

14. After th [REDACTED]

Following the conclusion [REDACTED] Ms. Daniels and Mrs. Morrell again discussed the [REDACTED] and the issue with respect to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Again, Mrs. Morrell questioned Ms. Daniels as

[REDACTED]

[REDACTED] Ms. Daniels referred Mrs. Morrell to

Dr. Peoples and offered to contact Mrs. Barton to discuss the matter. [REDACTED]

[REDACTED]

[REDACTED]

Shortly thereafter, Mrs. Morrell left School #26 and returned to McKinley. She informed Mrs. Barton that [REDACTED]

[REDACTED] In addition, she informed Mrs. Barton that Ms Daniels indicated that [REDACTED]

After Mrs. Morrell had left School #26, Mrs. Barton telephoned Ms. Daniels while she was still at School #26, to discuss her concerns [REDACTED]

[REDACTED] Ms. Daniels advised Mrs. Barton that the issue [REDACTED]

[REDACTED] should be reviewed with Dr. Peoples on the basis that [REDACTED]

[REDACTED] is the responsibility of Dr. Peoples.

Mrs. Barton questioned Ms. Daniels about why Mrs. Morrell was not allowed [REDACTED]

Ms. Daniels informed Mrs. Barton [REDACTED] and of the contents of the school file brought [REDACTED] by Mrs. Morrell [REDACTED]

[REDACTED] Ms. Daniels indicated to Mrs. Barton [REDACTED] and that she did not have anything to work with.

Mrs. Barton responded that [REDACTED]

[REDACTED]

[REDACTED] Mrs. Barton confirmed that she would send [REDACTED] Ms. Daniels. Lastly, Mrs. Barton informed Ms. Daniels that she did [REDACTED].

Ms. Daniels combined all of the documents brought [REDACTED] into one file and returned with them to her office in City Hall to await receipt of Mrs. Barton's fax. Ms. Daniels contacted Mrs. Barton to advise her that the fax had not been received. At 2:07 p.m. on December 21, 2007, a fax was received in the Office of Pupil Personnel Services from McKinley. The fax was [REDACTED] since her enrollment in McKinley. According to the document, the fax consisted of six pages, however, only four pages of the document are contained in [REDACTED] permanent file.

Ms. Daniels reviewed the fax, thought about it and decided not to send it to [REDACTED]

[REDACTED] Ms. Daniels immediately affixed a bright blue "post-it" to the fax on which she wrote: Report was sent after [REDACTED] - Parent did not receive a copy of the report. Ms.

Daniels placed the four page fax in [REDACTED] Ms. Daniels did not advise [REDACTED] that she had received this information nor did she forward the information to them. Ms. Daniels advised the Special Independent Investigator that she did not substantively review the fax from Mrs. Barton [REDACTED] or did she consider any part of it prior to making her recommendation. Shortly thereafter, Dr. Peoples instructed Ms. Daniels to leave for the day to and to review [REDACTED] after the Christmas break.

On December 27, 2008, during the winter recess, Ms. Daniels went to her office and while at her office, she reviewed [REDACTED] Ms. Daniels did not consider the four page fax received from Mrs. Barton, as part of her evaluation. Ms. Daniels found that [REDACTED] She found that [REDACTED]

The Memorandum also contains Ms. Daniels [REDACTED] which reads: [REDACTED]

Peoples' [REDACTED]
[REDACTED]

in reaching this decision. Dr. Peoples considered Ms. Daniels' [REDACTED] and Ms. Daniels [REDACTED]. Dr. Peoples also reviewed the [REDACTED] [REDACTED] faxed to her office on the afternoon of the student [REDACTED] and that was not provided to Mrs. Jones and Jayvonna for their review. Dr. Peoples also [REDACTED]

[REDACTED]
which were set forth in the [REDACTED] form faxed by the principal to Pupil Personnel on December 13, 2007, but that were not included in [REDACTED]. This information was considered by Dr. Peoples to be a part of the anecdotal record.

[REDACTED]
[REDACTED] Initially, Dr. Peoples concluded that [REDACTED]
[REDACTED]
[REDACTED] In looking at the [REDACTED] Dr. Peoples determined that [REDACTED]
[REDACTED] However, Dr. Peoples believed that, [REDACTED]
[REDACTED]

Dr. Peoples ultimately determined that [REDACTED]

[REDACTED] Dr. Peoples reached this determination [REDACTED]

[REDACTED] Dr. Peoples also concluded that [REDACTED]

[REDACTED] Ultimately,

Dr. Peoples' selection [REDACTED]

[REDACTED] In summary [REDACTED]

[REDACTED]

Accordingly, the request by Mrs. Barton [REDACTED] Dr. Peoples viewed

her final decision [REDACTED]

[REDACTED] She concluded that the [REDACTED]

[REDACTED]

[REDACTED]

On January 4, 2008, clerical staff at Dr. Peoples' direction, prepared a letter addressed to [REDACTED]

[REDACTED] The letter was faxed to McKinley and received on a fax

machine located in Mrs. Barton's locked office. The letter indicated that the [REDACTED]

[REDACTED] The third paragraph of the

letter read:

[REDACTED]

[REDACTED]

[REDACTED]

The letter further indicated [REDACTED]

[REDACTED]

17. [REDACTED] removal from McKinley

On the morning of Monday, January 7, 2008, [REDACTED] went to the school office to again [REDACTED] spoke with Mrs. Morrell who advised her that she had to discuss the matter with Mrs. Barton. Mrs. Barton informed [REDACTED] that she would consider her request after she completed the morning announcements. Thereafter, [REDACTED] returned to class.

Shortly thereafter, Mrs. Barton became aware of Dr. Peoples' [REDACTED] letter dated January 4, 2008 and Mrs. Barton requested school security to locate [REDACTED]. [REDACTED] was removed from her gym class and taken to the office where she was informed [REDACTED]

[REDACTED] had not seen Dr. Peoples' letter. [REDACTED]

[REDACTED] Mrs. Barton instructed the security officer to escort the student to the Attendance office so that she could contact [REDACTED] to advise her [REDACTED] and so that she could request a ride home.

A short while later, Mrs. Barton saw that [REDACTED] was still in the building and she instructed Security Officer Palumbo that she wanted [REDACTED] out of the building immediately. Mrs. Barton directed Mr. Palumbo to give [REDACTED] a bus pass and to remove her from the building. Prior to leaving the building, [REDACTED] was given a copy of a letter, with the Superintendent's signature, dated Friday, January 4, 2008 and addressed to [REDACTED]. Mr. Palumbo escorted [REDACTED] to the outside of the building where she waited in the cold, frigid temperatures until her [REDACTED] arrived.

The letter given to given to [REDACTED] indicated that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The face of this letter indicated that it was faxed from Pupil Personnel Services to McKinley on January 4, 2008, at 9:33 a.m. Until this time, neither [REDACTED] nor [REDACTED] were aware of the outcome of the [REDACTED]. [REDACTED] did not receive a copy of the letter in the mail until January 8, 2008.

On or about January 7, 2008 or January 8, 2008, [REDACTED] attempted, unsuccessfully on several occasions, to contact Mrs. Barton to discuss [REDACTED]. She eventually received a telephone call from Mrs. Morrell. In addition, [REDACTED] made several attempts to contact Dr. Peoples to obtain an explanation [REDACTED].

During the second week of January 2008, [REDACTED] contacted Dr. Peoples to determine why the student had been allowed to return to school and then was asked to leave school. Specifically, [REDACTED]

[REDACTED] advised Dr. Peoples that she had not received a letter indicating the disposition of the hearing. Dr. Peoples advised [REDACTED] to wait until she received the letter and then to consider an appeal of the decision. She noted, however, that an appeal could lead to Mrs. Barton to request [REDACTED] pl. [REDACTED] was not satisfied with the explanation given. Dr. Peoples also discussed with [REDACTED] Mrs. Barton's right to seek a voluntary or

involuntary transfer of [REDACTED] Dr Peoples acknowledges that the discussion she had with [REDACTED] may have discouraged [REDACTED] from proceeding with an appeal.

