

Dana [REDACTED]

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**From:** Linda [REDACTED]  
**Sent:** Wednesday, August 22, 2018 9:26 PM  
**To:** Dana [REDACTED]  
**Subject:** Fwd: Please call ASAP

Please contact this person- Darline. She made a report to CPS about a principal inappropriately touching a student. All I know is it is the guy we hired from [REDACTED] [REDACTED] sent me a message to get you on it ASAP.  
Linda

Begin forwarded message:

**From:** Ricardo [REDACTED]@garlandisd.net>  
**Date:** August 22, 2018 at 7:58:43 PM CDT  
**To:** Ruby [REDACTED]@garlandisd.net>  
**Cc:** Linda [REDACTED]@garlandisd.net>  
**Subject:** Fwd: Please call ASAP

Has this person been contacted?

Sent from my iPhone please excuse any typos

Begin forwarded message:

**From:** Darline McElroy <DJMcElro@garlandisd.net>  
**Date:** August 22, 2018 at 7:51:57 PM CDT  
**To:** Ruby [REDACTED]@garlandisd.net>  
**Cc:** Ricardo [REDACTED]@garlandisd.net>  
**Subject:** Please call ASAP

My cell [REDACTED] . I reported an employee to CPS this evening.

Sent from my iPad

**To:** Dana [REDACTED]@garlandisd.net>  
**Subject:** RE: Hello

Look around 12:40 ish

Darline McElroy, Counselor  
Montclair Elementary  
972-279-4041  
Extension 42003  
Fax: 972-681-0565

**From:** Dana [REDACTED]  
**Sent:** Thursday, August 23, 2018 2:02 PM  
**To:** Darline McElroy <DJMcElro@garlandisd.net>  
**Subject:** Hello

Hello Darline,

I have been trying to find the incident you reported on the cameras. You said it was about 1:30, correct?  
Please advise.

*Serving those who serve our students*

Dana [REDACTED]  
HR Specialist Fingerprinting/Investigations  
Human Resources  
Garland Independent School District  
(972)487-3213  
Fax (972) 487-3143

Dana [REDACTED]

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**From:** Darline McElroy  
**Sent:** Thursday, August 23, 2018 9:08 PM  
**To:** Dana [REDACTED]  
**Subject:** Re: Hello  
**Attachments:** Incident Report [REDACTED] 2018 08-22.docx

Attached

*Darline McElroy  
Counselor  
Montclair Elementary  
972-279-4041 extension 42015*

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**From:** Dana [REDACTED]  
**Sent:** Thursday, August 23, 2018 3:16:16 PM  
**To:** Darline McElroy  
**Subject:** RE: Hello

Outstanding. Thank you so much!

**From:** Darline McElroy  
**Sent:** Thursday, August 23, 2018 3:12 PM  
**To:** Dana [REDACTED]@garlandisd.net>  
**Subject:** RE: Hello

Yes, as soon as I get home. We are about to dismiss. I also have the case number at home and I will include it.

*Darline McElroy, Counselor  
Montclair Elementary  
972-279-4041  
Extension 42003  
Fax: 972-681-0565*

**From:** Dana [REDACTED]  
**Sent:** Thursday, August 23, 2018 2:51 PM  
**To:** Darline McElroy <DJMcElro@garlandisd.net>  
**Subject:** RE: Hello

Got it. It was actually at 1 pm. Can you do me a huge favor and send me a written statement of what transpired, as far as what you witnessed, what the child said, James said, etc? Please ma'am?

**From:** Darline McElroy  
**Sent:** Thursday, August 23, 2018 2:15 PM

To: Dana [REDACTED] Investigator  
From: Darline McElroy, Counselor  
Date: 8-23-18  
Re: Incident Follow-up Report

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On August 22, 2018, I reported the following to CPS (case [REDACTED]):

I was walking with a 4 year old male student in a hallway at Montclair Elementary. The student ran over to the school's principal, James [REDACTED], and hugged him. The student had one arm around James' hips and one hand touching James' pelvis. James looked startled.

The student rubbed James' pelvis in a circular motion. James said, "Yes, the shirt is blue. Yes, the shirt is blue." James did not stop the student. I told the student to come with me. James walked away.

Later in the afternoon, I went to James [REDACTED]'s office, to debrief with him and Tracy [REDACTED], the assistant principal, about an earlier classroom observations for the same student. During the debrief, James offhandedly said, "The student ran over to me and grabbed my leg." I did not address this comment but continued the debrief.

Friday, October 12, 2012

1<sup>st</sup> copy asked to sign

TO: Darline McElroy, 6<sup>th</sup> Grade English Teacher

FROM: Jennifer D. [REDACTED] Assistant Principal

RE: Conference on Wednesday, October 11, 2012

It was reported to Ms. [REDACTED] by several students that yelling had occurred in class within the past few weeks. One particular student mentioned that he is "scared to go into the classroom"; that there are times when you are angry or cranky and that he feels like it is taken out on the students.


During staff development, on Tuesday, October 2, 2012, Mrs. [REDACTED] discussed with the faculty that it is imperative that we treat students respectfully and teachers must understand that they need to discuss a particular students' behavior outside of the classroom in order to prevent embarrassment or cause a scene. You were absent on this day and didn't get the information, therefore, we discussed this in detail during our conference.

Also during our conversation, you stated that you don't believe you are yelling at students. You also didn't recall having a conversation with that particular student in which he felt bad. You said that you were "shocked" that these accounts had been reported and didn't recall ever yelling, that you are loud and might have raised your voice but you don't consider that "yelling".

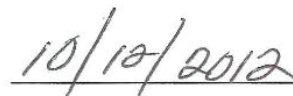
It was determined at our conference that administration will continue to observe classroom instruction and confer with you regarding any issues that arise in the future. It was also discussed that you would do the following:

- Notify Mrs. [REDACTED] in the future if you are absent.
- Ask your colleagues to provide constructive feedback on any observations they have made regarding your classroom.
- Reflect on behavior in class and be introspective.

Your commitment to students is important and valued; further review of your behavior will be noted. This document is provided as a summary of the conference. Please review and feel free to provide any additional information that might be valuable.

  
\_\_\_\_\_

Darline McElroy

  
\_\_\_\_\_

Date



**Garland Independent School District**  
Classical Center at Brandenburg Middle School

Friday, October 12, 2012

TO: Darline McElroy, 6<sup>th</sup> Grade English Teacher  
FROM: Jennifer D. [REDACTED] Assistant Principal  
RE: Conference on Wednesday, October 11, 2012

*same letter but asked to sign again because she wanted it to be "official" on letterhead my copy*

**Street Address**  
626 Nickens Road  
Garland, TX  
75043

**Phone**  
972-926-2630

**FAX**  
972-926-2633

**Email**  
A047@garlandisd.net

It was reported to Ms. [REDACTED] by several students that yelling had occurred in class within the past few weeks. One particular student mentioned that he is "scared to go into the classroom"; that there are times when you are angry or cranky and that he feels like it is taken out on the students.

During staff development, on Tuesday, October 2, 2012, Mrs. [REDACTED] discussed with the faculty that it is imperative that we treat students respectfully and teachers must understand that they need to discuss a particular students' behavior outside of the classroom in order to prevent embarrassment or cause a scene. You were absent on this day and didn't get the information, therefore, we discussed this in detail during our conference.

Also during our conversation, you stated that you don't believe you are yelling at students. You also didn't recall having a conversation with that particular student in which he felt bad. You said that you were "shocked" that these accounts had been reported and didn't recall ever yelling, that you are loud and might have raised your voice but you don't consider that "yelling".

It was determined at our conference that administration will continue to observe classroom instruction and confer with you regarding any issues that arise in the future. It was also discussed that you would do the following:

- Notify Mrs. [REDACTED] in the future if you are absent.
- Ask your colleagues to provide constructive feedback on any observations they have made regarding your classroom.
- Reflect on behavior in class and be introspective.

Your commitment to students is important and valued; further review of your behavior will be noted. This document is provided as a summary of the conference. Please review and feel free to provide any additional information that might be valuable.

\_\_\_\_\_  
Darline McElroy

\_\_\_\_\_  
Date

Mail

Properties

**From:** Jennifer [REDACTED]

Monday - October 15, 2012 5:45 PM

**To:** McElroy, Darline**Subject:** Re: Fwd: possible absence

Mrs. McElroy,

Thank you so much for the information. A doctor's note isn't necessary at this time, just a reminder will suffice. Thanks.

Mrs. [REDACTED]

&gt;&gt;&gt; Darline McElroy 10/13/2012 8:10 PM &gt;&gt;&gt;

Mrs. [REDACTED]

I am sending the e-mail informing Mark [REDACTED] of my absence on October 2, 2012 a staff development day for the district. At your request in our meeting with Mrs. [REDACTED] this week and the letter I signed at your request on Friday, October 12, 2012, I will now inform you, my appraiser, of any absences. Also, if you need for your records, a note from my 3 year old son's pediatrician validating that he was seen on October 2, 2012 for a sick visit, I can request that her office either fax or e-mail you directly with that information.

Thank you,

Darline McElroy

Mail

Properties

**From:** Mark [REDACTED]

Tuesday - October 16, 2012 8:17 AM

**To:** BBG-Campus\_Wide**Subject:** Subs/Covering Classes/AESOP

Just wanted to give a couple of reminders regarding this subject. If you need to have a class covered due to an errand that needs to be run, doctor's appointment, etc... please make sure you let me know in case we end up looking for you. Also, if you are going to need more than 1 class covered than you need to put in for a sub (half day or whole day depending on your errand or appointment). No more getting 3-4 classes covered by other teachers. That is an absence.

Also, if you know you are going to be out, even if it is when you first wake up in the morning please put in your absence immediately. With the lack of subs this needs to be entered as soon as you know you will not be in to work. Don't wait until you get dressed and drive up to work. Get it done immediately. The system needs time to call out and then the subs will need time to get dressed and drive to Brandenburg. If you can't because you don't know how to or don't know your log in information please get with me and we can take care of that. If it is an unexpected absence due to sickness or your child woke up sick please put the absence in and then text me to let me know. I can then monitor the absence and make some calls if needed. But put the absence in first.

Thanks.

*I was told that I had to notify my appraiser  
see letter dated Friday 10/12/12*



Name: McElroy, Darline Appraiser: Jennifer [REDACTED] Campus: Brandenburg Grade/Assign: 6th-English  
 Beginning Time: 8:54 Ending Time: 9:37

**PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM**  
2012 - 2013

Observation Date 1/29/2013 Observation Summary \_\_\_\_\_ Summative Date \_\_\_\_\_

**Domain VIII: Improvement of Academic Performance Of All Students on The Campus (Based on Indicators in the AEIS)**

Rating Domain VIII Exceeds	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Align instruction	√				
2. Analyzes TEKS/TAKS data	√				
3. Appropriate sequence	√				
4. Appropriate materials	√				
5. Monitors student performance	√				
6. Monitors attendance	√				
7. Students in at-risk situations	√				
8. Appropriate plans for intervention	√				
9. Modifies and adapts	√				
<b>Subtotal</b>	<b>45</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>45</b>

Comments: \_\_\_\_\_

Strengths	Areas to Address
<p><i>3/8/13 - Darline McElroy</i>  <i>Appraiser acknowledge that she did not follow PDAS protocol; she wanted to discuss the observation with me.</i>  <i>Appraiser acknowledged that she believed teachers' reports about me without her personal witness or observation 5:00 p.m.</i>  <i>Teacher refused to sign observation. 3/9/13</i></p>	

10. Campus Performance Rating school year 2003-2004  
 A. Recognized \_\_\_\_\_ 2  
 B. Meets AYP \_\_\_\_\_ 1  
 Total A + B \_\_\_\_\_ 3

If needs improvement, indicate below. Additional information may be provided in Comments section.  
 Performance Participation Graduation Attendance Final Total Domain VIII  
 Reading     48  
 Math

\*Teachers' 1st Year on Campus      Teacher's Subsequent Years on Campus  
 Total: 37 to 45 Exceeds Expectations      40 to 50 Exceeds Expectations  
          23 to 36 Proficient                      24 to 39 Proficient  
          7 to 22 Below Expectations          8 to 23 Below Expectations  
          0 to 6 Unsatisfactory                    0 to 7 Unsatisfactory

Signature of Appraiser: \_\_\_\_\_ Date: \_\_\_\_\_  
 My appraiser has given me a copy of this Observation Summary Report.  
 Signature of Teacher: \_\_\_\_\_ Date: \_\_\_\_\_

**Observation Summary**  
 Signature of Appraiser: \_\_\_\_\_ Date: \_\_\_\_\_  
 My appraiser and I have discussed this Summative Annual Appraisal Report.  
 Signature of Teacher: \_\_\_\_\_ Date: \_\_\_\_\_  
**Summative Annual Appraisal**

Name: McElroy, Darline Appraiser: Jennifer [REDACTED] Campus: Brandenburg Grade/Assign: 6th-English  
 Beginning Time: 8:54 Ending Time: 9:37  
**PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM**  
 2012 - 2013  
 Observation Date 1/29/2013 Observation Summary Summative Date \_\_\_\_\_  
 Teacher ID: \_\_\_\_\_

**Domain V: Professional Communication**

Rating Domain V Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatis- factory (x 0)	
1. Written with students		√			
2. Verbal/non verbal with students		√			
3. Reluctant students		√			
4. Written with parents, staff, community members, and other professionals		√			
5. Verbal/non verbal with parents, staff, community members, and other professionals		√			
6. Supportive, courteous		√			
<b>Subtotal</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>18</b>

Total: 25 to 30 Exceeds Expectations  
 15 to 24 Proficient  
 5 to 14 Below Expectations  
 0 to 4 Unsatisfactory

