TAYLOR: He was going to address the

1 situation with the students in athletics the next  
2 morning. Okay.

3 MS. JACKSON: Okay.

4 MS. ELLEN JACKSON: I just can't  
5 understand why the next morning. You don't have to  
6 answer, but I can't understand. Children is involved,  
7 you know, and you are taking care of the children and  
8 you have to wait until morning to address the issue?

9 I can't understand, you know. Children  
10 should be the first priority. If something happened  
11 to the children, you know, it's automatically you have  
12 to do something about it, not to wait until the  
13 following day. And it's in your policy, and we want  
14 to have that policy.

15 MS. TAYLOR: And I don't know what the  
16 policy is. It is -- We have 24 hours to investigate  
17 an incident. That is -- and I will have to look and  
18 see. I'm not sure where that policy is written, but  
19 that is something that we work on to get things  
20 addressed within 24 hours.

21 MS. JACKSON: Is there a policy about  
22 parent notification?

23 MS. TAYLOR: That I'm not aware. I'll  
24 have to check on that.

25 MS. JACKSON: Please do. Please let me

1 know in your report.

2 MS. ELLEN JACKSON: And we really need to  
3 have that copy of the policy, you know. And I want  
4 to ask Coach Donnell. Do you have kids --

5 MS. TAYLOR: Wait a minute. You have to  
6 ask me.

7 MS. ELLEN JACKSON: Oh, sorry. Does he  
8 have kids?

9 MS. TAYLOR: That's not relevant to this  
10 proceeding.

11 MS. ELLEN JACKSON: Oh, okay. Why is it  
12 not relevant?

13 MS. TAYLOR: Because this is about Joe  
14 and the incident and the complaint that you have  
15 brought forth. This is not about the personal life of  
16 the coach.

17 MS. ELLEN JACKSON: Okay. But he is  
18 handling kids, right? As a coach --

19 MS. TAYLOR: Yes, ma'am.

20 MS. ELLEN JACKSON: -- he's handling  
21 kids?

22 MS. TAYLOR: Yes, ma'am.

23 MS. ELLEN JACKSON: And the first thing,  
24 you know, through action, if something happened to  
25 those children, as a coach, he should do something at



11 the very beginning.

22 MS. TAYLOR: I understand what you're  
33 saying.

44 MS. ELLEN JACKSON: You know, but --

11:46AM 55 MS. JACKSON: And it's not unheard of for  
66 Joe to be asked to stay after class at the risk of  
77 being tardy to his next class because there is  
88 unfinished business.

99 And I would like to have it on the record  
11:46AM 110 that I believe this is unfinished business worthy of  
111 five minutes of talking to [REDACTED]  
112 immediately.

113 MS. TAYLOR: So noted.

114 MS. JACKSON: Thank you.

11:46AM 115 MS. TAYLOR: Okay. Do you have any other  
116 questions?

117 MS. JACKSON: No, not right now.

118 MS. TAYLOR: Okay. Anything else for  
119 Coach Donnell at this time??

11:46AM 20 MS. JACKSON: No.

21 MS. TAYLOR: Okay. The resolution -- I  
22 want to repeat again the resolution that you asked  
23 for. Coach Donnell was to see an investigation take  
24 place to assess -- to see if he followed district  
1:46AM 25 procedures when action was taken and if he took action

11 on his accord or acted because you told him that you  
22 were going to. You asked for disciplinary action  
33 according to BISD policy of failure to follow policy  
44 in the case of a reported assault.

111:47AJVJ 55 I wanted to make sure that that is the  
66 resolution that you seek --

77 MS. JACKSON: Yes.

88 MS. TAYLOR: -- in this complaint of  
99 Coach Donnell?

111:47AJVJ 110 MS. JACKSON: Uh-huh.

111 MS. TAYLOR: All right. I will review  
112 your request for this complaint and I will respond to  
113 you in writing within ten days. I also want to say  
114 that we are going to address all three complaints in  
115 this one hearing today so that we can -- so you do not  
116 have to come back for each complaint.

117 And so that is all we're going -- about  
118 Coach Donnell, so we're through with that one. All  
119 right. Thank you.

120 (Mr. Donnell left the proceedings.)

121 MS. TAYLOR: This is our assistant  
122 principal. Rod Bailey has entered the room and joined  
123 us. All right. This is Christine Jackson, Joe's  
124 mother; and this is Ellen Jackson, Joe's grandmother.  
1:48AJVJ 25 This is our court reporter, Jacci Walker.

11 All right. There are two complaint forms  
22 that address both Mr. Bailey and I. We're going to  
33 address the one -- Mr. Bailey first. And then after  
44 we're through with him, then we'll address the ones  
11:49AM 55 for me.

66 MS. JACKSON: Uh-huh.

77 MS. TAYLOR: All right. And the first  
88 complaint, the action or the resolution that you ask  
99 for is that investigation and disciplinary action  
11:49AM 110 compliant with BISD's documented policy. Again, it is  
111 my request that the meeting that took place on 3/10 be  
112 considered as the Level I conference. It is my  
113 request that clear documentation pertaining to my  
114 complaints be provided to me through the grievance  
11:49AM 115 process.