18. January 9, 2008 Board of Education Meeting

The topic of the McKinley girls' basketball team was again raised at the January 9, 2008 Board meeting. [REDACTED] spoke to the Board on her and [REDACTED] behalf about the impact that Ms. Stiles' dismissal was having on [REDACTED] and the team. [REDACTED] explained that she and other parents had welcomed Ms. Stiles' relationship with the team and appreciated all of Ms. Stiles' efforts on behalf of the team and the girls. [REDACTED] shared with the Board that Ms. Stiles' role was much more than as a coach, but that she served as a mentor and helped to motivate the girls and encouraged the girls to work hard in all aspects of their life.

Following [REDACTED] Michelle Stiles spoke to the Board not about her dismissal, but about interference by Mrs. Barton in the girls' efforts to speak to the Board in December 2007 and about [REDACTED] lengthy suspension for the use of a cell phone to call the Board office to place her name on the speaker's list. Ms. Stiles expressed her surprise at the severe penalty imposed on [REDACTED] and the much more lenient penalties assessed elsewhere in the district for much more egregious violations.

19. Home Instruction

As reflected in the January 4, 2008 letter advising [REDACTED] of the decision to suspend [REDACTED] until February 15, 2008, [REDACTED] was to receive home instruction. A student that is placed on home instruction is supposed to receive the coursework provided by their teachers. A home instructor is expected to collect the work left in the main office by the teachers and then

take the assignments to the student's home for completion. In [REDACTED] case, many of her teachers failed to leave her coursework for the home instructor, accordingly, the home instructor was only able to give [REDACTED] sample Regents questions for work while she was out of school on suspension. Accordingly, because [REDACTED] teachers failed to supply the home instructor with the appropriate coursework, [REDACTED] fell extremely behind on all of her coursework for all of her classes.

20. The District's Intervention

On Sunday, January 27, 2008, The Buffalo News ran a story titled "Turmoil Under the Hoop; Controversy Surrounds Dismissal of McKinley High Volunteer Coach." Subsequent articles with respect to the dismissal of the coach and the suspension of the student were run on January 30, January 31, February 1, February 2, February 3 and February 4, the day of the student's return to school. During the week of January 27, 2008, Associate Superintendent Keresztes determined that,

"the public discourse on the dismissal of the volunteer coach at McKinley and the suggested tie to the suspension escalated. The intended efficacy of the penalty was being contravened by the notoriety of the case – notoriety which the district believed was causing the student more harm than good."

Although we are unable to identify the day of the week, with exact certainty, it appears that on Wednesday, January 30, 2008 or Thursday, January 31, 2008, Mr. Keresztes, on his own initiative, traveled to [REDACTED] residence to meet with [REDACTED] and her [REDACTED] to discuss options for her immediate return to school. According to [REDACTED] Mr. Keresztes assured [REDACTED] and her [REDACTED] that [REDACTED] would receive additional tutoring and additional help with her college and scholarship applications upon her return to school.

Moreover, [redacted] and her [redacted] were unequivocally promised that [redacted] lengthy suspension would have no impact on [redacted] grades or her attendance record. During the meeting, Mr. Keresztes also suggested that [redacted]

[redacted] Following this discussion, [redacted]

At the end of the proceedings in [redacted] the [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

21. The Return to School

On Monday, February 4, 2008, [redacted] returned to McKinley. She was accompanied by her grandmother, her attorney, Loren Lobban, Esq. and Mr. Keresztes. A return to school conference was conducted by Mrs. Morrell. [redacted] and [redacted] were assured that [redacted] return to school would be seamless and that she would not face any repercussions from the students or the administration. [redacted]

22. Guidance to be Provided

As discussed above [REDACTED] and [REDACTED] were assured that upon her return to school she would be provided assistance with her coursework, as well as her college and financial aid applications. At that time, it was agreed that the school would make the necessary arrangements so that [REDACTED] would have access to school tutors during her study hall periods. It was subsequently requested by [REDACTED] attorney that [REDACTED] schedule be modified so that she had a full day of classes and/or study halls and that she would no longer be eligible for early release and could use the study halls to secure tutoring.

B. The Dismissal of Michelle Stiles

1. Background - Michelle Stiles

Michelle Stiles graduated from the State University of New York at Buffalo ("UB") with a Bachelor of Arts degree in Physical Therapy. Ms. Stiles also has a Masters Degree in Exercise Science. After spending her freshman year at Niagara University, Ms. Stiles transferred to UB where she played field hockey, basketball and softball. Following college, Ms. Stiles has worked as a physical therapist and has coached basketball at Pennsylvania State University, UB and in Virginia under Boo Williams in Williams' Amateur Athletic Union ("AAU") league. In or about 2001 or 2002, Ms. Stiles returned to Western New York and continued to work as a physical therapist. In addition to her work as a physical therapist and after she returned to Western New York, Ms. Stiles founded Queen City Classics, a not-for-profit AAU basketball program for young girls/women and younger children in Western New York. Ms. Stiles served as the Director and as a coach for Queen City Classics for several years.

2. McKinley High School Girls' Basketball Volunteer

In or about 2003-2004, Ms. Stiles met Michael Sorrentino, the varsity coach for the McKinley girls' basketball team, at a McKinley versus Traditional girls basketball game held at Traditional High School. Ms. Stiles was attending the game recruiting players for her Queen City Classics AAU team. At the game, Ms. Stiles introduced herself to Mr. Sorrentino and asked him to please inquire whether any of his players had an interest in playing on her AAU team. Two McKinley players were indeed interested in playing on the team, [REDACTED] and [REDACTED]. During the course of the year, Mr. Sorrentino occasionally spoke with [REDACTED].

Ms. Stiles concerning the times of the AAU practices and at Ms. Stiles' request, Mr. Sorrentino would share that information with [REDACTED] [REDACTED]

In December 2004, Ms. Stiles was attending a McKinley versus Immaculata game at Immaculata. In the middle of the game, Ms. Stiles approached Mr. Sorrentino and offered to share with him an offensive play for use in the game. According to Mr. Sorrentino, Ms. Stiles diagrammed the offensive play and the McKinley team successfully put the play into use during the game. Following the game, Mr. Sorrentino recalls that he invited Ms. Stiles to come to a practice at McKinley and to provide some additional strategy to his team. Following the McKinley versus Immaculata game, Ms. Stiles' relationship with Mr. Sorrentino and the McKinley girls' basketball program continued to blossom. In fact, beginning with the 2004-2005 basketball season and continuing through the beginning of the 2007-2008 basketball season, Ms. Stiles assisted Mr. Sorrentino as a volunteer. At all times relevant to this investigation, Michael Sorrentino was the head girls' basketball coach at McKinley and Ms. Stiles served in a volunteer, assistant coach capacity. As such, Mr. Sorrentino received a salary from the Buffalo Public Schools associated with his duties as a head coach and Ms. Stiles, as a volunteer, was never compensated for her work with the McKinley girls' basketball team.

Immediately following his invitation to Ms. Stiles to work with the McKinley girls' basketball team, Mr. Sorrentino took Ms. Stiles to the McKinley main office and introduced Ms. Stiles to McKinley principal, Crystal Barton. Mr. Sorrentino recalls that he explained to Mrs. Barton that he wished to have Ms. Stiles assist him with the team and Mrs. Barton did not object or express any reluctance or hesitation in allowing Ms. Stiles to assist with the team. At this initial meeting,

Mrs. Barton did not request that Ms. Stiles complete a volunteer application nor did Mrs. Barton explain to Ms. Stiles any rules governing volunteers. Similarly, at no time during Ms. Stiles nearly four year relationship with the McKinley girls' basketball team, did Mrs. Barton request that Ms. Stiles complete a volunteer application, nor did Mrs. Barton explain to Ms. Stiles any District or McKinley rules governing volunteers. At no time did Mrs. Barton ever discuss Ms. Stiles, her relationship with the McKinley girls' basketball team or any concerns she may have had with Mr. Sorrentino.