Comments: \_\_\_\_\_

**Domain VI: Professional Development**

Rating Domain VI Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatis- factory (x 0)	
1. Campus/district goals		√			
2. Student needs		√			
3. Prior performance appraisal		√			
4. Improvement of student performance		√			
<b>Subtotal</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>12</b>

Total: 16 to 20 Exceeds Expectations  
 9 to 15 Proficient  
 3 to 8 Below Expectations  
 0 to 2 Unsatisfactory

Comments: \_\_\_\_\_

Strengths	Areas to Address

Strengths	Areas to Address
	Student/teacher interaction is abrasive at times. <i>Suggest by principal on 3/1/13 to remove because it refuses to sign.</i> <i>Principal and assistance principal acknowledged believe "hear say" from staff; do not have written documentation; would not give names</i>

Name: McElroy, Darline Appraiser: Jennife [REDACTED] Campus: Brandenburg Grade/Assign: 6th-English  
 Beginning Time: 8:54 Ending Time: 9:37

**PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM**

2012 - 2013

Teacher ID: \_\_\_\_\_

Observation Date 1/29/2013

Observation Summary \_\_\_\_\_

Summative Date 3/6/2013

**Domain V: Professional Communication**

Rating Domain V Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Written with students		√			
2. Verbal/non verbal with students		√			
3. Reluctant students		√			
4. Written with parents, staff, community members, and other professionals		√			
5. Verbal/non verbal with parents, staff, community members, and other professionals		√			
6. Supportive, courteous		√			Total
<b>Subtotal</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>18</b>

Total: 25 to 30 Exceeds Expectations  
 15 to 24 Proficient  
 5 to 14 Below Expectations  
 0 to 4 Unsatisfactory

Comments: \_\_\_\_\_

**Domain VI: Professional Development**

Rating Domain VI Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Campus/district goals		√			
2. Student needs		√			
3. Prior performance appraisal		√			
4. Improvement of student performance		√			Total
<b>Subtotal</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>12</b>

Total: 16 to 20 Exceeds Expectations  
 9 to 15 Proficient  
 3 to 8 Below Expectations  
 0 to 2 Unsatisfactory

Comments: \_\_\_\_\_

Strengths

Areas to Address

Strengths

Areas to Address

Page 3 of 5

*Removed!*  
 After A.P. was informed by me that she missed comments, when asked if she wanted to call in, she was silent.  
 Mrs. [REDACTED] asked what could be done so that I would sign papers.

Revised June 2004

# PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM

2013 - 2014

Name: McElroy, Darline Appraiser: Jennifer [redacted] Assignment/Grade: 6th Grade ELA

Campus: Brandenburg MS Teacher ID: \_\_\_\_\_ Beginning Time: 2:10 Ending Time: 2:58

Observation Date 4/28/2014

Observation Summary \_\_\_\_\_

Summative Date 5/16/2014

	Criteria											
	1	2	3	4	5	6	7	8	9			
Domain I	E	P	P	E	P						Proficient	19
Domain II	E	E	P	E	E	P	P	E	E		Exceeds	39
Domain III	E	E	E	E	E	E					Exceeds	30
Domain IV	E	E	E	E	E	E	E	P			Exceeds	38
Domain V	E	P	E	E	P	E					Exceeds	26
Domain VI	E	E	E	E							Exceeds	20
Domain VII	E	E	E								Exceeds	15
Domain VIII	E	E	E	E	E	E	E	E	E	E	Exceeds	50
Campus/AYP Rating	Exemplary					Meets AYP						

New Teacher  
 New Campus

Performance Participation Performance Participation Graduation Attendance

If needs improvement (AYP) Check Reading   Math

### Domain I: Active, Successful Student Participation in the Learning Process

Students are engaged in the learning process. Students are successful in learning. Learning objectives have some depth and complexity.

#### Strengths

Student engagement is self-directed/intrinsically motivated. Students take reasonable risks in responding, extending, questioning.

#### Areas To Address

Increase levels of questioning to application level or higher of Bloom's Taxonomy.

### Domain II: Learner-Centered Instruction

Learning is constructed around central themes/concepts of the discipline and are appropriate to the unique needs/characteristics of all students.

#### Strengths

Instructional strategies are research based and reflect current knowledge and practice within the content area.

#### Areas To Address

Increase critical thinking and problem solving activities to application level or higher.

### Domain III: Evaluation and Feedback on Student Progress

The teacher provides positive, specific and timely feedback to students, which results in student progress toward learning goals.

#### Strengths

The teacher acts on assessment data before moving from one stage of instruction to the next.

#### Areas To Address

### Domain IV: Management of Student Discipline, Instructional Strategies, Time and Materials

The teacher provides opportunities for relearning and re-evaluation of material, when appropriate. Discipline management techniques are implemented, student behavior is appropriate.

#### Strengths

The teacher creates a safe, positive, supportive, respectful environment so that students take appropriate risks in the learning.

#### Areas To Address



Mail

Properties

**From:** Jennifer [REDACTED]

Tuesday - October 23, 2012 10:18 AM

**To:** McElroy, Darline

**Subject:** Re: observation

Anytime dear!

>>> Darline McElroy 10/23/2012 10:14 AM >>>

Thank you Mrs. [REDACTED]

>>> Jennifer [REDACTED] 10/23/12 9:37 AM >>>

Mrs. McElroy,  
[REDACTED]

I didn't send Mrs. [REDACTED] to your room, however, she is a department head she does provide a supervisory role and serves as an expert in ELA. She will be visiting all teachers throughout this semester as she has a student teacher that can teach her class. We work collaboratively here at the Burg, any and all input is valuable, if you would like to discuss it further please feel free to stop by my office. Thanks.

Mrs. [REDACTED]

---

*Jennifer [REDACTED]*

Assistant Principal

The Classical Center at Brandenburg Middle School

972-926-2630 x 51204

>>> Darline McElroy 10/23/2012 8:03 AM >>>

Good morning,  
[REDACTED]

I would like to know what I have done that you sent Kelli [REDACTED] to visit my classroom on October 22, 2012. I asked her if she was observing and she said no, but gave no reason as to why she was in my 3rd period class.

Thank you

2/4/2016

Re: Observation follow up - Darline McElroy

## Re: Observation follow up

Kyndra [REDACTED]

Thu 10/16/2014 9:53 AM

To: Darline McElroy <DJMcElro@garlandisd.net>;

Cc: Kelli [REDACTED]@garlandisd.net>;

Hi Mrs. McElroy,

I'm sorry I could not stay for the entire class period. I had a meeting that I had to attend. I enjoyed your class and I would love to attend your PLC. However, due to my schedule, I can not meet on Mondays. Is there another day that we could meet? Tuesday would work for me. Does that work for you?

Kyndra [REDACTED]

Sent from my iPad

On Oct 15, 2014, at 6:45 PM, "Darline McElroy" <DJMcElro@garlandisd.net> wrote:

Hi Kyndra,

I am just following up with you about your observation on yesterday during my 5th period class at Kelli's request. Kelli said that you had fabulous ideas on making Springboard exciting for students. Since you left before I could speak with, I would love for you to share.

Also, my team plans together and implement Springboard lessons with our honor classes. We meet Monday mornings at 8:05 a.m. if you would like to join us.

Thank you,

Darline McElroy  
6th grade English  
Classical Center at Brandenburg Middle School  
Tutorials: Monday and Thursday mornings 8:05-8:40

# RE: Meeting

Kelli [REDACTED]

Thu 2/4/2016 9:08 AM

To: Darline McElroy <DJMcElro@garlandisd.net>;

I look forward to talking to you at 4.

**From:** Darline McElroy

**Sent:** Wednesday, February 03, 2016 9:38 PM

**To:** Kelli [REDACTED] [REDACTED]

**Cc:** Elise [REDACTED] Mark [REDACTED] [REDACTED]

**Subject:** Re: Meeting

Sure. We can meet after school at 4 pm if that works for you. Will you please send me the last 4 walk-through district observations forms including your visit today, the two additional times you came in the first semester, and the one that you came in with Mr. [REDACTED] in November prior to our meeting?

Thank you!

Sent from my iPad

On Feb 3, 2016, at 3:50 PM, Kelli [REDACTED]@garlandisd.net> wrote:

I would like to meet with you tomorrow to talk about my visit to your class today. What time would work best for you?

Thank you,

Kelli [REDACTED]

Assistant Principal

Classical Center at Brandenburg MS

972-926-2630 ext. 51204

[REDACTED]@garlandisd.net

**The Classical Center  
at Brandenburg  
Middle School**

*in hallway  
laughing: "This is not even  
our real let for heads"*

**To:** Darline McElroy  
**From:** Kelli [REDACTED] Assistant Principal- Brandenburg Middle School  
**cc:** Elise [REDACTED]; Mark [REDACTED]  
**Date:** February 9, 2016  
**Re:** Meeting on 2/4/2016

---

This is a summary of our conference on February 4, 2016 regarding concerns observed in your classroom on February 3, 2014.

We discussed concerns brought to our attention by parents. I spoke with a concerned parent on February 1, 2016. Mrs. [REDACTED] spoke with a different parent on February 2, 2016 regarding similar concerns. Each parent stated their child feels uncomfortable in your class and is afraid to ask questions or attend tutorials. While in your classroom I observed that you did not address students by name. When students had questions about the warm-up, you seemed irritated by their questions.

Your response to the meeting was to state that my presence in your classroom was the reason for the way you conducted your class on February 3, 2016. When the parent concerns were brought to your attention, you wanted names. When those were not provided at the request of the parent, you stated that there were no parents. No real discussion was able to take place regarding the concerns. Your tone in the meeting was confrontational even after I explained that we just wanted to talk and get the problem resolved.

My signature verifies that I have received a copy of this memorandum. It does not necessarily mean that I agree with the content. I understand that I have the right to present a written response within ten working days.

---

Signature

---

Date



**To:** [REDACTED], Assistant Principal  
**From:** Darline McElroy, Teacher  
**CC:** Elise [REDACTED] Principal [REDACTED]  
Mark [REDACTED], Assistant Principal  
**Date:** February 13, 2016  
**Re:** **Response to memorandum, "Meeting on 2/4/2016"**

---

Please accept the following as my responses to your memorandum.

- To state that I "seemed irritated" is subjective, and I fail to understand how that statement helps us to hold professional collaboration.
- Your tone in the meeting came across condescending and disingenuous.
- You stated you "just wanted to talk and get the problem solved," yet you offered no help, and you refused to allow me to communicate with the concerned parents and students.

The purpose of your memorandum/meeting is confusing to me.

- You stated that students do not want to come to tutoring because they are afraid of me, but my tutoring logs contradict that allegation.
- You stated that two children are uncomfortable in my class, but gave me no reasons as to why they are "afraid" of me. You later stated that because of my professional degrees in counseling that I was "capable" of creating positive relationships with my students.
- You refer to me with words like irritated, confrontational, and having an unpleasant demeanor; yet you were adamant that I have good character: "you have a kind heart; you are a sweet person; everybody [the entire staff] likes you."
- You were very clear that your visit to me was neither punitive or damaging; however, (a) the follow-up memorandum is overall negative, and (b) I was unexpectedly taken off ALFTA without communication from you or the principal. I was also given a notice of appraisal by another assistant principal, Mark [REDACTED] via email and an opening observations window which was scheduled for the next/following day.

The repetition of these types of interactions with you have left me feeling harassed and unconfident that we can have a professional and congenial relationship. I am specifically requesting a cease to these types of interactions with you. I am also requesting a cease to harassing observations. I am further requesting a cease to follow-up memorandum and meetings that serve to intimidate and falsely accuse me.

---

Date: February 9, 2016

To: Darline McElroy

From: Mark [REDACTED] AP

Re: Appraisal Window

I will be your appraiser. I have removed your Appraisal Less Frequently Than Annually (ALFTA) status. I will be opening your three week appraisal window beginning February 10, 2016.

on phone conversation  
Mark: I'm sorry. I know this is  
sucky.

Prayer  
Prayer  
unfair  
unprofessional  
hostile environment  
illegal reasons  
10-15 days  
listen to complaint

44

email  
pre-conference

⇒ within their rights  
can file a.

# Re: Meeting

Gayle [REDACTED]

Thu 2/18/2016 8:09 PM

To: Darline McElroy <DJMcElro@garlandisd.net>

I appreciate your time. I wish we could've ended better but it is what it is. The good thing that will come out of this will be the needed conversation about racial concerns and new practices. I appreciate your honesty and courage.

If a counseling position doesn't open up I hope you will consider Lyles at the transfer fair. I would like to keep you in area 4! Let me know if you need anything else.

Sent from my iPhone

> On Feb 18, 2016, at 3:59 PM, Darline McElroy <DJMcElro@garlandisd.net> wrote:

>  
> Thank you for taking the time twice from your busy schedule. All is well. I'm sure we will finish the year stronger.

>  
>  
> Darline McElroy  
> 6th grade English  
> Classical Center at Brandenburg Middle School  
> Tutorials: Wednesday and Friday mornings 8:05-8:40

>  
>  
> \_\_\_\_\_  
> From: Gayle [REDACTED]  
> Sent: Monday, February 15, 2016 12:57 PM  
> To: Darline McElroy  
> Subject: Meeting

>  
> Good afternoon,  
>  
> As a follow up to our meeting the other day I would like to schedule a meeting with you, Ms. [REDACTED] and myself for Thursday at 11:30. If you have duty at that time Ms. [REDACTED] has agreed to find coverage. The purpose of the meeting will be to address the concerns that have been brought up, share findings from my investigation and come to a resolution so that we can finish the year strong. Please let me know if you have any questions.

