

Shawn Ann Flood
Attorney, Of Counsel

November 27, 2013

Faith Chapel, Superintendent
Bainbridge Island School District
8489 Madison Ave NE
Bainbridge Island, WA 98110-2999

Re: Woodward Middle School Youth Pastor Volunteers.

Dear Ms. Chapel:

You asked me to investigate issues related to Youth Pastors volunteering in the lunchroom at Woodward Middle School. A group of parents met with Assistant Superintendent Dr. Peter Bang-Knudsen on October 3, 2013 regarding their concerns about the purpose and actions of Youth Pastors who have been volunteering at Woodward. They are concerned about the Pastors using their volunteer access to further religion in the middle school. This is a summary of fact finding regarding my review of these volunteer activities.

My investigation was based on interviews with various parents, students, former students, volunteers, staff and administrators at Woodward Middle School and staff members at the administrative offices. I reviewed email and mail correspondence from parents, Woodward Middle School visitor and volunteer records and Parent Teacher Organization volunteer records.

As a brief background, Woodward Middle School serves about 550 seventh and eighth grade students during two lunch periods of 30 minutes per day, with a 20 minute break in between. In addition to two administrators, a lunch supervisor and custodian, Woodward has used volunteers, typically parents, to supervise the lunchroom for at least ten years. This volunteer program was in place prior to the current administrators being assigned to Woodward. The current principal stated to me that a Woodward parent who was a Youth Pastor for a local Christian church volunteered for lunchroom supervision about 7 or 8 years ago and he served for about two years. He subsequently left his position as Youth Pastor at the church. Four years ago, the new Youth Pastor from the same church asked to volunteer at Woodward. He (Youth Pastor A) was assigned to lunchroom supervision and he volunteered about once per week on a regular basis since the 2010-11 school year. He is not a parent of students at Woodward. Two other Youth Pastors (Youth Pastors B and C) from other separate Bainbridge Island Christian

churches volunteered for lunchroom supervision duty during the 2012-13 school year and they served approximately one time per week for about 2 to 3 months total. Youth Pastor B is a Young Life leader in the community, in addition to his Youth Pastor position. Youth Pastors B and C are also not parents of students at Woodward. This current school year, 2013-14, Youth Pastor A volunteered one time on lunchroom supervision duty. In late September 2013, building administrators asked all of the Youth Pastors to refrain from volunteer duty until a review was completed by the district. Youth Pastors B and C did not volunteer at Woodward this school year.

A. Religious Expression at Woodward Middle School.

I find that on the whole, Youth Pastors volunteering in the lunchroom did not use their time and access to students to promote religion or convert students to their faith. I find no evidence that Youth Pastors engaged in prayer with students, blessings over meals, bible study, distribution of bibles or religious literature, discussions about God or Jesus, or preaching in general.

There are two exceptions to this finding. In one incident, Youth Pastor A acknowledged to me that he was approached by a student with religious questions. The student was a member of his church. The Pastor sat with the student out of earshot of other students and answered his religious questions. In the second incident, a student reported to me that he was new to the school this school year and while sitting alone at a lunch table waiting for other students to join him, a Youth Pastor approached him and they introduced themselves and talked a bit. The Pastor ended the brief conversation by telling the student he could find him if he ever wanted to talk about religion. No such substantive religious discussion later occurred. This Youth Pastor was most likely Youth Pastor A, since this occurred in the current school year and Youth Pastors B and C did not volunteer at Woodward this school year.

The principal stated to me that he had conversations with all of the Youth Pastors telling them not to have religious discussions with students while volunteering on lunchroom duty. All of the Youth Pastors stated to me that they were aware they were not permitted during their volunteer duty to proselytize, pray, preach or otherwise talk about religion or God.

B. Invitation to Religious Activities Outside School.

I find that Youth Pastors invited some students to off campus religious activities. This occurred during the lunchroom supervision period. For example, Youth Pastor A reminded students who were members of his church about upcoming church services or youth group meetings and youth group activities and events. Pastor A stated he also, on occasion, brought permission slips to school to give to students for a youth group activity. He only gave the permission slips to students who attended his church. Similarly, Pastors B and C reminded students, if asked, about upcoming youth group activities. I find there is evidence that Pastors A and C also directly invited students who were not members of these Pastors' churches to attend off campus youth group activities. This direct invitation appears to have occurred several times.

A parent reported to me that he notified an administrator last school year via email that Youth Pastor A at Woodward invited his son to an off-campus youth group activity. His son is not a member of the Pastor's church. The administrator stated to me he did not recall this report and his search of archived email correspondence did not retrieve the email. The network supervisor for the district also undertook a search for this email correspondence and was unable to locate the email. The administrator stated that over the two year period when this student was at Woodward, he recalled having several conversations with this parent about his son, but not a particular conversation with a report or complaint that a Youth Pastor had invited his son to a church activity.