Information supplied to the Special Independent Investigator has revealed that although Mr. Sorrentino possessed the title of head coach, Michelle Stiles actively taught the McKinley varsity and junior varsity girls' basketball players the fundamentals of basketball, offensive and defensive plays to be used in games and served as the *de facto* head coach. Interviews with some of the players on the team reveal that the students viewed Ms. Stiles as the coach of the team and further that they had a high degree of respect for her and for her knowledge of the game. More specifically, the Special Independent Investigator has learned that Mr. Sorrentino was repeatedly encouraged by his supervisors, including the Director of Athletics, David Thomas, to take a more active role in discharging his coaching duties and responsibilities. Notwithstanding repeated encouragements, Mr. Sorrentino acquiesced in Ms. Stiles' assumed leadership role with the McKinley girls' basketball program and Mr. Sorrentino, although he retained the title head coach, served in a more passive capacity. In one instance during the 2005-2006 basketball season at a game against Burgard, Ms. Stiles engaged in a verbal exchange with a referee. Shortly thereafter, Mr. Thomas spoke with Mr. Sorrentino and advised him that Ms. Stiles was to remain seated on the bench and that only Mr. Sorrentino should be standing and coaching during

games. Other than the aforementioned incident, and although Ms. Stiles had repeatedly expressed her displeasure with the referees for the girls' basketball games to David Thomas, Ms. Stiles was never reprimanded by anyone at McKinley or the Buffalo Public Schools' staff for any conduct during any games or otherwise.

Mr. Sorrentino indicated that throughout her nearly four year involvement with the McKinley girls' basketball team, Ms. Stiles never missed a practice and missed only one game. Mr. Sorrentino explained that Ms. Stiles was never permitted to have keys to the building and he could recall only three possible instances where he may have given Ms. Stiles his keys and asked her to retrieve something out of the boys' coaches' office while he coached practice. At no time was Ms. Stiles permitted to retain Mr. Sorrentino's keys for a period of time longer than it would take to go to the boys' coaches' office and immediately return to practice.

3. Queen City Classics - 2005

As part of her Queen City Classics AAU program, Ms. Stiles frequently operated free clinics to young boys and girls ages 8-11 to teach children the fundamentals of basketball. Ms. Stiles secured a number of facilities throughout the City of Buffalo to operate these clinics, including, McKinley High School. On or about March 3, 2005, Mr. Sorrentino, on behalf of Queen City Classics, completed an Instructional Application for Use of Schools for permission to use the McKinley High School gymnasium on March 3 and 4, 2005 from 3:30 p.m. to 5:30 p.m. for basketball practice for Queen City Classics. The Buffalo Public Schools Director of Plant

Services, Susan Eager, approved the March 2005 request.⁷ Although Mr. Sorrentino secured the use of the McKinley gymnasium for Queen City Classics, Mr. Sorrentino was not present at that practice. At no time was Mr. Sorrentino advised that he must attend and supervise such an event.

On or about June 30, 2005, Ms. Stiles, as an Officer or Director of Queen City Classics, completed an Application for Use of Facilities in Buffalo Public Schools Buildings requesting permission to use the McKinley High School gymnasium on Monday through Friday mornings from 7:00 a.m. to 9:00 a.m. from July 5, 2005 through August 19, 2005 for basketball instruction. Documents obtained by the Special Independent Investigator reveal that Ms. Stiles faxed this request to the Director of Plant Services on July 11, 2005. This request was approved by Susan Eager the Director of Plant Services for the Buffalo Public Schools consistent with the approval procedure she employed and as described above. Mr. Sorrentino was not aware that Ms. Stiles had made this request to use the McKinley High School gymnasium at this time. At no time was Mr. Sorrentino or Ms. Stiles made aware that a representative of McKinley needed to be present to supervise the use of the gymnasium. As Ms. Eager explained to the Special Independent Investigator, the Division of Plant Services has and continues to adhere to a strict district policy concerning insurance coverage where, as here, a community group requests permission to use a Buffalo Public Schools facility.

4. Queen City Classics - 2006

In an undated letter to Michelle Stiles, Associate Superintendent of the Buffalo Public Schools Mel L. Alston, A.I.A., granted permission to Ms. Stiles to use the McKinley High School

⁷ Susan Eager explained to the Special Independent Investigator that the procedure used to approve such a request (and the subsequent requests described below) required the authorization of the McKinley Principal and the Chief Engineer Custodian.

gymnasium on Monday nights from 7:00 p.m. to 8:30 p.m. beginning October 30, 2006 and continuing throughout the school year. The letter further states that there will be no charge for the use of the facility while the program is piggybacked with Adult Education.⁴ Mr. Sorrentino recalled that Ms. Stiles did request and was given permission to use the McKinley High School gymnasium for Queen City Classics in 2006.

5. Queen City Classics – 2007

On or about May 18, 2007, Ms. Stiles, as an Officer or Director of Queen City Classics completed an Application for Use of Facilities in Buffalo Public Schools Buildings requesting permission to use the McKinley High School gymnasium on Monday nights from 6:00 p.m. to 8:00 p.m. beginning May 21, 2007 through August 20, 2007. Ms. Stiles faxed this form to Sue Eager on May 21, 2007 from the McKinley High School Physical Education Department. On that form, Ms. Stiles requested that the fee associated with using a Buffalo Public Schools' facility be waived. As noted on the form by an employee in the Division of Plant Services, Ms. Stiles was advised that because there was no program already in operation at McKinley High School at that time, there would be a fee associated with any use of the gymnasium, approximately, \$150.74 per hour. Ms. Stiles never responded to the Buffalo Public Schools Division of Plant Services with respect to this request.

On or about September 17, 2007, Ms. Stiles completed an Application for Use of Facilities in Buffalo Public School Buildings requesting permission to use the McKinley High School

⁴ It is the understanding of the Special Independent Investigator that there are certain fees associated with community requests to utilize Buffalo Public Schools' facilities. Those fees can be waived where, as here, the school was already in use and no additional staff or expenses would be incurred for the community use of the facility. Such a waiver of the fees where the school was already in use is commonly referred to in the District as "piggybacking."

gymnasium on Monday nights from 7:00 p.m. to 8:00 p.m. on every Monday that Adult Education is in session. Ms. Eager noted on the Application that, consistent with strict district policy, she contacted the McKinley High School Chief Engineer/Custodian about this request on September 19, 2007 and September 29, 2007 and also contacted McKinley High School Principal Crystal Barton on September 29, 2007 about this request. By email and letter dated October 1, 2007, Associate Superintendent Mel Alston advised Ms. Stiles that beginning October 2, 2007, permission had been granted to use the McKinley High School gymnasium on Monday nights from 7:00 p.m. to 8:00 p.m. The letter from Associate Superintendent Alston further states that there will be no charges for the use of the facility at this time while the program is piggybacked with Adult Education. Associate Superintendent Alston further advised Ms. Stiles that the permission was contingent upon her supplying to the Division of Plant Services proof of \$1,000,000 aggregate bodily injury and property damage insurance. Finally, the October 1, 2007 letter indicates that copies of the letter were provided to Noel Wilhelm, Chief Engineer/Custodian at McKinley High School and Crystal Barton, Principal at McKinley High School. By email dated October 2, 2007, to Susan Eager, McKinley High School Principal Crystal Barton confirmed her consent for Queen City Classics to use the McKinley High School gymnasium.