>  
> Sincerely,

>  
> Gayle [REDACTED]

> Sent from my iPad

**From:** Darline McElroy  
**Sent:** Friday, January 25, 2019 10:33 AM  
**To:** [REDACTED]@garlandisd.net>  
**Cc:** James [REDACTED]@garlandisd.net>; [REDACTED]@garlandisd.net>  
**Subject:** student concern

Hi [REDACTED]

[REDACTED] (Ms. [REDACTED] pre-k) parents have agreed with James to have him evaluated for speech. James will facilitate the SST. The parents have requested that I not be in the meeting. Will you prepare the necessary paper work for James? The meeting is Wednesday, January 30 at 11:30. I will get the folder together as usual.

Thank you!

**Darline McElroy, Counselor**  
**Montclair Elementary**  
**972-279-4041**  
**Extension 42003**  
**Fax: 972-681-0565**

**Darline McElroy**

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**From:** James [REDACTED]  
**Sent:** Monday, January 28, 2019 9:16 AM  
**To:** Darline McElroy; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: student concern

I'm Ok with going over the paperwork with them.

There are things going on here that trump reluctance so just get me the paperwork and I'll take care of it with them.

James [REDACTED]  
Principal, Montclair Elementary  
972-279-4041  
<http://www.garlandisd.schools.net/page.cfm?p=1175>

**From:** Darline McElroy  
**Sent:** Monday, January 28, 2019 8:13 AM  
**To:** James [REDACTED]; [REDACTED]@garlandisd.net>  
**Cc:** [REDACTED]@garlandisd.net>  
**Subject:** RE: student concern

James, you will need either Mrs. [REDACTED] or myself in the meeting to explain the paperwork. Since you stated that the parents asked that I not be present, I think you would want to cover your bases with making sure they understand the process especially by the parents' reluctance to evaluate.

**Darline McElroy, Counselor**  
**Montclair Elementary**  
**972-279-4041**  
**Extension 42003**  
**Fax: 972-681-0565**

**From:** James [REDACTED]  
**Sent:** Monday, January 28, 2019 7:06 AM  
**To:** Darline McElroy <DJMcElro@garlandisd.net>; [REDACTED]@garlandisd.net>  
**Cc:** [REDACTED]@garlandisd.net>  
**Subject:** RE: student concern

Thanks [REDACTED] you can just put the folder of what I need them to sign in my box.

James [REDACTED]  
Principal, Montclair Elementary  
972-279-4041  
<http://www.garlandisd.schools.net/page.cfm?p=1175>

A

Dana [REDACTED]

---

**From:** Darline McElroy  
**Sent:** Monday, April 22, 2019 8:36 AM  
**To:** Dana [REDACTED]  
**Subject:** report

Good morning,

Thursday, April 18, 2018 Tracy [REDACTED] presented me with a birthday cake that I believe was purchased with alcohol in it. During lunch, Jan [REDACTED] stated that Tracy had gone out of her way to purchase me a special cake from a bakery, and it was not just a regular Walmart or Sam's cake. When the office team along with Mrs. [REDACTED], a retired substitute, ate the cake I noticed a burning sensation in my chest. The nurse confirmed that the cake had alcohol. Jan [REDACTED] turned to Tracy and began laughing. James [REDACTED] later sent an email attempting to explain that Tiramisu cake is sometimes cooked with alcohol with a low percentage.

This morning, I went to deliver a MAP schedule to Mrs. [REDACTED]. She stated, "I heard about your cake. I wanted a slice, but someone told me it had alcohol in it." She wouldn't tell me the person's name. I explain to her and her assistants who heard the conversation that I was going to report it as it was offensive and against my religious practices.

Tracy [REDACTED] is aware that I don't indulge in alcoholic beverages as we have had this discussion before. When I continuously asked about the cake, she ate the cake and walked out of the office.

**Darline McElroy, Counselor**  
**Montclair Elementary**  
**972-279-4041**  
**Extension 42003**  
**Fax: 972-681-0565**

Dana [REDACTED]

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**From:** Tanya [REDACTED]  
**Sent:** Tuesday, April 23, 2019 5:14 PM  
**To:** Darline McElroy  
**Cc:** Sylvia [REDACTED] Dana [REDACTED]  
**Subject:** RE: report  
**Attachments:** DGBA(LOCAL).pdf; DGBA(LEGAL).pdf

Good evening,

My understanding is that you had an opportunity to speak with Ms. [REDACTED], and she is investigating your concerns. However, you stated that you are "filing this complaint", and I want to ensure that you had the information on filing a formal complaint, if that is what you are requesting. If so, please follow the process outlined in Board Policy DGBA (Local) and (Legal) attached. If you have further questions, please let me know.

*Tanya [REDACTED]*  
Director of Human Resources-Elementary Campuses  
501 S. Jupiter Road  
Garland, TX 75042  
(972) 487-3066

**From:** Darline McElroy  
**Sent:** Tuesday, April 23, 2019 10:54 AM  
**To:** Tanya [REDACTED]@garlandisd.net>  
**Cc:** Sylvia [REDACTED]@garlandisd.net>; Dana [REDACTED]@garlandisd.net>  
**Subject:** report

Good morning,

During a SST meeting this morning in the presence of a parent and two school employees, James [REDACTED] made comments to the parent referencing to me as not being able to work with well with others. Yesterday during a baby shower after school, when I declined punch he was serving he yelled across the room to Tracy [REDACTED] the assistant principal, about the punch being Tiramisu punch referencing a cake that I believed was purchased intentionally with alcohol. Tracy smiled at him and said, "stop".

I do not know why he is content in embarrassing me in front of others. I can only assume it's because of a report a made concerning him with a child. Dana [REDACTED] is currently on my campus, but in the event she cannot interview the employees who witness his remarks, I am filing this complaint.

I would appreciate your assistance in the matter.

Thank you,

**Darline McElroy, Counselor**  
**Montclair Elementary**  
**972-279-4041**  
**Extension 42003**

(B)

**Darline McElroy**

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**From:** Darline McElroy  
**Sent:** Thursday, April 18, 2019 2:36 PM  
**To:** James [redacted]; Chris [redacted]; Gabrielle [redacted]; Jacqueline [redacted]; Jan [redacted]; Sandra [redacted]; Tracy [redacted]; Veronica [redacted]  
**Subject:** RE:

No one wants to get drunk. I don't know how much was in that cake, but I know what I was feeling was not right. I'm going to call the bakery and ask if they label their cakes with alcohol because if not they need to.

**Darline McElroy, Counselor**  
**Montclair Elementary**  
**972-279-4041**  
**Extension 42003**  
**Fax: 972-681-0565**

**From:** James [redacted]  
**Sent:** Thursday, April 18, 2019 2:22 PM  
**To:** Chris [redacted]<[redacted]@garlandisd.net>; Darline McElroy <DJMcElro@garlandisd.net>; Gabrielle [redacted]<[redacted]@garlandisd.net>; Jacqueline [redacted]<[redacted]@garlandisd.net>; James [redacted]<[redacted]@garlandisd.net>; Jan [redacted]<[redacted]@garlandisd.net>; Sandra [redacted]<[redacted]@garlandisd.net>; Tracy [redacted]<[redacted]@garlandisd.net>; Veronica [redacted]<[redacted]@garlandisd.net>  
**Subject:**

<https://en.wikipedia.org/wiki/Tiramisu>

About this result Feedback

People also ask

Can you get drunk off tiramisu?

There is a tiny amount of alcohol in **tiramisu** even after baking, about 1.5 ml in an entire cake. ... So if **you** had a huge stomach and an incredibly efficient gut, yes, **you** could **get drunk** if you ate about 30 whole tiramisus. Good news, **you can't do** that, or come anywhere in the same order of magnitude as that.

James [redacted]  
Principal, Montclair Elementary  
972-279-4041  
<http://www.garlandidschools.net/page.cfm?p=1175>



Dana [REDACTED]

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**From:** Darline McElroy  
**Sent:** Tuesday, April 23, 2019 3:37 PM  
**To:** Sylvia [REDACTED]; Kristen [REDACTED]; Dana [REDACTED]  
**Subject:** follow up from meeting  
**Attachments:** letter 2016.pdf

Sylvia,

Thank you all for your support today. I've decided that I don't want to leave the campus. I have attached a letter to help you better understand my position. I tried on my last campus to do the right thing and go the right channels. However, nothing happened. I ran to the promotion just to have people from Brandenburg call me with the same concerns that I had to deal with.

If we as a district can claim to take a stance about children being bullied, can we not support the people who are expected to protect those children? I am emotionally drained from people who lacked the common decency to simply be kind.

I am not leaving when I did not do anything to cause people to act in evil ways and have no regard for my well being. I will face them daily if necessary and report every day of any abuse. I fully expect this district to care about me and all of its employees. That's not too much to ask.

Sincerely,

*Darline McElroy  
Counselor  
Montclair Elementary  
972-279-4041 extension 42015*

Dana [REDACTED]

---

**From:** Darline McElroy  
**Sent:** Wednesday, April 24, 2019 12:32 PM  
**To:** Dana [REDACTED]  
**Subject:** RE: information

Thank you.

**Darline McElroy, Counselor**  
**Montclair Elementary**  
**972-279-4041**  
**Extension 42003**  
**Fax: 972-681-0565**

**From:** Dana [REDACTED]  
**Sent:** Wednesday, April 24, 2019 12:26 PM  
**To:** Darline McElroy <DJMcElro@garlandisd.net>  
**Subject:** RE: information

You can do an open records request, through our legal counsel, Ms. Lisa [REDACTED] or D'Ann [REDACTED]. I am able to view video, as well, and totally didn't even think of doing that until you mentioned it.

**From:** Darline McElroy  
**Sent:** Wednesday, April 24, 2019 10:30 AM  
**To:** Dana [REDACTED]@garlandisd.net>  
**Subject:** RE: information

How do I make a formal request to have the video/audio from 4/18/19 from 2:25 pm-3:15 pm in the office?

**Darline McElroy, Counselor**  
**Montclair Elementary**  
**972-279-4041**  
**Extension 42003**  
**Fax: 972-681-0565**

**From:** Dana [REDACTED]  
**Sent:** Wednesday, April 24, 2019 10:09 AM  
**To:** Darline McElroy <DJMcElro@garlandisd.net>  
**Subject:** Re: information

Ok. Thanks so much!

---

**From:** Darline McElroy  
**Sent:** Wednesday, April 24, 2019 9:58:24 AM  
**To:** Dana [REDACTED]  
**Subject:** information

①

Dana [REDACTED]

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**From:** Dana [REDACTED]  
**Sent:** Wednesday, April 24, 2019 1:03 PM  
**To:** Darline McElroy  
**Cc:** Tanya [REDACTED]  
**Subject:** Bakery

Hi Ms. McElroy,

I wanted to let you know, I called the bakery that the cake was purchased from. (San Martin in Dallas). They told me the cake did not have alcohol, but did have coffee/expresso. The lady, also read the ingredients to me. I'm continuing with the investigation, but did want you to know that I made contact with the bakery.

Let me know if you have any questions.

Regards,  
Dana

**972-279-4041**  
**Extension 42003**  
**Fax: 972-681-0565**

**From:** Dana [REDACTED]  
**Sent:** Wednesday, April 24, 2019 5:19 PM  
**To:** Darline McElroy <[DJMcElro@garlandisd.net](mailto:DJMcElro@garlandisd.net)>  
**Subject:** Update

Hi Darline,

Sorry to bother you again. After reviewing recipes for the cake that was served, some stated Marsela wine was in cream of the cake. I called the bakery back and spoke with the manager. I asked the manager specifically about the wine being in the cream. The manager told me that Kalauha (sp?) and rum were baked into the cake, not wine. I inquired if the alcohol was brushed onto the cake and she said "no," that it was put into the batter and baked. She did confirm the cake had coffee, as well. I told her the young lady I spoke with the first time I called said there was no alcohol in the cake, of course, I didn't think to get her name, so I was unable to let her know who it was that told me that. Long story short, it does appear alcohol was baked into the cake. My apologies for being misinformed the first time.

I didn't have a chance to pull the video today, but will do so tomorrow.

Have a great evening,

*Serving those who serve our students*

Dana [REDACTED]  
HR Specialist Fingerprinting/Investigations  
Human Resources  
Garland Independent School District  
(972)487-3213  
Fax (972) 487-3143



P.O. Box 469024  
Garland, TX  
75046-9024  
www.garlandisd.net

**Garland Independent School District**

February 28, 2018

Dear Mr. Alvaro [REDACTED]:

**Street Address**  
Horris Hill Administration Building  
501 S. Jupiter RD  
Garland, TX  
75042  
**Phone**  
972-487-3018  
**FAX**  
972-485-4936

On February 1, 2018, I met with you, and Dana [REDACTED], District investigator. This meeting was scheduled after you sent me an email on January 31, 2018, requesting a transfer because you stated you were experiencing a hostile work environment. During our conversation, it was determined that you had submitted an anonymous hotline complaint regarding sexual arousal of the principal after Saturday School. We decided to conduct an investigation under Board Policy DIA and to investigate your hotline complaint. Board Policy DIA addresses discrimination, harassment and retaliation involving District employees. The investigation consisted of a review of the information received during our meeting and information from others with knowledge of the circumstances surrounding the investigation. The investigation also included analysis of other information, security camera videos or documents related to the allegations. In this regard, besides yourself the following individuals were interviewed by Dana [REDACTED] to determine if the allegations constituted prohibited conduct:

- Mr. James [REDACTED], Principal
- Dr. Kristin [REDACTED], Area Director
- Ms. Tracy [REDACTED], Assistant Principal
- Ms. [REDACTED], CBSE Teacher
- Ms. [REDACTED], Diagnostician
- Ms. [REDACTED], Fifth Grade Teacher
- Ms. [REDACTED], Substitute Teacher

The results of the investigation did not rise to the level of prohibited or unlawful conduct as outlined in Board Policy DIA (LOCAL). Specifically, the evidence does not support your allegations that James [REDACTED] violated Board Policy DIA (LOCAL) by engaging in retaliation, harassment and/or discrimination against you. Therefore, I believe the District has taken all necessary action to investigate and address the allegations you reported and to protect your rights.