C. Other Interactions between Youth Pastors and Students at School.

I find no evidence that any of the Youth Pastors engaged in counseling or mentoring students at school. There were some public comments made when this controversy became news on Bainbridge Island about how helpful Youth Pastor A was in mentoring/counseling several students. I find the mentoring/counseling occurred off-campus and only after the Youth Pastor had established a pastoral relationship with the students in his church. The students were invited to church by friends and not by an invitation extended from the Pastor while on-campus at school.

Some students and parents I interviewed, as well as administrators, custodian and lunchroom supervisor, stated the Youth Pastors were effective in their role as lunchroom supervisors; telling students in an appropriate tone of voice and manner to clean up after themselves, presenting an adult presence and deterrent to disruption and playing basketball in the gym for a short time after the students were finished eating. Administrators stated their experience is that many parents are reluctant to play ball with middle school boys and some parents confirmed they did not want to assist the gym supervisor during the lunch period or play ball with students and they appreciated the Pastors playing ball with the students. All of the Youth Pastors stated that during lunchroom supervision duty they greeted all students, not just students they knew from their church. The Pastors said they talked to students by asking them things like, "How are you?" and "How are your classes?" and "What's new?" and "What did you do last weekend?" and "What sports are you in?"

Administrators were notified last school year, 2012-13, that Youth Pastor A walked across the gym with his arm around a student and that Youth Pastor A sat on the floor with a group of students in the gym and he was sitting close to a female student in the group. Administrators immediately took corrective action and told Pastor A not to put his arms around students or sit close to students and gave him directives about appropriate physical interactions with students. Administrators gave the same directives and caution to Youth Pastors B and C who were volunteering at the same period of time. No further report was made to administrators about any Youth Pastors physically touching students in an inappropriate manner and administrators did not observe any further physical behavior that gave them cause for concern.

During the course of my investigation, a student reported to me that last school year, 2012-13, Youth Pastor C sat at her lunch table and talked to her group of girl friends about their

social life and who they were dating and one time he found out the name of a boy she liked and he brought the boy to her table to sit by her. This made her uncomfortable. This report only came to light during the investigation and administrators were not notified last school year of this interaction. Administrators and the lunch supervisor stated to me they were aware that all the Youth Pastors walked around the lunch tables talking to students and sometimes the Youth Pastors sat down with students to talk to them.

D. Some General Matters Related to Lunch Room Duty Volunteers at Woodward.

All of the Youth Pastor volunteers were asked to complete volunteer applications and background checks. Pastor A applied in September 2010 and he was cleared on the Washington State Patrol background check on October 19, 2010. He was also cleared on a fingerprint background check on September 25, 2011. Pastor B applied April 2013 and his background check cleared on May 21, 2013. Pastor C acknowledged a Woodward administrator gave him volunteer application paperwork to complete in the Spring 2013, but he did not complete it at that time. This current school year, he completed the application process and his background check cleared on October 10, 2013; however, he did not do any volunteer work this school year.

Youth Pastors A and B acted on their own initiative by contacting an administrator at Woodward and asking to volunteer. Youth Pastor C was invited to volunteer by an administrator. The administrator's rationale for this invitation was that there is always a need for lunchroom supervision volunteers at Woodward and this Pastor had experience as a youth basketball coach on the island. Administrators, lunchroom supervisor and one of the Parent Teacher Organization volunteer coordinators confirmed to me that for years the lunchroom supervision duty has been difficult to maintain with volunteers. Parents are asked to sign up for lunchroom supervision at registration time in the Fall, but many of them are unable to commit to once per week duty and/or are unable to maintain their commitment for the entire school year.

Some of the parents I interviewed stated they were concerned that the Youth Pastors who volunteered at Woodward did not follow the same procedures as parents for signing the visitor log and wearing name badges at school. Records for visitor sign in sheets for the last four school years are incomplete, but I was able to find that last school year, 2012-13, Pastor C signed in about 5 times. I was unable to locate signatures for the other two Pastors and it appears likely that Youth Pastor A did not sign in on his regular volunteer dates. The Youth Pastors all stated they regularly wore name badges at school and administrators, lunchroom supervisor, custodian, as well as some parents and students confirmed this statement.

E. Conclusion.

This concludes my fact-finding report. Unless otherwise directed, this concludes my investigation. I understand you will be consulting with Bainbridge Island School District's general counsel for legal advice and recommendations.

Sincerely,

Shawn Ann Flood

/saf