In fact, by email dated October 12, 2007, Barry Kirker Jr. advised Ms. Stiles that he had received her updated insurance certificate [insurance obtained through AAU and at Ms. Stiles' expense] and stated that "everything is in order". Mr. Kirker's email confirmed "This e-mail is to confirm that your basketball practice on Monday's during Adult Education sessions is allowed and confirmed for the 2007-2008 BPS school year. The previous approval letter is still in effect." A

copy of this email was provided to Noel Wilhelm, Sue Eager and Mel Alston. The insurance documents supplied by Ms. Stiles provides that the insurance coverage was to run from October 4, 2007 through August 30, 2008. Although the Special Independent Investigator has been unable to precisely identify the date on which the Monday night Queen City Classics program began in October 2007, based upon the correspondence reviewed and the Buffalo Public Schools calendar, it is probable that the Monday night program began on or about October 15, 2007.

As reflected above, the McKinley gymnasium was not available free of charge during Summer 2007 because the Adult Education program was not in session, accordingly, Ms. Stiles made alternative gymnasium arrangements during the summer and when the McKinley gymnasium was not available. Several returning members of the McKinley High School girls' basketball team volunteered to assist Ms. Stiles with the Monday night program both during the 2006-2007 and 2007-2008 school year and during the summer. Mr. Sorrentino advised the Special Independent Investigator that he was not involved in the Queen City Classics Monday night program. Mr. Sorrentino did, however, advise that he did permit Ms. Stiles to use the McKinley High School basketballs during the Queen City Classics programs.

6. August/September 2007 Sighting of James Daye

On or about August 18 or August 25, 2007⁹, at approximately 1:15 p.m., Ms. Stiles was driving a young woman, a senior student at McKinley High School and a member of the girls' varsity basketball team, (who will hereinafter be referred to as [REDACTED] home from a Queen City Classics

⁹ The precise date of this incident remains unknown. There is a factual discrepancy between several of the witnesses and information obtained by the Special Independent Investigator. Facts relating to this incident and events thereafter suggest that the incident could have taken place in either August 2007 or September 2007. Based on the preponderance of the evidence accumulated by the Special Independent Investigator, the Special Independent Investigator has concluded for purposes of this Report that the sighting took place in late August or very early September 2007.

program held at the William Emslie YMCA [REDACTED] lives on [REDACTED] Buffalo, New York. While in the car, Ms. Stiles and [REDACTED] had been discussing [REDACTED] employment application at the Burger King on Porter Avenue. Ms. Stiles offered to drive [REDACTED] to the Burger King to check on the status of her application. Ms. Stiles pulled up to [REDACTED] home of [REDACTED] and realized that they had forgotten to go to Burger King to check on the application and they proceeded to "double back" on [REDACTED] Porter towards the Burger King.

While driving on Lakeview, Ms. Stiles and [REDACTED] passed another home of [REDACTED] where a friend of [REDACTED] and also a member of the McKinley girls' basketball team (who will hereinafter be referred to as [REDACTED] occasionally stayed. It is the home of [REDACTED] adult [REDACTED] [REDACTED]. As Ms. Stiles drove past the home, she and [REDACTED] observed James Daye, a McKinley High School teacher, coach of the boys' basketball team and former girls' track coach, leaving [REDACTED] home. As they drove past the home, Ms. Stiles wondered aloud why Coach Daye would be leaving that home on a Saturday afternoon, [REDACTED] suggesting that she knew why, said "that she couldn't say" or words to that effect. Either that day or shortly thereafter, Ms. Stiles called [REDACTED] to ask why Coach Daye would be leaving the house where [REDACTED] had occasionally been staying. In response to her inquiry [REDACTED] stated that she couldn't say why Coach Daye was at the home. Ms. Stiles explained to the Special Independent Investigator that based on concerns regarding the student's well being, she became concerned about [REDACTED] and in her words "said the least offensive thing" stating that it looks like someone might be having an affair there. In response, [REDACTED] said "yup, you got it".

Mr. Daye and [REDACTED] became acquainted when [REDACTED] was injured during a track meet and was taken to Women and Children's Hospital of Buffalo by Mr. Daye.

Immediately after making the observation of Coach Daye leaving a home where [REDACTED] occasionally stayed and further learning information that Coach Daye may be involved in an affair with an adult in that home, Ms. Stiles shared that information with Mike Sorrentino. Mr. Sorrentino has confirmed that Ms. Stiles notified him of her observation and of her concerns and that she had made certain inquiries of the students. Once Ms. Stiles informed Mike Sorrentino about her observations and the information that she obtained, she trusted that Mr. Sorrentino would take the appropriate steps, if necessary in his judgment, to share the information with the appropriate persons at McKinley High School or within the Buffalo Public School System. Specifically, Ms. Stiles recalls that she shared the information with Mr. Sorrentino over the telephone since neither the Queen City Classics Monday night program or McKinley girls' basketball season had started. Notwithstanding the fact that Ms. Stiles had satisfied herself that no child was in any imminent danger, Ms. Stiles still felt the need to share the information with Mr. Sorrentino.

The Special Independent Investigator has learned that beginning in Spring 2007 and continuing to the present, Mr. Daye and [REDACTED] have developed a "friendship". Mr. Daye and [REDACTED] have spent time together on a number of occasions. Moreover, Mr. Daye was [REDACTED] track coach and [REDACTED] regularly sees Mr. Daye at school. On the day that Ms. Stiles observed Mr. Daye leaving a home on [REDACTED] and Mr. Daye explained to the Special Independent Investigator that Mr. Daye had loaned [REDACTED] daughter a softball bat over the summer and he was at [REDACTED] home on that Saturday morning to pick up

the bat. As will be discussed below, the explanation Mr. Daye offered to the Special Independent Investigator is inconsistent with the explanation that Mr. Daye offered to Ms. Stiles.

7. Monday Night Encounter with James Daye

As discussed above, information obtained by the Special Independent Investigator suggests that the Queen City Classics Monday night program at McKinley High School began on or about October 15, 2007. On that date (or a Monday night soon thereafter) at approximately 7:00 p.m., both Ms. Stiles and James Daye recall an encounter in the boys' coaches' office. It is Ms. Stiles' recollection that she had forgotten a whistle for that evening's program and was looking for a whistle in the office when she overheard someone talking on a cell phone in the restroom located just off the office. It is Mr. Daye's recollection, however, that it appeared to him that Ms. Stiles was waiting for him outside of the restroom. Both Ms. Stiles and Mr. Daye recall a verbal exchange concerning Ms. Stiles' observation of Mr. Daye leaving a home [REDACTED]. The recollections of Ms. Stiles and Mr. Daye as to the content and tone of the verbal exchange vary.

a. Michelle Stiles' Recollection

As a threshold matter, Ms. Stiles' recollection of the dates and times of her sighting of James Daye and the Monday night encounter are inconsistent with the recollections of other witnesses. For example, Ms. Stiles recalls that the sighting of James Daye at what she later learned was [REDACTED] home took place in September 2007 and that her encounter with James Daye on a Monday night in the boys' coaches' office took place approximately two weeks later. While Ms. Stiles' recollection is certainly possible, information obtained by the Special Independent Investigator suggests that the sighting of James Daye at

[REDACTED] home took place in late August 2007, prior to the start of the school year and that the Monday night encounter took place in mid-October 2007.

Ms. Stiles has explained that on a Monday evening at approximately 7:00 p.m. she left the gymnasium to look for a whistle in the boys' coaches' office. Mr. Sorrentino apparently has a desk in that office and Ms. Stiles had, on prior occasions, sat at that desk and ate dinner prior to the Monday night program. Access to the boys' coaches' office can be gained one of two ways, through the locked office door or through the boys' locker room just off the boys' coaches' office. As will be discussed in greater detail below, Ms. Stiles did not have keys to the McKinley building or to any other office within McKinley, so she recalls that she entered the boys' coaches' office through the boys' locker room which was unlocked. After she entered the boys' coaches' office and as she was looking for a whistle, she overheard a man talking on a cell phone in the bathroom located just off of the boys' coaches' office. Immediately thereafter, James Daye exited the bathroom and asked Ms. Stiles "what were you doing asking questions about me? I heard you were asking questions?" or words to that effect. According to Ms. Stiles she attempted to keep her head down and continued to look for a whistle and was trying not to make eye contact with Mr. Daye so as to avoid a confrontation. In response to Mr. Daye's questions, Ms. Stiles responded "I was just looking out for the girls' safety." In response, Mr. Daye stated, "what are you trying to say?" or words to that effect and Ms. Stiles responded, "I'm not really trying to say anything. I'm just concerned, these are my kids, and I'm gonna look out for 'em."