The incident you describe regarding Mr. [REDACTED] being [REDACTED] after Saturday School on January 6, 2018, while sitting next to a student, was thoroughly investigated by viewing more than one camera at the site, interviewing those involved, as well as interviewing other teachers you talked to about the incident. This incident was not confirmed or validated. All personnel matters reported to us and investigated are strictly confidential and you should not be discussing this incident or this investigation with campus employees.

It is my recommendation that you apply for a transfer to another campus. You will need to visit the Garland ISD website, Human Resources page anytime from March 5 - March 16 and complete an application for a transfer. The transfer fair is on April 19, 2018, but you will need to complete the application to participate. Please let me know if you have any questions about this process.

Thank you for bringing your concerns to the District's attention.

Sincerely,

[REDACTED]  
[REDACTED]  
Linda [REDACTED], Ed.D.  
Chief Officer Human Resources



Dana [REDACTED]

**From:** Darline McElroy  
**Sent:** Thursday, April 25, 2019 9:53 AM  
**To:** Dana [REDACTED]  
**Cc:** Susanna [REDACTED]; Gradyne [REDACTED]  
**Subject:** RE: Update

Thank you for the response. You are very right I enjoy cookies which is why she could have ordered Tiff Treats as done in the past, but I guess it would have been too difficult to add alcohol of that volume. I am taking a mental health day given that I upset and could not control my emotions when a student made a cry out concerning being abuse.

**Darline McElroy, Counselor**  
**Montclair Elementary**  
**972-279-4041**  
**Extension 42003**  
**Fax: 972-681-0565**

**From:** Dana [REDACTED]  
**Sent:** Thursday, April 25, 2019 8:49 AM  
**To:** Darline McElroy <DJMcElro@garlandisd.net>  
**Cc:** Susanna [REDACTED]@garlandisd.net>; Gradyne [REDACTED]@garlandisd.net>  
**Subject:** RE: Update

Good Morning Darline,

I'm not saying anyone is at fault, however, the baker doesn't put stickers or any notations on their Tiramisu cakes informing customers of alcohol being baked into them. I wanted you to know because I had sent an email earlier in the day saying the bakery told me there was no alcohol in the cake. When I called back and asked specifically about the marsala wine, I spoke with the manager and she informed me there was no wine in the cake, but there was kaluaha and rum. I had been misinformed and in turn, misinformed you, so I wanted to let you know.

Tracy knew you didn't want a cake and said it was purchased because it had cookies around it, which you confirmed you loved cookies.

I hope this helps clear up any confusion.

**From:** Darline McElroy  
**Sent:** Thursday, April 25, 2019 8:06 AM  
**To:** Dana [REDACTED]@garlandisd.net>  
**Subject:** RE: Update

Good morning,

Are you stating that the company is at fault for perhaps not informing their customer, Tracy [REDACTED] who purchased the cake? I'm asking so that I know what direction to go in.

**Darline McElroy, Counselor**  
**Montclair Elementary**



Darline McElroy <[REDACTED]@gmail.com>

**Re: open records request**

9 messages

informationrequest General Counsel <informationrequest@garlandisd.net>  
To: Darline McElroy <[REDACTED]@gmail.com>

Tue, Apr 30, 2019 at 2:11 PM

Greetings Ms. McElroy,

Your request was received today and will be processed in accordance with Chapter 552 of Texas Government Code, the Public Information Act. You will be contacted about the availability and/or provided with copies of the records requested.

Thank you very much,

**Office of General Counsel**  
Garland Independent School District  
O: 972-487-3026  
F: 972-485-4936



**From:** Darline McElroy <[REDACTED]@gmail.com>  
**Sent:** Monday, April 29, 2019 6:17 PM  
**To:** informationrequest General Counsel  
**Subject:** open records request

Please see the attach letter for an open records request.

If this message is spam or you wish to add the sender to your blocklist, please [Login to Securrence](#) to make the desired changes.

informationrequest General Counsel <informationrequest@garlandisd.net>  
To: Darline McElroy <[REDACTED]@gmail.com>  
Cc: [REDACTED]@garlandisd.net

Wed, May 1, 2019 at 4:17 PM

Greeting Ms. McElroy,

This correspondence is being sent to seeks clarification of the request for records Specifically, pursuant to Texas Government Code §552.222, the District asks that you clarify and/or narrow the scope of the request. Please note that the District is not inquiring into the purpose for which the information will be used.

*P.24*

Darline McElroy  
3502 Hamlett Ln  
Garland, TX 75043

June 5, 2019

Garland ISD  
501 S. Jupiter Rd  
Garland, TX 75042

Dear Garland ISD,

Under the **Texas Public Information Act, §6252-17a et seq.**, I am requesting **copies** of videos for the following times and dates:

- between 12:00 p.m.-3:00 p.m. on April 18, 2019 inside main office all angles
- between 2:15 pm-2:45 pm in the main hallway of the main entrance all angles
- on April 22, 2019 from 8:00 a.m. and 9:00 am from the main office all angles.
- August 22, 2018 12:45-1:15 footage from cameras located by the cafeteria; all angles when facing the cafeteria with the direction of left and right. Footage should include both cameras located in the hallway of the cafeteria with one of the cameras being directly above the double delivery doors and the other at the corner left of the cafeteria when facing the cafeteria.

In order to remain compliant to FERPA, I am requesting all students' faces be blurred in the videos' requests.

I am also requesting copies of the following documents:

- Any and all copies of records regarding the investigation of discrimination by workplace harassment and racism formal complaint which is to be conducted by Dr. Susana [REDACTED] or whoever is appointed to investigate the complaint involving Dana [REDACTED] Tanya [REDACTED] [REDACTED], Janine [REDACTED], James [REDACTED], and Tracy [REDACTED].
- Any and all copies of records regarding formal reports regarding the investigation of discrimination by workplace harassment and racism formal complaint which is to be conducted by Dr. Susana [REDACTED] or whoever is appointed to investigate the complaint involving Dana [REDACTED], Tanya [REDACTED], Janine [REDACTED], James [REDACTED] and Tracy [REDACTED].
- Any and all copies of CPS reports against James [REDACTED]
- Any and all copies of any SBEC reports against or for James [REDACTED] by Garland ISD.



- Any and all copies of formal and informal reports given to the school board at the conclusion of the racism investigation and/or any investigative reports made against Dana [REDACTED], Tanya [REDACTED], Janine [REDACTED], James [REDACTED], and Tracy [REDACTED]

If there are any fees for searching or copying these records, please inform me if the cost. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the interest of determining whether I was the recipient of work place bullying, harassment, racism, and retaliation.

This information is not being sought for commercial purposes.

The Texas Public Information Act requires that you "promptly produce" the requested records unless, within 10 days, you have sought an Attorney General's Opinion. If you seek the Attorney General's Opinion, I am requesting notification and copies of request sent to the AG and copies of the response from the AG if a denial of the request is permitted. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

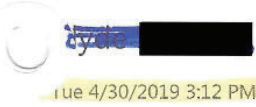
Darline McElroy

Darlinemcelroy [REDACTED]

7/25/2019

Thank you - Darline McElroy

Thank you



To: Montclair Elementary Staff <MontclairElementaryStaff@garlandisd.net>;

Dear Roadrunners, great news - [redacted] will be back tomorrow! I've enjoyed working with all of you and wish you the best. Please feel free to call or email if I can ever be of service. I sent you that information in my first email to you. All of you have been wonderful. I will miss you.

*add in paycheck  
not dock prior to  
any meetings*

16

change in plan

Reply all | Delete | Junk | ...

## change in plan

CS

[Redacted]

Wed 5/1, 7:14 AM

Montclair Elementary Staff



Reply all |

Deleted Items

Good morning, I received a call late yesterday. [Redacted] return will be delayed a few more days. This means you're stuck with me a little longer.

Remember to review your emergency weather plan with your students. The worst of this weather is expected tonight, but we all know how many times they've gotten wrong.

16

7/25/2019

Update - Darline McElroy

## Update



Wed 5/15/2019 2:42 PM

To: MCLR-Campus\_Faculty\_Staff <MCLR-Campus\_Faculty\_Staff@garlandisd.net>;

Good afternoon, I wanted to let you know that we received word that [REDACTED] will not be returning before the students are out of school. I will fill in during his absence. Thank you for your understanding and patience.



Darline McElroy <darlinemcelroy21@gmail.com>

**Re: update**

**Darline McElroy** <darlinemcelroy[REDACTED].com>  
To: [REDACTED] Ortiz [REDACTED].com>

Wed, May 22, 2019 at 4:19 PM

I will contact the district about when to schedule to see the videos. Tracy, the AP, sent an email stating she's leaving the school for another school in Garland.

On Tue, May 21, 2019, 8:05 AM Giana Ortiz <gortiz@ortizlawtx.com wrote:

Giana Ortiz  
Tel. 817-861-7984

**From:** [REDACTED] Ortiz  
**Sent:** Tuesday, May 21, 2019 8:06 AM  
**To:** informationrequest General Counsel <informationrequest@garlandisd.net>  
**Cc:** D'Ann [REDACTED]@garlandisd.net> [REDACTED] Ortiz [REDACTED].com) [REDACTED].com>  
**Subject:** RE: Darline McElroy

Good morning,

Please advise as to the status of this information request.

In addition, please advise as to the status of the information request made by Ms. McElroy, *pro se*, which was clarified to the District by Ms. McElroy on May 2.

I would like to receive all the information by COB today given that it is now day 12, and our grievance hearing is this week.

Thanks,

[REDACTED]

[REDACTED] Ortiz

[REDACTED]

**From:** informationrequest General Counsel <informationrequest@garlandisd.net>  
**Sent:** Monday, May 06, 2019 9:41 AM

Dana [REDACTED]

---

**From:** James [REDACTED]  
**Sent:** Thursday, September 06, 2018 2:57 PM  
**To:** Dana [REDACTED]; Tanya [REDACTED]  
**Cc:** Janine [REDACTED]  
**Subject:** meeting with parent from complaint

Hey guys-Here's a written summary of my meeting with the parent from today:

- Mom called the office at 2:45pm on 9/5/18 wanting to speak with me. I was off campus at principal meeting
- 9/6/18 @8:30am I called mom to let her know I did receive her message. She indicated she did not feel comfortable talking with me over the phone wanted to meet face to face. I scheduled the meeting for 11:00am
- Meeting with Mr. and Mrs. [REDACTED] with Tracy [REDACTED] (AP). Mom and dad shared the information about CPS. They expressed anger and frustration at the person who filed the complaint. Mom indicated that she was very frustrated with the CPS worker, and told the worker that she "was going to go to the school to talk to the principal about all of this." The CPS worker indicated to mom that the principal was the subject of the complaint, and that it was from a staff member on campus. I then indicated to mom the incident that occurred that was in the statement I submitted earlier. Both mom and dad were very supportive and understanding that there was nothing to the complaint. Dad indicated that the person who had turned in the complaint was a "monster" and asked if they could contact the district to find out additional information. They also indicated that because their son does exhibit difficulties communicating with others verbally that he hugs all people even strangers he meets. I let them know that these matters are confidential and that the district was fully taking the matter seriously, and that the district and GISD have to exercise their investigatory abilities when anything is alleged to determine the veracity of the incident. I also let them know that I had not been contacted by CPS regarding this matter. I gave parents my business card and cell phone number and let them know that they could contact me for anything they might need.

Feel free to call me if you have any questions or need any other info here.

Thanks.

-James

James [REDACTED]  
Principal, Montclair Elementary  
972-279-4041  
<http://www.garlandidschools.net/page.cfm?p=1175>

Dana [REDACTED]

---

**From:** Dana [REDACTED]  
**Sent:** Thursday, August 23, 2018 3:53 PM  
**To:** Linda [REDACTED]  
**Subject:** FW: sorry

James sent me this email correspondence he had with the child's teacher, referencing his hands on his leg. Just FYI. He's writing me a statement, as well.

**From:** James [REDACTED]  
**Sent:** Thursday, August 23, 2018 3:44 PM  
**To:** Dana [REDACTED]@garlandisd.net>  
**Subject:** FW: sorry

James [REDACTED]  
Principal, Montclair Elementary  
972-279-4041  
<http://www.garlandisdschools.net/page.cfm?p=1175>

**From:** James [REDACTED]  
**Sent:** Thursday, August 23, 2018 6:29 AM  
**To:** Leslie [REDACTED]@garlandisd.net>  
**Subject:** RE: sorry

Ok great-it was so weird when I was in the hall by Darline's office he saw me and wrapped his hands around my leg and got mad when I started to head to my meeting. I guess giving him high fives works.

We'll continue to support in whatever you need.  
Happy almost Friday!