116 We'll address these two and then we'll go  
117 to the next page. All right. And that's the first  
118 page with the failure to document.

119 Would you please tell us all that you  
11:50AM 20 know about this situation here?

21 MS. JACKSON: I had spoke to Mr. Bailey  
22 on two occasions on the telephone earlier in the  
23 school year about bullying issues that my son is  
24 facing. I asked for his help in dealing with my son,  
1:50AM 25 to let him know troubleshooting problems.

1 He'd also asked me, Do I know any of the  
2 kids' names. I didn't know any of them except one  
3 because this is the one that had bullied my son most  
4 frequently. His name was [REDACTED]

11:50AM 5 I regret putting "failure to document"  
6 because I don't know that. That's an assumption  
7 because of our prior meetings. There is no  
8 recollection of our conversations on Mr. Bailey's  
9 part.

11:50AM 10 MS. TAYLOR: Okay.

11 MS. JACKSON: Another complaint with.  
12 Mr. Bailey is, again, after he was aware of the  
13 situation, no courtesy phone call to the mom to let  
14 her know that something had gone wrong at school.

11: 51AM 15 MS. TAYLOR: Okay.

16 MS. JACKSON: I think that's -- Are we on  
17 the same page? I think that's all that's on that  
18 page.

19 MS. TAYLOR: Yes, ma'am.

11:51AM 20 MS. JACKSON: Okay. Thank you.

21 MS. TAYLOR: Anything else that you'd  
22 like to say?

23 MS. JACKSON: (Shakes head. )

24 MS. TAYLOR: Okay. Mr. Bailey, would you  
1: 51AM 25 please give what -- your side, the district's

11 perspective of what Ms. Jackson has just said?

12 MR. BAILEY: Yeah. I do recollect the  
13 first phone call. I stated that in the previous  
14 meeting we had, that I did recall talking with her  
15 about the situation.

16 I do recall telling her after speaking  
17 with Joseph that everything he said seemed to indicate  
18 that he did everything right. He tried to get away  
19 from what was going on. I told him he did everything  
20 right.

21 After I got through with the phone call,  
22 I called the other student and questioned him -- to  
23 the office and spoke with him about the situation. At  
24 the time felt like it was somewhat of an isolated  
25 incident, talked with him, thought things seemed to be  
settled.

And like many times when I do that, it  
typically ends there. So I let it go at that to  
talking with him is good enough to get this stopped.  
It was early in the year. I didn't have any prior  
incidents with either one of them at that point, so  
felt like things were going to stop after that.

The second phone call I honestly don't  
recollect. She -- I'm not saying she didn't. We  
probably did talk, but, you know, if -- after that

11 phone call, I'm sure I probably took whatever  
22 appropriate measures I thought should have been taken  
33 at that time, but I honestly don't recollect the  
44 second phone call.

11:53AM 55 MS. TAYLOR: Do you remember the dates  
66 approximately that you called?

77 MS. JACKSON: It was early in the year.  
88 I wrote this down.

99 MS. TAYLOR: Take your time.

11:53AM 110 MS. JACKSON: August and September.

111 MS. TAYLOR: Okay.

112 MS. JACKSON: Things began to happen  
113 almost immediately after school started. Incidents  
114 that would also be considered assault, but I chose not  
11:54AM 115 to move forward with it outside of this school.

116 Those incidents included punching,  
117 kicking, stepping on and shoving on repeated  
118 occasions. There was no one isolated incident. It  
119 was frequent and repetitive.

11:54AM 20 MS. TAYLOR: Okay. Do you have any other  
21 questions?

22 MS. ELLEN JACKSON: Can I say something?

23 MS. TAYLOR: Yes.

24 MS. ELLEN JACKSON: There is one incident  
2:54AM 25 Joe even told me, that he's been praying for that boy

11 not to bully him. And it happened one time that they  
 22 get along very well, and then Joe even told me, God  
 33 answered his prayer, and then this thing happened  
 44 again.

1:11:55AM 55 MS. TAYLOR: Do you have any questions  
 66 that you would like for me to ask Ms. Jackson?

77 MR. BAILEY: Maybe that's something I  
 88 should have thought beforehand. I'm not --

99 MS. TAYLOR: Okay.

11:55AM 110 MR. BAILEY: -- not anything off the top  
 111 of my head I can think of, no.

112 MS. TAYLOR: Yes, ma'am?

113 MS. JACKSON: I didn't get to ask my  
 114 questions.

11:55AM 115 MS. TAYLOR: I'm sorry. Go right ahead.

116 MS. JACKSON: That's okay. Why did  
 117 Mr. Bailey not contact me when he was notified of what  
 118 happened in the shower?

119 MS. TAYLOR: Okay. Well, did you contact  
 11:56AM 20 Ms. Jackson after the incident in the shower?

21 MR. BAILEY: Okay. As you know, I found  
 22 out Friday morning what had happened at approximately  
 23 8:30, 8:40, in that range. After speaking with Coach  
 24 Donnell, first thing I did was contact Officer  
 25 Perkins, then I called in Joseph to find out what had