Mr. Daye then provided the following explanation, "for your information I was playing cards there. I have some friends that I met at Chippewa or so. And if you have questions, you need to ask me" or words to that effect. Ms. Stiles recalls that she did not dispute what Mr. Daye was saying, rather she simply said "okay, fine." Ms. Stiles observed that Mr. Daye seemed angry and agitated and at the close of the conversation said "I've heard rumors about you" or words to that effect. Ms. Stiles recalled feeling threatened by Mr. Daye and she simply responded that "you're not going to find anything". Following this conversation with Mr. Daye, Ms. Stiles felt very uncomfortable parking her car in the parking lot behind the school and from that point on she parked in a different lot. Shortly after the encounter, Ms. Stiles reported the incident to Mr. Sorrentino.

b. James Daye's Recollection

As discussed above, following Ms. Stiles' sighting of James Daye leaving a home on [REDACTED] [REDACTED] Ms. Stiles inquired about Mr. Daye's presence at the home to [REDACTED] and [REDACTED]. It should be noted that neither [REDACTED] nor [REDACTED] or their parent or guardian have agreed to meet with the Special Independent Investigator. According to Mr. Daye, until as late as mid-October 2007, Ms. Stiles was repeatedly asking [REDACTED] questions about Mr. Daye. [REDACTED] sought advice from Mr. Daye as to how to handle Ms. Stiles' inquiries and Mr. Daye advised her to speak with her mother or [REDACTED]

Mr. Daye recalls that Ms. Stiles entered the boys' coaches' office through a locked door accessed through the boys' locker room. Mr. Daye believed that it was a janitor entering the room because he heard keys. Based upon that event and information Mr. Daye obtained from members of the custodial staff, Mr. Daye concluded that Ms. Stiles had her own key. Mr. Daye

recalls that he told Ms. Stiles "if you have any questions about me, you need to ask me. Stop asking the kids questions about me, if you want to find out something about me, ask me, I will tell you." Mr. Daye recalls that Ms. Stiles said "I saw you coming out of a house and you didn't even wave at me" and that Ms. Stiles further said "I didn't know why you were there, I'm just protecting the kids, I'm just protecting a kid" or words to that effect. In response, Mr. Daye recalls stating, "I know you are not trying to imply that something is going on with me and a student" and according to Mr. Daye, Ms. Stiles threw up her hands and said "I don't know, I'm just protecting a kid." In response, Mr. Daye said "If you say that again, or imply that again, I will have you down in front of the Superintendent. I am a Board employee, you cannot go around spreading rumors like that."

Immediately after this conversation with Ms. Stiles, Mr. Daye recounted to the Special Independent Investigator that he saw Noel Wilhelm, the McKinley Chief Engineer/Custodian, and that Mr. Daye and Mr. Wilhelm had a conversation about Mr. Daye's encounter with Ms. Stiles. Mr. Wilhelm does not have a recollection of this conversation with Mr. Daye. According to Mr. Daye, Mr. Wilhelm asked Mr. Daye what was wrong and Mr. Daye explained to Mr. Wilhelm what happened with Ms. Stiles and that Mr. Wilhelm advised Mr. Daye to call someone on his behalf because the allegations made by Ms. Stiles were serious. Mr. Daye recalls that Mrs. Barton was out of town that evening and so Mr. Daye called David Thomas that same evening on Mr. Thomas' cell phone. Mr. Thomas has no recollection of this call.

8. November 13, 2007 Meeting with Crystal Barton

Mr. Thomas advised the Special Independent Investigator that he had received a call from Mrs. Barton on November 13, 2007 asking him to meet with her at her office about the basketball program at McKinley. During that meeting, Mrs. Barton advised Mr. Thomas that there was a Monday night program being held at McKinley involving McKinley students and outside students. Mrs. Barton indicated that if the program was only for McKinley High School students that would be fine, but that she was not going to be responsible for outside students coming to McKinley under the direction of a volunteer. Information provided to the Special Independent Investigator reveals that certain other persons may have participated in a meeting on November 13, 2007 with Mrs. Barton and Mr. Thomas, including, Aubrey Lloyd, James Daye and Michael Sorrentino. Mr. Sorrentino recalls that he was called to Mrs. Barton's office before noon on November 13, 2007 and Mr. Thomas and Mr. Lloyd were also in Mrs. Barton's office. Mr. Sorrentino recounted that the meeting was very brief and he was advised that Ms. Stiles was no longer going to be assisting with the McKinley girls' basketball team and further that Mrs. Barton did not see a need for her to speak with Ms. Stiles. Mr. Sorrentino neither questioned Mrs. Barton's decision nor requested an explanation and Mr. Sorrentino understood that it was his responsibility to advise Ms. Stiles of Mrs. Barton's decision.

Shortly after his brief meeting with Mrs. Barton, Mr. Sorrentino called Ms. Stiles on her cell phone and advised her of Mrs. Barton's decision. Mr. Sorrentino explained to Ms. Stiles that Mrs. Barton did not offer an explanation or a reason and further that he did not feel Mrs. Barton was obligated to offer an explanation or a reason because Ms. Stiles was a volunteer. Mr. Sorrentino stated that Ms. Stiles was angry and disappointed.

9. Team Advised of Ms. Stiles' Dismissal

One of Ms. Stiles' physical therapy clients was [REDACTED] godmother. Immediately after learning that she would no longer be assisting the McKinley girls' basketball team, Ms. Stiles advised her client, [REDACTED] and [REDACTED] in turn called [REDACTED] her cell phone. [REDACTED] also received a similar call from [REDACTED] advising her that Ms. Stiles had been dismissed as the volunteer coach by Mrs. Barton. At the time of the call [REDACTED] was in the girls' locker room with her teammates getting dressed for practice. Upon learning the news from [REDACTED] [REDACTED] called out to her teammates and advised them that Ms. Stiles would no longer be their coach. [REDACTED] then called Ms. Stiles from the locker with the rest of her teammates. During the call Ms. Stiles told [REDACTED] and some of her teammates that she was not given an explanation of why she would no longer be able to assist the team. [REDACTED] and some of her teammates expressed their anger at Mrs. Barton's decision and asked what they could do to try and get Ms. Stiles back. Ms. Stiles stated that she intended to go down and talk to the Board of Education about the situation. [REDACTED] also sought advice from her grandmother about what she and her teammates could do to have Ms. Stiles reinstated. [REDACTED] advised her [REDACTED] that the team could write a letter to the Board of Education or speak at a Board of Education meeting.

[REDACTED] and her teammates went to practice on the afternoon of November 13, 2007 and asked to speak with Mr. Sorrentino about Ms. Stiles' dismissal. Mr. Sorrentino advised his team about Mrs. Barton's decision and that Ms. Stiles would no longer be coaching the team. Shortly

thereafter, several members of the basketball team decided that they would no longer participate in practice in protest and did not participate in practice for several days. In a handwritten note, Mr. Sorrentino advised Mrs. Barton that several members of the team were refusing to participate in practice. Mrs. Barton advised Mr. Sorrentino to carry on with the team without those members. Eventually, those members of the team returned to practice.