James [REDACTED]  
Principal, Montclair Elementary  
972-279-4041  
<http://www.garlandisdschools.net/page.cfm?p=1175>

**From:** Leslie [REDACTED]  
**Sent:** Wednesday, August 22, 2018 4:06 PM  
**To:** James [REDACTED]@garlandisd.net>  
**Subject:** Re: sorry

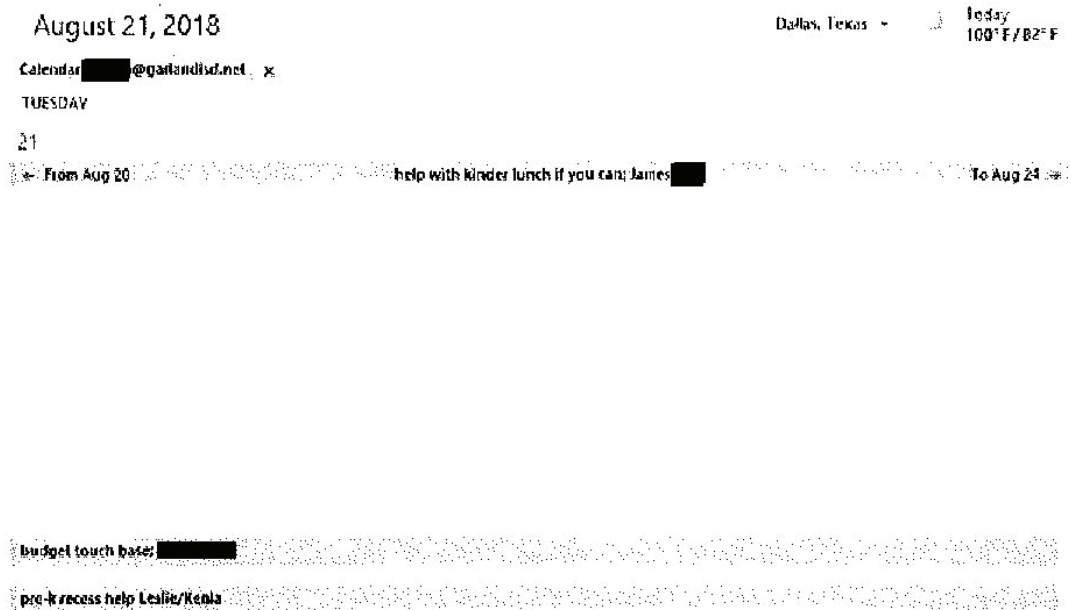
No worries. He did well for the second half of class and had no problem getting him to go inside the building from recess. It was hard for him at first though. Ms. McElroy did get to observe him for a bit when he came in and took him for a walk when he got upset.  
Overall, he had a better day and participated with the class.

Dana [REDACTED]

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**From:** James [REDACTED]  
**Sent:** Friday, August 24, 2018 6:01 AM  
**To:** Dana [REDACTED]  
**Subject:** statement

At approximately 1:00pm on Wednesday, August 22<sup>nd</sup> I was walking down the hallway to facilitate a meeting with our Assistant Principal and 2 instructional support teachers. I saw our counselor, Darline McElroy with a pre-k student in the hall. The student had given us some difficulties over the previous 3 days. On August 20<sup>th</sup>, he had run away from his teachers while on the playground and caused other in-class disruptions. On Tuesday, August 21<sup>st</sup>, I had indicated to the two pre-k teachers that I would be out there to assist them with recess. Below is a screenshot of my Outlook calendar that indicates I would assist them with recess.



At about 1:30pm on Tuesday, August 21<sup>st</sup>, I had gone to the room of our 2 pre-k teachers, and as the students were cleaning up to get ready to transition to recess, the student began throwing alphabet letters on the floor. I called on the walkie talkie for Mrs. [REDACTED], our Assistant Principal, to help me with the student. We spent approximately the next 15 minutes assisting the student to pick up the letters. As the student was cleaning up, I had him give me high-five's which was working, because he picked everything up without incident. While supervising the student on the playground and earlier in the week, I had noticed some social issues such as lack of communication and an inability to interact appropriately with both peers and adults. As I was heading to my 1:00pm meeting on Wednesday, August 22<sup>nd</sup>, the student became very upset with our counselor. I went into the cafeteria to check on another student because I had just finished helping 5<sup>th</sup> grade with cafeteria duty. As I was walking into the cafeteria I was thinking to myself "I hope the student does not run away from her and run out of the building" because he seemed highly agitated and had done this as



indicated earlier on the playground. Therefore, I immediately exited the cafeteria to see if our counselor needed assistance. The student ran over and grabbed onto my right leg which made me feel very uncomfortable. The first thing I thought of was "How do I get him off of me without making it look like I am kicking him." I also was thinking "this is good documentation that there is something not in the normal range of behavior going on with this student" and "this is what a baby does who wants to be with a parent." After a few seconds, the student was removed from my leg and he was back with the counselor. I left the area and went down the hall to my meeting. I let our assistant principal as well as the classroom teacher know what had happened. I had on my calendar for August 22<sup>nd</sup> (screenshot below), that I was going to help pre-k again with recess at 1:45pm but the 1:00pm meeting that I was going to went over. Below is the email that I sent to the teacher letting her know I was sorry I didn't get a chance to be outside to support them. I also thought to myself that when we meet with the parent this is something to let her know about too just because this is not in the range of normal student behaviors. All of this is indicated on the #8 CHall Cafeteria Camera between 1:00pm-1:03pm.

Please feel free to contact me if there is any other information you require.

August 22, 2018 Dallas, Texas • Today 100°F/82°F

Calendar: [redacted]@garlandisd.net X

WEDNESDAY

22

From Aug 20 To Aug 24

help with kinder lunch if you can; James, [redacted]

cafeteria; Lauren [redacted]

touch base IST mtg; Room 60; Jame [redacted]

pre-K recess

check rooms; James [redacted]

Dana [REDACTED]

From: Dana [REDACTED]  
Sent: Monday, February 11, 2019 1:16 PM  
To: Susanna [REDACTED]  
Subject: FW: James [REDACTED]

This was sent to me. Do I need to send it to Pat? James is good friends with Tanya, so I didn't know if I needed to send it to her, as well. We've had several "issues" with him in the past, when [REDACTED] was here. Not sure what my role is, so I wanted to send this to you for guidance on what to do.

From: [REDACTED]  
Sent: Saturday, February 09, 2019 11:14 AM  
To: Dana [REDACTED]@garlandisd.net  
Subject: James [REDACTED]

Hello,

I got your email address from my counselor and I want to report some concerns I have.

My main concern is that Mr. [REDACTED] frequently goes into his office alone with students and closes the door, which is self locking. 2 days ago, on Thursday 2/7/19, he texted me asking for a snack for a student. When I went to his office to deliver the snack, the door was locked and he was in the office alone with a 6 year old child. I have heard him go into his office and shut the door many times in the past, but it did not occur to me that you were not supposed to do that until recently.

I also would like to report that last year he said "Who's your daddy?" to me in a very suggestive and inappropriate manner while I was talking to him about my husband and son. I did not report it at the time because I did not want to cause trouble, and I thought at the time that this was something that only affected me. However, in light of recent incidents I am concerned that the behavior might be a part of a larger pattern and I am concerned about the well being of the kids at my school.

Thank you very much for your time,

[REDACTED]  
Montclair Elementary Nurse  
972-279-4041  
[REDACTED]  
5200 Broadmoor DR  
Garland TX 75043

*Avid Night  
Talking about son being good  
@ math and math teacher*

*Johnathon's place  
Doesn't think  
has ever been  
in school.*

*"Who's your daddy?"  
counselor came to her and sa. Keep eye on  
him. Office across from his office.*

*Feight  
Rise  
again today*

Dana [REDACTED]

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**From:** Dana [REDACTED]  
**Sent:** Tuesday, September 11, 2018 10:16 AM  
**To:** James [REDACTED]; Tracy [REDACTED]  
**Subject:** RE: Info.

Yes. I got her name from Tanya, but I need her contact number and can't find it on Google. LOL

**From:** James [REDACTED]  
**Sent:** Tuesday, September 11, 2018 10:16 AM  
**To:** Dana [REDACTED]<[REDACTED]@garlandisd.net>; Tracy [REDACTED]<[REDACTED]@garlandisd.net>  
**Subject:** Re: Info.

Tracy-can you check with the front office here.

I sent the copy of the badge to Tanya but I wasn't sure if there was a phone number too.

Thanks.  
-James

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**From:** Dana [REDACTED]  
**Sent:** Tuesday, September 11, 2018 10:13 AM  
**To:** James [REDACTED]  
**Subject:** Info.

Hi James,  
Did the CPS worker happen to give you a card with her phone number? I have her name as Lucia [REDACTED] but no contact information.

*Serving those who serve our students*

Dana [REDACTED]  
HR Specialist Fingerprinting/Investigations  
Human Resources  
Garland Independent School District  
(972)487-3213  
Fax (972) 487-3143

Principal, Montclair Elementary  
972-279-4041  
<http://www.garlandisdschools.net/page.cfm?p=1175>

**From:** Tanya [REDACTED]  
**Sent:** Monday, August 27, 2018 8:54 AM  
**To:** James [REDACTED]@garlandisd.net>; Dana [REDACTED]@garlandisd.net>; Janine [REDACTED]@garlandisd.net>; Linda [REDACTED]@garlandisd.net>  
**Subject:** RE: Meet at admin

I am available Tuesday or Thursday.

**From:** James [REDACTED]  
**Sent:** Saturday, August 25, 2018 8:20 PM  
**To:** Tanya [REDACTED]@garlandisd.net>; Dana [REDACTED]@garlandisd.net>; Janine [REDACTED]@garlandisd.net>; Linda [REDACTED]@garlandisd.net>  
**Subject:** Meet at admin

Hi guys  
Can I meet with you all sometime this week at admin to talk about a few things and next steps going forward.  
Thanks.  
-James

James [REDACTED]  
Principal Montclair Elementary  
972-279-4041

Dana [REDACTED]

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**From:** Linda [REDACTED]  
**Sent:** Monday, August 27, 2018 11:08 AM  
**To:** James [REDACTED]  
**Cc:** Tanya [REDACTED]; Janine [REDACTED]; Dana [REDACTED]  
**Subject:** Re: Meet at admin

James,

Please proceed with the meeting with Tanya and Janine. These are the administrators you work with directly throughout the year. If you need to meet with me or Dana, after you meet with them, please contact Sharon [REDACTED]. I am not clear on the purpose of your meeting, but as a reminder personnel matters and investigations are confidential.

Thank you,

Linda [REDACTED] Ed.D.  
Chief Officer Human Resources  
Garland Independent School District  
501 S. Jupiter Rd.  
Garland, TX 75042-7108  
972-487-3041

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**From:** James [REDACTED]  
**Date:** Monday, August 27, 2018 at 10:45 AM  
**To:** Janine [REDACTED], Tanya [REDACTED], Dana [REDACTED], Linda [REDACTED]  
**Subject:** RE: Meet at admin

12:00 on Thursday is A-OK for me.

James [REDACTED]  
Principal, Montclair Elementary  
972-279-4041  
<http://www.garlandisdschools.net/page.cfm?p=1175>

**From:** Janine [REDACTED]  
**Sent:** Monday, August 27, 2018 9:57 AM  
**To:** James [REDACTED]@garlandisd.net>; Tanya [REDACTED]@garlandisd.net> [REDACTED]  
[REDACTED]@garlandisd.net>; Linda [REDACTED]@garlandisd.net>  
**Subject:** Re: Meet at admin

I can do Thursday at 12.

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**From:** James [REDACTED]  
**Sent:** Monday, August 27, 2018 9:36:54 AM  
**To:** Tanya [REDACTED]; Dana [REDACTED]; Janine [REDACTED]; Linda [REDACTED]  
**Subject:** RE: Meet at admin

I can do Tuesday after 11 and Thursday between 9am-2pm

James [REDACTED]

Date: May 3, 2019  
From: Ms. Dana [REDACTED], Human Resources Investigator  
Re: Report of Investigation- Mr. James [REDACTED]

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### Summary of Allegations and Findings

On Tuesday, April 23, 2019, an email was sent by Ms. Darline McElroy, Montclair Elementary School, Counselor. Ms. McElroy reported she had a Student Support Team ("SST") meeting earlier that morning with a parent and two other school employees. Ms. McElroy said in her email, that Mr. [REDACTED] made comments about her during the meeting, regarding her not being able to work well with others. Ms. McElroy said her back was turned and that she was told Mr. [REDACTED] made a hand gesture, as if pointing to her.

On Wednesday, April 24, 2019, I interviewed [REDACTED], Montclair parent of current student, and present at the SST meeting. [REDACTED] observed that when Ms. McElroy turned to her computer during a lull in meeting and spoke about working with teenagers in her job at a fast food restaurant, Mr. [REDACTED] said how difficult it was to work with adults. She relayed that she did not notice a hand gesture pointing to Ms. McElroy.

On Wednesday, April 24, 2019, I interviewed Ms. Yolanda [REDACTED], Fourth Grade Bilingual Teacher, who was also present at the SST meeting. Ms. [REDACTED] relayed that Ms. McElroy had her back turned, because she was typing notes from the meeting. Ms. [REDACTED] said during the meeting, she commented to Ms. [REDACTED] how social her child was and that Mr. [REDACTED] said how good it was to be social because some people were not. Ms. [REDACTED] said Mr. [REDACTED] extended his arm, palm up and gestured toward her, Ms. McElroy and Ms. Mercedes [REDACTED], Bilingual Interventionist, who also attended the meeting. Ms. [REDACTED] relayed that she did perceive any ill intent or maliciousness in Mr. [REDACTED]'s gestures.

Ms. [REDACTED] said during the conversation about how social the child was, Mr. [REDACTED] made a comment about how good it is to work with some people, then others. Ms. [REDACTED] said Mr. [REDACTED] first gestured to Ms. [REDACTED] by extending his hand to her and Ms. [REDACTED], but had a stronger movement when he gestured to Ms. McElroy, and nodded his head toward her. Ms. [REDACTED] said she felt as if Mr. [REDACTED] was insinuating they were all hard to work with. Ms. [REDACTED] relayed that Mr. [REDACTED] then said "I better stop talking now."

Ms. [REDACTED] said Mr. [REDACTED] thinks he's being funny when he makes comments, but he's not. She described him as "inappropriate" and that his behavior and comments have been bothering her for a while. Ms. [REDACTED] said Mr. [REDACTED] has called her "TOY," because she won Paraprofessional of the Year. "TOY" stands for "Teacher of the Year." Ms. [REDACTED] said Mr. [REDACTED] made her feel uncomfortable.

Ms. [REDACTED] said during the Friendship Dance on February 15, 2019, Mr. [REDACTED] was standing at the door when she arrived. She said Mr. [REDACTED] said he was the bouncer for the event. Ms. [REDACTED] she asked if she needed to show identification and that Mr. [REDACTED] responded, "No, you just have to attend the after party in Lewisville."

When interviewed, Mr. [REDACTED] confirmed he gestured with his hands to all three employees, but said he not exaggerate his gesture toward Ms. McElroy. He further denied implying they were difficult to work with.

Ms. McElroy also said the day before, during a baby shower celebration, Mr. [REDACTED], who was serving punch, yelled across the room to Ms. Tracy [REDACTED], something about "Tiramisu punch." Ms. McElroy said Mr. [REDACTED] was making reference to a cake that was purchased for her by Ms. [REDACTED] that she believed contained alcohol. Both Mr. [REDACTED] and Ms. [REDACTED] confirmed that he made the statement, although, [REDACTED] said he was kidding when he said it.

Ms. McElroy said she felt embarrassed and thought he was doing things to embarrass her because she had reported him earlier in the year to Child Protective Services ("CPS"), for an incident involving a male student, grabbing Mr. [REDACTED]'s leg and touching his private area. The case was later closed by CPS.

Based on Mr. [REDACTED]'s own admission, he did gesture with his hands to Ms. McElroy, Ms. [REDACTED] and Ms. [REDACTED]; however, it was undetermined what specifically was said while he made the hand gesture. Mr. [REDACTED] also confirmed he made the comment at the baby shower.

#### **The Allegation(s)**

An email sent by Ms. McElroy accused Mr. [REDACTED] of making a hand gesture to her, during an SST meeting, referencing her as being difficult to work with. Ms. McElroy also accused Mr. [REDACTED] of embarrassing her when he made a comment about punch being served at a baby shower, being "Tiramisu punch." Ms. McElroy had reported the day before, that Ms. [REDACTED] purchased a Tiramisu cake for her birthday and believed the cake contained alcohol.

**(EXHIBIT A-April 23, 2019 email sent from Ms. McElroy)**

#### **Interview with Mr. James [REDACTED], Principal**

I spoke with Mr. [REDACTED] on Tuesday, April 23, 2019 at Montclair. Mr. [REDACTED] admitted to making a hand gesture to Ms. McElroy, Ms. [REDACTED] and Ms. [REDACTED] during a meeting, but said they were talking about Ms. [REDACTED]'s job. When asked what the context of the hand gesture being used, Mr. [REDACTED] was unable to give an explanation.

Ms. [REDACTED] said he did make the comment at the baby shower regarding Tiramisu punch, but said he was kidding.

**Interview with Ms. Yolanda [REDACTED], Fourth Grade Bilingual Teacher**

I spoke with Ms. [REDACTED] on the phone on Friday, April 26, 2019. Ms. [REDACTED] confirmed Mr. [REDACTED] made a hand gesture during the SST meeting, but said it was not done with malice and that Ms. McElroy probably misunderstood, since her back was turned.

Ms. [REDACTED] said Ms. McElroy came to her classroom on Wednesday, April 24<sup>th</sup> and expressed her feelings about the SST meeting. Ms. [REDACTED] said her perception of the meeting was different than that of Ms. McElroy's.

Ms. [REDACTED] said she had worked with Mr. [REDACTED] in a previous district and that she has known him for over 20 years. She described Mr. [REDACTED] as an exceptional leader, educator and person and said he does have a quirky sense of humor. Ms. [REDACTED] remarked that some employees don't like change and that Mr. [REDACTED] has made many good changes at Montclair.

**(EXHIBIT B- Mr. [REDACTED]' written statement)**

**Interview with Ms. Mercedes [REDACTED], Bilingual Interventionist**

I spoke with Ms. [REDACTED] on the phone on Thursday, April 26, 2019. She confirmed Mr. [REDACTED] made a hand gesture during the SST meeting and said he was insinuating her, Ms. McElroy and Ms. [REDACTED] were all hard to work with.

Ms. [REDACTED] said she has been bothered by comments Mr. [REDACTED] makes because they're inappropriate. She said Mr. [REDACTED] thinks he's being funny and he's not.

Mr. Marzaniego did not provide a written statement, even though it was requested.

**Analysis and Conclusion**

Based on Mr. [REDACTED]'s own admission, he did gesture with his hands to Ms. McElroy, Ms. [REDACTED] and Ms. [REDACTED]; however, it was undetermined what specifically was said while he made the hand gesture.

Mr. [REDACTED] also confirmed he made the comment at the baby shower, but said he was joking.

**Conclusion**

In this case, it does not appear any policies or procedures have been violated, but it is recommended, that. Iorio interact and communicate professionally with students, parents and staff members.



Date: May 3, 2019  
From: Ms. Dana [REDACTED], Human Resources Investigator  
Re: Report of Investigation- Ms. Tracy [REDACTED]

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### Summary of Allegations and Findings

On Monday, April 22, 2019, an email was sent to me by Ms. Darline McElroy, Montclair Elementary School, Counselor. Ms. McElroy reported she had been presented a birthday cake from Ms. Tracy [REDACTED], Assistant Principal on Thursday, April 18, 2019 and believed the cake contained alcohol.

Ms. McElroy explained that she and Montclair front office staff draw names to celebrate birthdays. Ms. McElroy said everyone is responsible for purchasing a birthday cake and card for whoever's name they drew. Ms. McElroy reported she specifically told Ms. [REDACTED] not to purchase a cake for her, since she drew Ms. McElroy's name. Ms. [REDACTED] confirmed Ms. McElroy advised her not to purchase a cake.

I met with Ms. [REDACTED] on Tuesday, April 23, 2019. Ms. [REDACTED] reported she had recently moved and purchased the cake at San Martin Bakery and Café, located near her home. Ms. [REDACTED] stated she purchased a Tiramisu cake, which had cookies around it, because she knew Ms. McElroy liked cookies. Ms. [REDACTED] said the cake container did not have a label that indicated there was alcohol in the cake and would not have purchased it had she known.

When I spoke with Ms. McElroy on April 22<sup>nd</sup>, she said when she consumed the cake, she felt a burning sensation in her chest. Ms. [REDACTED] said after two or three bites, Mr. James [REDACTED], Principal, asked aloud if there was alcohol in the cake. Ms. [REDACTED] said she responded aloud that she would never have purchased a cake with alcohol. Mr. [REDACTED] denied asking if it had alcohol in it, but did say it tasted "funky."

I spoke with Ms. [REDACTED], School Nurse, on Tuesday, April 23, 2019. She said during the birthday celebration, someone said the cake tasted like it had alcohol and that Mr. [REDACTED] replied there is "definitely alcohol in this." Ms. [REDACTED] said she used to be a baker and that the cake was the "strongest alcohol tasting" cake she had ever tasted. Ms. [REDACTED] described the cake as a layered cake with a liquid substance and cream. Ms. [REDACTED] said it was common to brush rum onto the cake.

I called San Martin bakery, the bakery where the particular cake was purchase, and asked if they put alcohol in their Tiramisu cakes. The unidentified woman who answered the phone, said there was no alcohol in the cake and read the ingredients used. The woman said the liquid on the cake was coffee. I emailed Ms. McElroy to let her know.

Ms. [REDACTED] said she felt badly for Ms. McElroy because everyone was laughing at the notion that the cake had alcohol and Ms. McElroy's response to it. Ms. [REDACTED] said Ms. [REDACTED] never apologized to Ms. McElroy and said she was dismissive of Ms. McElroy's concern. Ms. [REDACTED] confirmed she had not apologized to Ms. McElroy and said "no one forced her to eat it."

Ms. McElroy said at the time she consumed the cake, she had been fasting. Ms. McElroy said because alcoholism runs in her family and her husband is a pastor, they made the personal choice not to consume alcohol. Ms. ██████████ said she knew Ms. McElroy did not consume alcoholic beverages.

I made a second phone call to San Martin Bakery on April 24, 2019, after noticing some recipes for Tiramisu cake called for Marsala wine. A woman answered the phone and identified herself as "Maria," the manager. I specifically asked if Marsala was used in the cream of the cake. Maria informed me that Kahlua and rum were baked into the cake and that coffee was used, as well. I explained that I spoke with a woman the day before, who told me they didn't use alcohol in their cakes, only coffee. Maria apologized for the misinformation and did say their Tiramisu cake would not have had a special label affixed to it, informing the customer it was made with alcohol. I emailed Ms. McElroy and informed her of the miscommunication and updated information I had received.

At the conclusion of the birthday celebration, Mr. ██████ sent an email to those who attended the party. The email contained an excerpt from the internet of whether one could get drunk from eating Tiramisu cake or not. Ms. ██████ described the email from Mr. ██████ as "immature" and said she felt as if he was "poking fun" at Ms. McElroy.

After collecting witness statements and reviewing video footage from the celebration, it does not appear Ms. McElroy was purposefully given a cake containing alcohol. In the video, Ms. McElroy can be seen consuming a whole slice of cake she cut for herself, before discarding an empty plate. Ms. McElroy, can be seen touching her chest after several bites, but continues to consume the cake, while laughing and appearing to have a good time with her coworkers.

### **The Allegation(s)**

I received an email from Ms. McElroy on April 22, 2019, reporting she had been presented a birthday cake by Ms. ██████████ and believed the cake contained alcohol.

### **Interviews and Evidence**

#### **Interview with Ms. Darline McElroy, Counselor**

I spoke with Ms. McElroy on the phone on April 22, 2019, after receiving her email. Ms. McElroy said Ms. ██████████ purchased her a cake and believed it had alcohol in it. Ms. McElroy informed me she had been fasting and told Ms. ██████████ not to purchase her a cake, but did so, anyway.

**(EXHIBIT A- April 22, 2019 email sent from Ms. McElroy)**

**Interview with Ms. Tracy [REDACTED], Assistant Principal**

I spoke with Ms. [REDACTED] on Tuesday, April 23, 2019 at Montclair. Ms. [REDACTED] explained the process of drawing names for monthly birthday celebrations among the office staff and Ms. McElroy.

Ms. [REDACTED] said she drew Ms. McElroy's name and stopped at San Martin Bakery, located near her home, and purchased a Tiramisu cake. Ms. [REDACTED] said Ms. McElroy did tell her she didn't want a cake, so she purchased a cake that had cookies around it. Ms. [REDACTED] said Ms. McElroy liked cookies.

Ms. [REDACTED] said during the birthday celebration, which was held in the front office, Mr. [REDACTED] asked if there was alcohol in the cake, after taking a few bites. Ms. [REDACTED] said she would never knowingly purchase a cake with alcohol and no one forced Ms. McElroy to eat the cake.

**Interview with Mr. James [REDACTED], Principal**

I spoke with Mr. [REDACTED] on Tuesday, April 23, 2019 at Montclair. Mr. [REDACTED] denied asking if alcohol was in the cake, but said it tasted "funky."

Ms. [REDACTED] said he sent the email on April 18<sup>th</sup> to those who attended the celebration for Ms. McElroy because everyone was laughing and commenting on the cake having alcohol. He denied any maliciousness in sending the email.

**(EXHIBIT B- April 18, 2019 email sent from Mr. [REDACTED])**

**Interview with Ms. [REDACTED], School Nurse**

I spoke with Ms. [REDACTED] on Tuesday, April 23, 2019 at Montclair. Ms. [REDACTED] said someone commented about how the cake tasted as if it had alcohol in it. She said she used to work at a bakery and that the cake "definitely" contained alcohol. Ms. [REDACTED] described the cake as the strongest alcohol tasting cake she had ever had and that it was common to brush rum onto the cake itself, rather than cook it in the batter.

Ms. [REDACTED] said Ms. McElroy did not receive an apology for the cake and felt that everyone at the celebration was laughing about it.

Ms. [REDACTED] said the email Mr. [REDACTED] sent was childish and uncalled for and felt as if he was poking fun at Ms. McElroy.

### **Analysis and Conclusion**

Based on witness statements and video footage from the celebration, it was determined Ms. [REDACTED] did not intentionally or knowingly provide a cake containing alcohol, to Ms. McElroy. It was confirmed by San Martin Bakery that alcohol was baked into the batter of the recipe, but did not have a visible label on the container, identifying it as such.

### **Conclusion**

In this case, it does not appear Ms. [REDACTED] violated any policies or procedures.

**(EXHIBIT C- Email correspondence between Ms. McElroy and Ms. [REDACTED])**



Darline McElroy <darlinemcelroy21@gmail.com>

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**RE: letter from GISD employee**

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Darline McElroy <darlinemcelroy21@gmail.com>

Wed, May 29, 2019 at 9:37 PM

To: Lisa [REDACTED]@garlandisd.net>

Cc: [REDACTED]@garlandisd.net, [REDACTED]@garlandisd.net, [REDACTED] Ortiz <[REDACTED].com>

Are you asking if I'm willing to meet with Janine [REDACTED]? No, I'm not withdrawing the grievances. I will complete the paperwork when I wrap up this week at work.

I will also request copies of the videos again including the video in which James [REDACTED] and the child of the CPS report in August. I will give the time stamps in the report in the request.

Thank you

[Quoted text hidden]





Darline McElroy &lt;darlinemcelroy21@gmail.com&gt;

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**Complaint Investigation**

2 messages

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Susanna [REDACTED]@garlandisd.net> Tue, Jun 4, 2019 at 8:29 AM  
To: Darline McElroy [REDACTED]@gmail.com>, Darline McElroy <DJMcElro@garlandisd.net>  
Cc: Lisa [REDACTED]@garlandisd.net>, Gradyne [REDACTED]@garlandisd.net>

Good morning, Mrs. McElroy:

I serve as the Title IX Officer for Garland ISD. I have received your formal complaint, alleging discrimination based on race. Garland ISD will be looking into the allegations contained in your complaint, and will be conducting a formal investigation into those concerns. Accordingly, while the investigation is being conducted, your DGBA grievance(s) will be postponed.