10. Ms. Stiles Email to Dr. Williams

On November 13, 2007 at approximately 4:32 p.m., Ms. Stiles sent an email to Dr. Williams concerning "Girls basketball in the city schools". Prior to sending the email, Ms. Stiles contacted the Superintendent's office and asked to speak to the Superintendent. One of Dr. Williams secretaries, Peggy Maiola, advised Ms. Stiles that she could not speak with Dr. Williams but that she could send him an email. When Ms. Stiles explained that the matter was of an urgent nature, Ms. Maiola told Ms. Stiles to send the email directly to her and she would make sure that Dr. Williams received the email. In the email, Ms. Stiles explained to Dr. Williams about her coaching experience, the not-for-profit organization, Queen City Classics which she founded, her volunteer work with the McKinley High School basketball team for the previous three years and her dismissal from her role as a volunteer with the team. Ms. Stiles did not receive a response to her email from Dr. Williams. As will be discussed below, Ms. Stiles did, however, receive a response to her email from Mrs. Barton on November 15, 2007.

11. [REDACTED] Email

On November 14, 2007, [REDACTED] wrote an email, in the form of a letter, on her home computer, with the approval of [REDACTED] addressed "To Whom it may concern" on behalf of the

McKinley girls' basketball team indicating that on November 13, 2007 the girls learned that Ms. Stiles had been dismissed. The letter discussed Ms. Stiles involvement with the team and requested help in having Ms. Stiles reinstated. The letter indicated that it was from the "McKinley's Girls Basketball Team", the Special Independent Investigator has learned that [REDACTED] and at least three other members of the team discussed the content of the letter and that [REDACTED] typed and sent the email. It remains unclear who received a copy of this email from [REDACTED] however, at a minimum, Ms. Stiles and Mr. Sorrentino received the email. The Special Independent Investigator has confirmed that Mrs. Barton did receive a copy of [REDACTED] email. It is believed that others in the administration also received a copy of the email. [REDACTED] recalls that she sent the email to Dr. Williams (or Dr. Williams' secretary, Peggy Maiola) and the members of the Board of Education.

At the outset, the email/letter states that "we are McKinley's Girls Basketball Team and we had an issue that was confirmed to us on 11/13/07. The issue that occurred has affected our whole basketball team and our principal Crystal Barton will not give us a reason why this was done to us, she didn't even tell us we found out from one of our teammates mother." The email/letter outlines specific instances where Ms. Stiles has had a positive impact on the team collectively and on the girls individually.

In closing, the email letter asks "what we are trying to say if there is anything you can do about this situation please help us because we really need her the basketball league is going to start on December 4, 2007 and if theres anything you can do before that to get her back we really

appreciate it." Neither [REDACTED] nor any other member of the girls' basketball team received an acknowledgment or a response to this email letter.

12. Response from Crystal Barton to Michelle Stiles' November 13, 2007 email to Dr. Williams

On November 15, 2007, Ms. Stiles received a response to her email to Dr. Williams from Mrs. Barton. Mrs. Barton forwarded her response to Mr. Williams, Mr. Thomas, Mr. Sorrentino, Mr. Lloyd and Michael Lewis, a coach and the "Athletic Director" at McKinley. At the outset, Mrs. Barton's response suggests that she had received Ms. Stiles' email not from Dr. Williams but from a district employee. In her email, Mrs. Barton enumerated several concerns she had about Ms. Stiles and her conduct at McKinley.

Surprisingly, Mrs. Barton stated that "all volunteers at McKinley must be authorized by the building principal." However, as reported to the Special Independent Investigator, Mrs. Barton was introduced to Ms. Stiles before she became involved with the team and at that time Mrs. Barton did not express any concern or hesitation about Ms. Stiles working with the team. At no time during Ms. Stiles nearly four year relationship with the team did Mrs. Barton ever complain to Mr. Sorrentino or Mr. Thomas about Ms. Stiles. Mrs. Barton next stated that "volunteers are not expected to engage in inharmonious relationships with faculty, staff or administrators, this includes making false accusations" and "no member of our faculty, staff or volunteers is allowed to engage our students in personnel adult matters."¹⁰

¹⁰ As noted above, because Mrs. Barton refused to participate in an interview in connection with this investigation, the Special Independent Investigator can only surmise that these accusations are referring to Ms. Stiles' observation of Mr. Daye leaving the home where a player on the basketball team occasionally stayed, Ms. Stiles' inquiry of two players concerning this matter and further, Ms. Stiles' confrontation with Mr. Daye.

Mrs. Barton further stated in her email that "no volunteer is allowed to be in the building without building supervision (teacher coach) and authorization of the building principal. However, Ms. Stiles had obtained the permission of the Director of Plant Services to be in the McKinley building for certain community events and further that the Director of Plant Services obtained the consent of building personnel for Ms. Stiles to use the gymnasium on specified occasions and provided that Ms. Stiles supply proof of sufficient insurance coverage. Mrs. Barton's email adds that "no volunteer is authorized to engage our students in activities in our school during after school hours- without the express permission of the building principal and supervision of a teacher/coach. As discussed above, the Queen City Classics events held at the McKinley gymnasium were community events that happened to be held at McKinley High School with the permission of the School District. The McKinley students who participated in the events did so with the knowledge of Mr. Sorrentino and with the express permission of their parent or guardian."¹¹ Finally, Mrs. Barton stated that "no volunteer is authorized to be in possession of building/district keys." The Special Independent Investigator is not in possession of any first-hand information, other than Mr. Daye's assumption, that Ms. Stiles was ever in possession of building/district keys. The only information concerning the use of keys was from Mr. Sorrentino as explained above.

13. Michelle Stiles' Reply to Crystal Barton's November 15, 2007 Email

On November 22, 2007, Ms. Stiles replied to Mrs. Barton's November 15, 2007 email. In her reply, Ms. Stiles expressed her displeasure with Mrs. Barton's handling of the matter and questioned the "reasons" Mrs. Barton offered in her email for Ms. Stiles' dismissal. Specifically,

¹¹ Regrettably, the Special Independent Investigator was unable to interview many of the students who played on the McKinley High School basketball team and who also volunteered with Ms. Stiles. The parents or guardians of these students did not return calls and letters requesting an interview.

Ms. Stiles expressed concern about the impact that her dismissal was having on the team and on the individual players and she attached [REDACTED] letter to the email. Ms. Stiles never received a response from Mrs. Barton.

14. Cancellation of Queen City Classics' Use of McKinley Gymnasium

On November 30, 2007, Mrs. Barton contacted Susan Eager the Director of Plant Services and inquired whether a request by McKinley to use the gymnasium would displace a community group who had made previous arrangements to use the gymnasium. Ms Eager advised Mrs. Barton that consistent with district policy, a request to use the school gymnasium for McKinley students would indeed displace the community group. Accordingly, Mrs. Barton advised Ms. Eager that the Distinguished Gentlemen and Ladies Dance Club would need to use the McKinley gymnasium on Monday evenings beginning immediately and continuing through June 2008 from 5:30 p.m. to 9:00 p.m. to practice.¹² Ms. Eager completed the required application for Mrs. Barton over the telephone and immediately began the process of advising Ms. Stiles that her use of the McKinley gymnasium would be cancelled but that she could make arrangements to use another Buffalo Public Schools gymnasium.

Also on November 30, 2007, Ms. Eager advised Ms. Stiles by phone message, email and letter that Queen City Classics' use of the McKinley gymnasium would be cancelled "effective immediately" due to a conflict with a Buffalo Board of Education program. Ms. Eager further advised Ms. Stiles that there may be another building available for use and that Ms. Stiles should contact her to discuss the matter. On December 3, 2007, to further to her discussion with Ms.

¹² Because Mrs. Barton refused to participate in this investigation, the Special Independent Investigator has been unable to obtain additional information about the Distinguished Gentlemen and Ladies Dance Club.

Eager on November 30, 2007. Mrs. Barton sent Ms. Eager an email requesting the use of the McKinley gymnasium on Monday evenings stating "for the purpose of having members of our Distinguished Gentlemen and Ladies Clubs practice for a cotillion to be held in June 07 [sic]." Ms. Eager responded to Mrs. Barton on December 3, 2007 indicating that the approval letter for the use of the gymnasium would be issued to Mrs. Barton.

15. December 11, 2007 Cell Phone Calls to the Board of Education

Please refer to Section VIA6 beginning at page 16 for a complete discussion of the December 11, 2007 call to the Board of Education.

16. Girls' Basketball Team Meeting with Mrs. Barton

Please refer to Section VIA7 beginning at page 21 for a complete discussion of the school's response to the calls to the Board of Education, including the girls' basketball team meeting with Mrs. Barton.

17. December 12, 2007 Meeting Between Dr. Williams and Ms. Stiles

On December 12, 2007, Dr. Williams met with Ms. Stiles in his office in City Hall. During this meeting, Ms. Stiles reiterated much of what she had previously described to Dr. Williams in her email to him. Dr. Williams does not recall ever seeing the email from Ms. Stiles. Ms. Stiles explained to Dr. Williams that she had been a volunteer with the McKinley girls' basketball team and that she had recently been dismissed without explanation. Dr. Williams explained to Ms. Stiles that the district had "no obligation" to volunteers and that nothing could or would be done

to reinstate her. Moreover, Dr. Williams advised Ms. Stiles that decisions relating to volunteers were left to the discretion of the building principals.

18. December 12, 2007 Board of Education Meeting

It should be noted that the Special Independent Investigator has reviewed the video recording of the December 12, 2007 Board of Education meeting. Ms. Stiles had requested to speak at the December 12, 2007 Board meeting and was indeed given the opportunity to speak. During her remarks Ms. Stiles explained the circumstances surrounding her involvement with the McKinley girls' basketball team. In fact Ms. Stiles explained that she had been assisting the team and Head Coach Mike Sorrentino for three years and since her involvement, the team had improved dramatically, losing only three games in the Canisius Cup conference. Moreover, Ms. Stiles indicated that the girls have acquired the fundamental skills to play varsity basketball and worked during the summer and on Monday nights to teach those fundamentals to 8-11 year olds.

Ms. Stiles also expressed that many on the team were upset that she had been dismissed and had gone on strike for a week and that she did not view this action as a show of support of her, but rather the girls' demonstration that they desire to play basketball at a really high level, that they want people to have high expectations for them, that they want to be challenged and that they want to be competitive at a regional level.

Lastly Ms. Stiles explained that many of the girls felt that their voices had been stifled and that many had requested to speak at the December 12, 2007 meeting and upon their arrival were told that their names had been removed, without their consent or their parents' consent, from the

speaker's list. Ms. Stiles further stated that five of the girls who requested to speak at the December 12, 2007 meeting were given "suspensions pending" notification and [REDACTED] was given a five day suspension, suggesting inconsistent discipline being imposed at McKinley.

At the conclusion of the speakers portion of the meeting, Superintendent James A. Williams spoke to the Board and to the audience and expressly thanked the students from McKinley High School for attending the meeting (notwithstanding the fact that their names had been removed from the speaker's list without their consent) and he further thanked "Coach Stiles" for meeting with him that afternoon. Dr. Williams acknowledged that there were problems with the basketball program and that there were issues that were not going to be discussed. Dr. Williams further explained that volunteers were the responsibility of the principals and that by contract the Board did not have any obligation to a volunteer. None of the students who had placed their names on the speakers list and who were at the December 12, 2007 Board meeting were given the opportunity to speak at the meeting.

19. January 9, 2008 Board of Education Meeting

The topic of the McKinley girls' basketball team was again raised at the January 9, 2008 Board meeting. [REDACTED] spoke first to the Board and explained the events that in her mind precipitated the dismissal of Ms. Stiles. Specifically, [REDACTED] discussed an inappropriate [extra-marital] relationship between an unnamed teacher and coach at McKinley and the adult cousin of one of her friends and teammates. [REDACTED] explained that she and others knew of the relationship and that she did not believe that it was fair that Ms. Stiles had been dismissed because of one individual's efforts to hide his flagrant indiscretions.

█ spoke after █ and attempted to read a statement that she had prepared. Not unlike █ remarks █ explained that she and another teammate had shared the information concerning an extra-marital relationship between a McKinley teacher and coach and their friend's cousin with McKinley administration and nothing had been done about it. Moreover, the girls further advised the McKinley administration that the teacher and coach continued to discuss this matter, including the relationship itself, with the girls. As █ was reading her prepared remarks, several Board members interrupted her and told her that there were certain matters that could not be discussed in that forum and asked her to submit her prepared statement to the Board. █ complied.

█ also spoke to the Board on her and █'s behalf about the impact that Ms. Stiles' dismissal was having on █ and the team. Mrs. Jones explained that she and other parents had welcomed Ms. Stiles' relationship with the team and appreciated all of Ms. Stiles' efforts on behalf of the team and the girls. Mrs. Jones shared with the Board that Ms. Stiles' role was much more than as a coach, but that she served as a mentor and helped to motivate the girls and encouraged the girls to work hard in all aspects of their life.

Following █, Michelle Stiles spoke passionately to the Board not about her dismissal, but about the interference by Mrs. Barton in the girls' efforts to speak to the Board in December 2007 and about █'s lengthy suspension for the use of a cell phone to call the Board office to place her name on the speaker's list. Ms. Stiles expressed her surprise at the severe penalty

imposed on [REDACTED] and the much more lenient penalties assessed elsewhere in the district for much more egregious violations.

20. January 9, 2008 Conversation between Michelle Stiles and Catherine Battaglia

Immediately following the January 9, 2008 Board of Education meeting, Dr. Williams requested that Community Superintendent Catherine Battaglia, Ph.D. speak with Ms. Stiles and the McKinley students and parent who spoke at the meeting. As a Community Superintendent, one of the schools that Dr. Battaglia is responsible for is McKinley. Dr. Battaglia had not been made aware of the dismissal of the volunteer assistant girls' basketball coach nor had she been made aware of the [REDACTED] handed down to [REDACTED]. At the January 9, 2008 Board meeting, Dr. Battaglia was learning for the very first time of these issues at McKinley.

Consistent with Dr. Williams' request, Dr. Battaglia met with Ms. Stiles outside of the Board meeting room on January 9, 2008. Ms. Stiles advised Dr. Battaglia that she would forward to her some documents that would update her as to the situation. As promised, Ms. Stiles supplied Dr. Battaglia with the emails described above [November 13, 2007 email from Ms. Stiles to Dr. Williams; November 14, 2007 email from [REDACTED] to Dr. Williams and Board; November 15, 2007 email from Mrs. Barton to Ms. Stiles; November 22, 2007 email from Ms. Stiles to Mrs. Barton].

21. January 10, 2008 McKinley v. Burgard at Burgard High School

On January 10, 2008, the McKinley girls' basketball team was playing Burgard at Burgard. Ms. Stiles attended the game to videotape the game. The previous season, Ms. Stiles had made a video compilation of the season for the girls and she wanted to do the same this year. Ms. Stiles recalled that she was seated next to the mother of one of the players videotaping the game and along with the parents, cheering-on the team. During halftime, Ms. Stiles observed a man speaking to Mr. Sorrentino and shortly thereafter, Mr. Sorrentino advised Ms. Stiles that they were going to ask her to leave the game. As expected, one of the security officers approached Ms. Stiles and asked her to leave the game. The security officer would not give Ms. Stiles an explanation as to why she was being asked to leave the game and when she asked for an explanation, the security officer told her to ask Dave Thomas.