In addition, we received notification last evening that you are no longer represented by the Ortiz Law Firm. If you are represented by other counsel, please provide us with that information so we may effectively communicate with your representatives.

Best wishes,

Dr. Susanna [REDACTED]  
Chief Leadership Officer  
972-487-3017

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Darline McElroy [REDACTED] Wed, Jun 5, 2019 at 9:03 AM  
To: Susanna [REDACTED]@garlandisd.net>  
Cc: Darline McElroy <DJMcElro@garlandisd.net>, Lisa [REDACTED]@garlandisd.net>, Gradyne [REDACTED]@garlandisd.net>

Good morning,

Thank you for contacting me. I am no longer represented by the [REDACTED] Firm. At this time, you may correspond directly with me.

Sincerely,

Darline  
[Quoted text hidden]



Darline McElroy &lt;darlinemcelroy[REDACTED]&gt;

---

## Complaint Investigation

---

D'Ann [REDACTED]@garlandisd.net&gt;

Tue, Jun 18, 2019 at 9:21 AM

To: Darline McElroy &lt;DJMcElro@garlandisd.net&gt;, "darlinemcelroy [REDACTED]" &lt;darlinemcelroy [REDACTED]&gt;

Good Morning,

**Please note that I have been assigned to investigate your complaint of racial discrimination and your presence is hereby requested to provide additional information regarding your complaint.** Board Policy DIA (Local) states that when a complaint is raised by an employee, an investigation must be conducted. This investigation may include information from the employee making the report, the employee who the report is made against, and any others with knowledge of the circumstances surrounding the allegations. You have been determined to meet the above qualifications.

Please note, that as an employee of the District, you are required to participate in an investigation and provide truthful responses and information. Therefore, please respond with your availability for today or tomorrow, **June 18, 2019 or June 19, 2019**, to discuss the above complaint, **in person or by telephone**, at the **Harris Hill Administration Building, Suite N3000**.

Thank you for your cooperation, I look forward to hearing from you soon.

D'Ann [REDACTED]

**Assistant General Counsel**

Garland Independent School District

O: 972-487-3395

F: 972-487-3033

d[REDACTED]@garlandisd.net



Darline McElroy &lt;darlinemcelroy[REDACTED]@gmail.com&gt;

---

**Complaint Investigation**

---

D'Ann Bey <D[REDACTED]@garlandisd.net>  
To: Darline McElroy <darlinemcelroy[REDACTED]il.com>  
Cc: Tyrone [REDACTED]@garlandisd.net>

Wed, Jun 19, 2019 at 11:03 AM

Good Morning,

Monday, June 24<sup>th</sup> at 10am works perfectly. I will also check on the status of your information request.

Thank you,

D[REDACTED]

---

**From:** Darline McElroy <darlinemcelroy[REDACTED]@gmail.com>  
**Sent:** Wednesday, June 19, 2019 10:23 AM  
**To:** D'Ann [REDACTED] [REDACTED]@garlandisd.net>  
**Subject:** Re: Complaint Investigation

**CAUTION:** This email originated from outside Garland Independent School District. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure or know the email is a potential scam, please contact GISD Technology Support by email at [helpdesk@garlandisd.net](mailto:helpdesk@garlandisd.net) or by phone at **972-494-8566**.

Good morning,

I can come Monday around 10 am. Will this work for you? Also, I haven't received any information regarding my last information request. When can I expect a response?

On Tue, Jun 18, 2019, 9:21 AM D'Ann Bey <D[REDACTED]@garlandisd.net wrote:

[Quoted text hidden]

If this message is spam or you wish to add the sender to your blocklist, please Login to Securence to make the desired changes.



Office of General Counsel  
Garland Independent School District  
O: 972-487-3026  
F: 972-485-4936

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**From:** informationrequest General Counsel <informationrequest@garlandisd.net>  
**Sent:** Wednesday, June 5, 2019 1:27 PM  
**To:** Darline McElroy <darlinemcelroy[REDACTED]il.com>  
**Cc:** D'Ann [REDACTED]@garlandisd.net>  
**Subject:** Re: information request

Greetings Ms. McElroy,

[Quoted text hidden]  
[Quoted text hidden]



Darline McElroy &lt;darlinemcelroy21@gmail.com&gt;

---

## Complaint Investigation

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D'Ann Bey <D[REDACTED]@garlandisd.net>  
To: Darline McElroy <darlinemcelro[REDACTED]@gmail.com>

Fri, Jun 21, 2019 at 1:13 PM

Ms. McElroy,

You will receive notice Monday when the information is submitted to the Attorney General, however you requested a status update prior to Monday. In order to fully investigate your submitted complaint, I will need to meet with you in person at the scheduled time of 10 am.

Per policy, I am required to fully investigate your complaint. If you will not meet with me, I will continue the investigation per policy and provide you with a written communication of my results.

Thank you.

On Jun 21, 2019, at 1:09 PM, Darline McElroy <darlinemcelro[REDACTED]@gmail.com> wrote:

**CAUTION:** This email originated from outside Garland Independent School District. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure or know the email is a potential scam, please contact GISD Technology Support by email at [helpdesk@garlandisd.net](mailto:helpdesk@garlandisd.net) or by phone at **972-494-8566**.

That should have been done with a notice given to me with specific reasons. I have contacted the Attorney General. You can call me Monday for a phone conference at 214-477-2454.

Thank you.

[Quoted text hidden]



Darline McElroy <darlinemcelro[REDACTED]@gmail.com>

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## Complaint Investigation

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Darline McElroy <darlinemcelro[REDACTED]@gmail.com>  
To: D'Ann [REDACTED]@garlandisd.net>

Fri, Jun 21, 2019 at 2:45 PM

Per your initial request, you gave the option of phone or in person. If policy requires me to be present, then I will see you Monday at 10 am.

Have a great weekend.

[Quoted text hidden]



P.O. Box 469026  
Garland, TX  
75046-4923

www.garlandisd.net

June 24, 2019

**Garland Independent School District**  
Office of General Counsel

***Via Certified Mail RRR***  
**7018 0040 0001 1114 8833**

The Honorable Ken Paxton  
Attorney General of Texas  
Open Records Division  
209 W. 14th Street, 6th Floor  
Austin, Texas 78701

**Street Address**  
Harris Hill Administration Building  
501 S. Jupiter Rd.  
Garland, TX  
75042

**Phone**  
972-487-3026

**FAX**  
972-485-4936

Re: ***Request for Public Information Determination***

Dear General Paxton:

As the Assistant General Counsel for the Garland Independent School District (“the District” or “Garland ISD”), and on its behalf, I am requesting authorization to withhold certain information that the District believes is not subject to and/or is excepted from disclosure under the Public Information Act, Texas Government Code Chapter 552.

### **THE REQUEST**

The District received a request for information from Darline McElroy via electronic mail on June 5, 2019.<sup>1</sup> The 10<sup>th</sup> business day from the date of receipt is June 24, 2019. The 15<sup>th</sup> business day from the date of receipt will be July 9, 2019.<sup>2</sup>

Any public information and/or documents identified will be made available to the Requestor in accordance with the Act. The District respectfully asserts, however, that certain information is not public under the Act, and therefore not subject to disclosure, pursuant to Texas Government Code Section 552.002, as discussed below, and/or is covered by an exception of the Act and therefore may be withheld at the discretion of the District. The responsive documents which the District wishes to withhold will be submitted to your office along with the District’s arguments against disclosure within the 15-day deadline set by Texas Government Code Section 552.301(e).

<sup>1</sup> See Exhibit A: Public Information Request

<sup>2</sup> See Exhibit B: District’s Calendar. Please note that the District is closed for business on Fridays in the summer and is closed for business July 1 – 5, 2019.

By copy of this letter, Garland ISD hereby provides notice to the Requestor of this communication to your office asking for a decision under the Public Information Act, as provided by Texas Government Code Sections 552.221 and 552.301.

**BASIS FOR REQUEST TO WITHHOLD INFORMATION**

The District believes that the responsive records are or may be confidential or otherwise prohibited from disclosure pursuant to Texas Government Code Sections 552.101-552.151, including applicable sources of "other law" under Section 552.101. More specifically, we believe that the following exceptions under Chapter 552 of the Texas Government Code may apply to portions of the information requested:

- (1) Section 552.101, Information that is confidential by law;
- (2) Section 552.102(a), Personnel file information, the "disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
- (3) Section 552.103, Information related to litigation of a civil or criminal nature to which the political subdivision may be a party or to which an officer or employee of the political subdivision, as a consequence of the person's employment, is or may be a party;
- (4) Section 552.104, Information related to competition or bidding;
- (5) Section 552.105, Information related to location or price of property;
- (6) Section 552.106, a draft or working paper involved in the preparation of proposed legislation;
- (7) Section 552.107, Information that the attorney of a political subdivision is prohibited from disclosing because of a duty to a client under the Texas Rules of Evidence or the Disciplinary Rules of Professional Conduct;
- (8) Section 552.108, Certain Law Enforcement, Corrections, and Prosecutorial Information;
- (9) Section 552.109, Private correspondence or communications of an elected office holder relating to matters that would constitute an invasion of privacy;

- (10) Section 552.110, Trade secrets;
- (11) Section 552.111, Information that constitutes inter- and intra- agency memoranda;
- (12) Section 552.113, Geological or geophysical information or data;
- (13) Section 552.114, Student records information;
- (14) Section 552.116, Audit working paper;
- (15) Section 552.117, Information related to the home address, home telephone number, or social security number as permitted by this statute;
- (16) Section 552.118, Information related to the home address, home telephone number, or social security number to peace officers and others to whom the section applies;
- (17) Section 552.1176, Information that relates to the home address, home telephone number, electronic mail address, social security number, or date of birth of a person licensed to practice law in Texas and that is maintained under Chapter 81 as permitted by this section;
- (18) Section 552.118, Official prescription form information collected under Health and Safety Code section 481.075;
- (19) Section 552.119, Photograph depicting a peace officer;
- (20) Section 552.122, Test items;
- (21) Section 552.124, Records of library or library system;
- (22) Section 552.125, Any documents or information privileged under the Texas Environmental, Health, and Safety Audit Privilege Act;
- (23) Section 552.126, Name of applicant for Superintendent of public school district;
- (24) Section 552.127, Personal information relating to participants in neighborhood crime watch organization;

Section 552.128, Information submitted by potential vendor or contractor per this section;

- (25) Section 552.130, Motor vehicle records;
- (26) Section 552.135, Information held by a school district related to an informer;
- (5) Section 552.138, Information maintained by a family violence shelter center or sexual assault program;
- (27) Section 552.139, Government information related to security or infrastructure issues for computers;
- (28) Section 552.140, Military discharge records;
- (29) Section 552.142, Records of certain deferred adjudicators;
- (30) Section 552.151, Information in the custody of a governmental body that relates to an employee or officer of the governmental body if disclosure would subject the employee or officer to a substantial threat of physical harm;
- (31) Any other state or federal law which permits or requires the protection of the requested records.

This is not an exhaustive list of the potential exceptions or provisions which may protect the requested information from public disclosure.

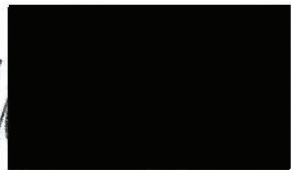
In accordance with Section 552.301(e), we will provide to your office within 15 business days of receipt of the request for information (1) the written comments providing reasons that the stated exceptions apply, which would require or allow the information to be withheld, (2) a copy of the written request, and (3) a representative sampling of the specific information requested.

The Honorable Ken Paxton  
June 24, 2019  
Page 5

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If you have any questions or require additional information, please feel free to contact me.

Sincerely,



D'Ann [REDACTED]  
Assistant General Counsel

*Enclosures*

cc: Darline McElroy, w/o enclosures  
via email at [darlinemcelroy@\[REDACTED\]](mailto:darlinemcelroy@[REDACTED])  
and CMRRR 7018 0040 0001 1114 8840





Darline McElroy <darlinemcelroy21@gmail.com>

---

**Re: information request**

---

informationrequest General Counsel <informationrequest@garlandisd.net>

Mon, Jul 8, 2019 at 12:19 PM

To: Darline McElroy <darlinemcelroy21@gmail.com>

Cc: Tyrone [REDACTED]@garlandisd.net>, D'Ann [REDACTED]@garlandisd.net>

Good Afternoon,

In response to your public information request, the videos you have requested are being compiled and may be viewed. Copies, however, may not be provided in accordance with FERPA. Additionally, please note that the District does not have the equipment capability to blur out faces. Please provide times next week in which you would like to view the footage.

In response to your request for documents, there are no documents responsive to your request on June 5, 2019 as the investigation had not begun.

Thank you,

Office of General Counsel  
Garland Independent School District  
O: 972-487-3026  
F: 972-485-4936

---

**From:** informationrequest General Counsel  
**Sent:** Tuesday, June 25, 2019 11:23 AM  
**To:** Darline McElroy <darlinemcelroy21@gmail.com>  
**Cc:** D'Ann [REDACTED]@garlandisd.net>  
**Subject:** RE: information request

Good Morning,

Attached please find the correspondence to the Attorney General. A copy has also been submitted to you via certified mail.

Thank you,



Darline McElroy <darlinemcelroy21@gmail.com>

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**Re: information request**

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**Darline McElroy** <darlinemcelro[REDACTED]@gmail.com>

Tue, Jul 9, 2019 at 8:52 AM

To: informationrequest General Counsel <informationrequest@garlandisd.net>

Good morning,

Whenever you are available to present your report will be good next week. I can view the videos either before or after we meet concerning your investigation. I assumed the other information was available and completed seeing how James [REDACTED] has been in contact with staff members of Montclair.