22. Information Shared with David Thomas and James Williams Concerning Michelle Stiles

The 2007-2008 girls basketball season marked the first season where there were organized, inter-scholastic junior varsity games. All of the games were held at Waterfront School on Saturday mornings/afternoon and each of the six schools who had a junior varsity team played a game; there were a total of three games on each Saturday morning/afternoon. During January 2008, games were held on January 5, 2008, January 12, 2008, January 19, 2008 and January 26, 2008. According to several people interviewed by the Special Independent Investigator, Dr. Williams and Mr. Thomas attended the Saturday morning/afternoon junior varsity games on either January 12th or January 19th.

The Bennett High School girls' basketball coach, Deb Stanczyk, advised the Special Independent Investigator that on either January 12th or January 19th she recalls entering the gymnasium and making a remark in passing to Dave Thomas concerning Ms. Stiles presence in the gymnasium. Ms. Stanczyk recalls expressing to Mr. Thomas her surprise that Ms. Stiles would "show her face" at the game after the incident at Burgard earlier in the month. Ms. Stanczyk was referring to the incident where Ms. Stiles was removed from a McKinley versus Burgard game at Burgard. In response, Mr. Thomas recalled to Ms. Stanczyk that Ms. Stanczyk had notified Mr. Thomas several years prior about an incident involving Ms. Stiles.

Ms. Stanczyk advised the Special Independent Investigator that in or about the 2005-2006 school year, she learned from one of her high school players who played AAU basketball with Ms. Stiles, that that player had received a phone call from Ms. Stiles at approximately 2 a.m. Ms. Stanczyk thought that it was unusual for a high school student to receive a phone call from an adult at 2 a.m. Ms. Stanczyk felt it was necessary to immediately advise Mr. Thomas of the information she learned. Ms. Stanczyk notified Mr. Thomas of the information she learned from one of her players by telephone. According to Ms. Stanczyk, Mr. Thomas thanked her for the information and said something to Ms. Stanczyk that led her to conclude that he would look into it. Ms. Stanczyk is unaware of what actions, if any, Mr. Thomas took with respect to the information.

Following Ms. Stanczyk's brief exchange with Mr. Thomas on either January 12th or January 19th, 2008, Mr. Thomas, who was seated next to Dr. Williams while watching the games, shared

with Dr. Williams the substance of the information Ms. Stanczyk had shared with him several years ago.

23. January 29, 2008 Board of Education Executive Session

As it has been reported in the Buffalo News, the Board of Education met in what has been described as "Executive Session" on January 29, 2008.¹³ During our interview of Dr. Williams, he stated that he told the Board during Executive Session that [REDACTED] [REDACTED] That's what I said. I said [REDACTED] [REDACTED] or words to that effect. Following the Executive Session, the information Dr. Williams shared with the Board was leaked to the Buffalo News. The source of the leak has been the subject of a separate investigation conducted by the Board of Education Ethics Committee.

During the course of this investigation, Dr. Williams was questioned about the source of the information he shared with the Board during the January 29, 2008 Executive Session. Initially, Dr. Williams considered that Ms. Stiles herself was the source of that information and then Dr. Williams alternatively thought that perhaps the source of the information could have been the ECC Head Women's Basketball Coach, Natasha Cummings-Price. On February 1, 2008, Ms. Cummings-Price had sent an email to the ECC Athletic Director requesting that Ms. Stiles not be permitted to enter the ECC Athletic Center. The ECC Athletic Director in turn forwarded that e-mail to David Thomas and others. Mrs. Cummings-Price's email was then circulated to several

¹³ There has been public debate about whether what has been called "Executive Session" was indeed a properly convened Executive Session. The Special Independent Investigator has not been asked to opine as to the legality of that session and for purposes of this report only will refer to the session as an Executive Session. Such reference, however, should not in any way be interpreted to suggest that the Special Independent Investigator has considered or concluded whether that the session was a properly convened Executive Session.

others. However, this e-mail was ruled out as a possible source of this information. After further discussion, Dr. Williams concluded that he was unable to recall the source of the information.

24. Removal from Section VI Game at McKinley

On February 21, 2008, the McKinley girls' basketball team was playing against Williamsville South High School in a Section VI playoff game being held at McKinley. Ms. Stiles was invited to attend the game by a friend Jeffrey Marcus, the parent of a player on the Williamsville South team. With some trepidation, Ms. Stiles accepted Marcus' invitation and agreed to attend the game. Upon arriving at McKinley and discovering that Marcus was already in the gym, Ms. Stiles contacted her attorney, Richard T. Sullivan, from the parking lot and asked him to accompany her into the building. A fan of basketball and not one to turn down an opportunity to see a game, Mr. Sullivan agreed and met Stiles in the parking lot at McKinley.

Upon entering the building, Mr. Sullivan and Ms. Stiles signed their names on the sign-in sheet and paid the entrance fee. Ms. Sullivan and Ms. Stiles proceed to walk through McKinley towards the gymnasium and are confronted by McKinley Security Officers McBride and Palumbo. At that time, Mr. Sullivan and Ms. Stiles was advised that Ms. Stiles was not permitted to enter the gymnasium at the direction of the Athletic Director David Thomas. At Mr. Sullivan's request, Security Officer McBride attempted to contact Mr. Thomas. Apparently, Security Officer McBride spoke with Mr. Thomas' assistant [Aubrey Lloyd] and reiterated to Mr. Sullivan and Ms. Stiles that Ms. Stiles was not permitted into the gymnasium. Just as Mr. Sullivan and Ms. Stiles were about to leave McKinley, one of the Security Officer's cell phones rang and he advised Mr. Sullivan and Ms. Stiles that Ms. Stiles may enter the gymnasium but

that she cannot coach from the stands or speak to any of the McKinley players. Mr. Sullivan and Ms. Stiles sat with the Marcus' with the fans for Williamsville South.

At halftime, Mr. Sullivan decided to leave the game and left Ms. Stiles with her friends the Marcus'. Mr. Sullivan had just arrived at his car in the McKinley parking lot and he received a call on his cell phone from Ms. Stiles stating that she was being removed from the game by two uniformed Buffalo Police Officers. Mr. Sullivan immediately pulled his car around to the gymnasium entrance to McKinley and spoke with the officers who very politely and apologetically stated that Mrs. Barton had called and advised that Ms. Stiles was not permitted in the building. The officers advised Mr. Sullivan and Ms. Stiles that Ms. Stiles had done nothing to warrant her removal from the game, rather, they were simply following Mrs. Barton's request.

25. Meeting Between Catherine Battaglia, David Thomas and Crystal Barton

After February 21, 2008, at the request of Dr. Williams, Dr. Battaglia and David Thomas had a meeting with Mrs. Barton concerning the incident where Mrs. Barton had Ms. Stiles removed from the McKinley gymnasium during a Section VI playoff game. During this meeting, Dr. Battaglia and Mr. Thomas advised Mrs. Barton that the Superintendent was not in favor of such conduct (having someone removed from a school building during an event that was open to the public). In response, Mrs. Barton advised Dr. Battaglia and Mr. Thomas that it was the right of the principal to determine who would be permitted to attend events at the school.

CONCLUSION

It is undisputed that McKinley Principal Crystal Barton had every right to dismiss Michelle Stiles as a volunteer at the school. The question presented is to what extent, if any, others precipitated or influenced her decision to dismiss Ms. Stiles. The facts of this investigation indicate that Ms. Stiles had a visible presence in the McKinley building since as early as 2004 without incident. It was not until the events of August or September 2007 involving James Daye that her involvement at the school became a subject of concern. This concern was discussed at the November 13, 2007 meeting between Mrs. Barton and David Thomas, where James Daye was also in attendance. While we cannot conclude that Ms. Stiles was dismissed by Mrs. Barton in response to a direct request by Mr. Daye, it appears that as a result of his participation in this meeting, Mr. Daye's concerns were a contributing factor in Mrs. Barton's decision. Our analysis of the facts and circumstances set forth above with respect to the relationship of Michelle Stiles with McKinley and her dismissal as a volunteer by Principal Crystal Barton are reviewed in the Recommendations document submitted herewith.