Let me know of your availability.

Thank you.

On Wed, Jun 5, 2019, 1:26 PM informationrequest General Counsel <informationrequest@garlandisd.net> wrote:  
[Quoted text hidden]



P.O. Box 469026  
Garland, TX  
75046-4923

[www.garlandisd.net](http://www.garlandisd.net)

**Garland Independent School District**  
Office of General Counsel

July 17, 2019

*Via Certified Mail 7018 0040 0001 1114 8918  
and Electronic Mail*

Ms. Darlene McElroy

██████████

Garland, TX 75043

[Darlinemcelroy██████████@gmail.com](mailto:Darlinemcelroy██████████@gmail.com)

**Street Address**

Harris Hill Administration Building  
501 S. Jupiter Rd.  
Garland, TX  
75042

**Phone**

972-487-3026

**FAX**

972-485-4936

Re: Board Policy DIA Complaint

Dear Ms. McElroy,

This letter is to inform you that I have completed my investigation into your claims that you have been subjected to race discrimination and harassment producing a hostile work environment by Mr. James ██████████ (Principal of Montclair Elementary), Ms. Tracy ██████████ (Assistant Principal of Montclair Elementary), Ms. Dana ██████████ (Human Resources Investigator), Ms. Tanya V ██████████ (Director of Human Resources – Elementary), and Ms. Janine ██████████ (Area Director).

A thorough investigation was conducted in accordance with Board Policy DIA (Local). The scope of this investigation consisted of interviews with yourself, the Accused and other persons having relevant knowledge of the alleged concerns. Additionally, documents such as the written DIA complaint, relevant Board policies and prior investigative materials and reports were also reviewed. A total of 16 individuals were interviewed including those specifically listed in your complaint as having personal knowledge of your concerns.

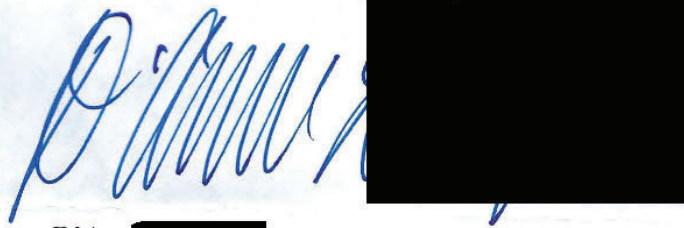
Based on the information obtained by me during the investigation, I have found sufficient evidence to support your above allegations against Mr. James ██████████. However, I have found insufficient evidence to support your above allegations against Ms. Tracy ██████████, Ms. Dana ██████████, Ms. Tanya V ██████████, or Ms. Janine ██████████. Please know that the Garland ISD specifically prohibits the discrimination, including harassment, against any employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law.

In accordance with my findings, the appropriate personnel action will be taken, however, the specific action is confidential in accordance with Texas law and may not be shared.

Ms. Darlene McElroy  
July 17, 2019  
Page 2 of 2

Thank you for bringing your concerns to the attention of the District. In accordance with Board Policy, the District takes all allegations of harassment, discrimination, bullying and retaliation seriously and investigates them thoroughly.

Sincerely,

A handwritten signature in blue ink is written over a black rectangular redaction box. The signature is cursive and appears to be 'D'Annunzio'.

D'Annunzio  
Assistant General Counsel

Enclosures: Board Policy DIA (Legal) and DIA (Local)



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

July 23, 2019

Ms. Lisa [REDACTED]  
General Counsel  
Garland Independent School District  
501 South Jupiter Road  
Garland, Texas 75042

Dear Ms. [REDACTED]

The Office of the Attorney General (the "OAG") has received a complaint from Darline McElroy alleging the Garland Independent School District (the "district") has failed to respond appropriately to a request for information. The complaint was assigned ID# 784017.

The Public Information Act (the "Act"), chapter 552 of the Texas Government Code, generally requires a governmental body to release requested public information that it collects, assembles, maintains, or has right of access to, or to request a ruling from the OAG as to the applicability of exceptions to the Act. Our records do not indicate a request for an OAG ruling has been made in accordance with section 552.301 of the Act.

Although the OAG has civil enforcement authority under the Act, our office prefers to work with governmental bodies and requestors to resolve complaints informally. The easiest way to resolve this open records complaint is to release the requested information, provided the information is not confidential by law.

Please provide a written response to this letter within 10 business days. *See* 1 T.A.C. § 70.11(d)(3) (governmental body has a responsibility under the Act to promptly respond). A certification form is enclosed with this letter in order to expedite your response. You may use the form to certify: (i) the requested information has been or will be released to the requestor; (ii) the district has no information responsive to the request; or (iii) the district has requested or will request an attorney general's decision regarding the requested information. If the form is not applicable, you may provide a written response to this notification letter explaining how the district has complied with the Act. The written response may be sent to the address below or faxed to the Education and Enforcement Section at (512) 481-1992.

If you have any questions regarding this letter, please contact the Education and Enforcement Section of the Open Records Division at (877) 673-6839 or (512) 936-6736 to discuss the resolution of this complaint. You will also find resources to assist you in complying with the Act at <https://www.texasattorneygeneral.gov/open-government>.

Thank you for your prompt attention to this matter.

Sincerely,

Education and Enforcement Section  
Open Records Division

Enclosure

C: Ms. Darline McElroy  
[REDACTED]  
Garland, Texas 78016  
(w/o enclosure)



P.O. Box 46902  
Garland, TX  
75046-4925

www.garlandisd.net

**Garland Independent School District**  
Office of General Counsel

August 13, 2019

Education and Enforcement Section  
Open Records Division  
P. O. Box 12548  
Austin, Texas 78711-2548

**Via Certified Mail**  
**CMRRR: 7018 0040 1114 8925**

**Street Address**  
Harris Hill Administration Building  
501 S. Jupiter Road  
Garland, TX  
75046

**Phone**  
972-487-3025

**FAX**  
972-485-4935

Re: Garland Independent School District – Complaint ID#: 784017

To Whom It May Concern:

The Garland Independent School District (“Garland ISD” or “the District”) hereby submits the following supplemental response to your inquiry in addendum to the Public Information Act Request Certification from Governmental Body form. This supplemental response relates to your inquiry dated July 23, 2019 and received by the District on July 29, 2019. Therefore, the 10<sup>th</sup> business day from the date of receipt is August 13, 2019.<sup>1</sup> Please know that the District actively strives to comply with all provisions of the Public Information Act and fully cooperates with any investigation into its practices.

### **History of Request for Information**

On June 5, 2019, the district received a public information act request via electronic mail for copies of surveillance videos as well as several documents.<sup>2</sup> On June 24, 2019 the District submitted a timely request for public information determination to the Attorney General’s Office noting that the 10<sup>th</sup> business day from the date of receipt was June 24, 2019, and the 15<sup>th</sup> business day from the date of receipt would be July 9, 2019.<sup>3</sup> On July 8, 2019, the District informed the Requestor that the videos requested were being compiled and may be viewed in accordance with the Texas Public Information Act.<sup>4</sup> The communication further stated that copies of the videos, however, contained protected student information and could not be provided in accordance with FERPA.<sup>5</sup>

<sup>1</sup> Please note that the District is closed for business on Fridays during the summer months as shown in Exhibit A.

<sup>2</sup> Exhibit B.

<sup>3</sup> Exhibit C. Please note that the District was closed for Summer Holiday June 28, 2019 – July 7, 2019 and closed for Fridays during the summer. Spring Break on March 12, 2018 – March 16, 2018 and therefore the request was received when the District reopened on the next business day, March 19, 2018.

<sup>4</sup> Exhibit D.

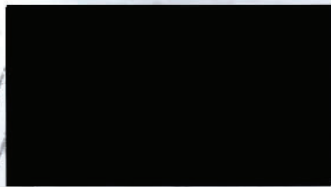
<sup>5</sup> Please note that pursuant to Texas Government Code Section 552.026, all personally identifiable student information and education records were withheld in compliance with FERPA and without the need for an Attorney General ruling. The Attorney General has held that (1) an educational agency or institution may withhold information that is protected from disclosure by the Family Education Rights and Privacy Act (“FERPA”) and that is excepted from disclosure by Sections 552.026 and 552.101 of the Government Code without the necessity of requesting an Attorney General decision as to those exceptions to disclosure; and (2) an educational agency or institution that is state-funded may

The District asked the Requestor to provide times to view the footage, however, the Requestor never responded. Further, after a good faith search of information that the District owns, controls or has right of access to, the District found no responsive documents to the June 5, 2019 public information act request. The District received the Attorney General complaint and now submits this timely response.

*July 9 email requesting to view*

Should you have any questions or require any further information, please do not hesitate to reach out.

Sincerely,



D'Ann  
Assistant General Counsel

Enclosures

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withhold information that is excepted from disclosure by Section 552.114 of the Government Code as a "student record," insofar as the "student record" is protected by FERPA, without the necessity of requesting an attorney general decision as to that exception to disclosure. Open Records Decision No.634 (1995). The United States Department of Education Family Policy Compliance Office has confirmed that the Texas Attorney General may not review information protected by FERPA without parental consent. Therefore, student identifiable information contained in the requested records was withheld, but in compliance with FPCO, available to review.





**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 3, 2019

Ms. D'Ann [REDACTED]  
Assistant General Counsel  
Garland Independent School District  
P.O. Box 469026  
Garland, Texas 75046-9026

OR2019-24489

Dear Ms. [REDACTED]

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 783756.

The Garland Independent School District (the "district") received a request for video footage, reports, and records pertaining to a specified investigation and named individuals. You claim the requested information is excepted from disclosure under sections 552.101 through 552.151 of the Government Code. We have considered the exceptions you claim.

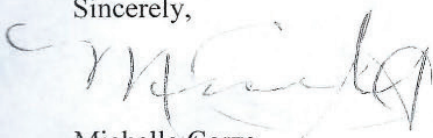
We must address the district's obligations under the Act. Section 552.301 of the Government Code prescribes the procedures a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. Pursuant to section 552.301(e), a governmental body is required to submit to this office within fifteen business days of receiving an open records request (1) written comments stating the reasons why the claimed exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, (3) a signed statement or sufficient evidence showing the date the governmental body received the written request, and (4) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. Gov't Code § 552.301(e). You state, and provide documentation demonstrating, the district received the request for information on June 5, 2019. However, as of the date of this letter, the district has not submitted to this office written comments stating the reasons why the stated exceptions apply or a copy or representative sample of the information requested. Accordingly, we conclude the district failed to comply with the requirements of section 552.301(e).

Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with the procedural requirements of section 552.301 results in the legal presumption that the requested information is public and must be released unless there is a compelling reason to withhold the information from disclosure. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.—Austin 1990, no writ). Although you raise exceptions to disclosure, because you failed to submit any portion of the requested information for our review, we have no basis for concluding that the requested information is excepted from disclosure. Thus, we have no choice but to order the requested information released pursuant to section 552.302 of the Government Code. If you believe the information is confidential and may not lawfully be released, you must challenge this ruling in court pursuant to section 552.324 of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Michelle Garza  
Assistant Attorney General  
Open Records Division

MG/mo

Ref: ID# 783756

c: Requestor



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 20, 2019

Ms. Darline McElroy  
[REDACTED]  
Garland, Texas 78016

Dear Ms. McElroy:

This notice is in regards to your correspondence requesting our office's assistance in obtaining information you requested from the Garland Independent School District (the "district") under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your correspondence was assigned ID# 784017.

The United States Department of Education Family Policy Compliance Office informed this office that the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232(a), does not permit state and local educational authorities to disclose to this office, without parental consent, unredacted, personally identifiable information contained in education records for the purpose of our review under the Act. This letter may be found on our website at: <http://www.oag.state.tx.us/open/20060725usdoe.pdf>. Consequently, determinations under FERPA must be made by the educational authority in possession of the education records.

Therefore, when an educational authority responds to a request for public information by stating the responsive information is covered by FERPA, we must accept its statement. The district informs us in the enclosed correspondence that it withheld the information at issue in your complaint under the authority of FERPA; therefore, we are unable to be of assistance and are closing our file on this matter.

If you have questions regarding access to FERPA records, please contact the Family Policy Compliance Office:

Family Policy Compliance Office  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-0498  
(202) 260-3887



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620  
DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

September 19, 2019

**VIA MAIL**

Darline McElroy

Garland, TX 75043

Re: OCR Complaint No. 06-19-1825

Dear Ms. McElroy:

On August 26, 2019, the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, received the complaint that you filed against Garland Independent School District (the District) in Garland, Texas. In the complaint, you alleged that the District discriminated against you in your individual employment on the basis of race. You also alleged retaliation.

OCR is responsible for determining whether organizations or entities that receive or benefit from Federal financial assistance, either from the Department or from an agency that has delegated investigative authority to the Department (recipients), are in compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, and national origin. Title VI also prohibits retaliation.

Although the District is a recipient of Federal financial assistance, government-wide regulations require us to refer your allegations of discrimination based on race to the U.S. Equal Employment EEOC. The EEOC may have the authority to investigate this complaint under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, which prohibits discrimination in employment on the basis of race and national origin. Accordingly, OCR is referring this complaint to the EEOC at the following address:

**Belinda McCallister, Director**  
**Dallas District Office**  
**207 S. Houston Street**  
**3rd Floor**  
**Dallas, Texas 75202**

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

[www.ed.gov](http://www.ed.gov)



Commissioner Mike Morath

1701 North Congress Avenue • Austin, Texas 78701-1494 • 512 463-9734 • 512 463-9838 FAX • [tea.texas.gov](http://tea.texas.gov)

10/02/2019

Sent via email: darlinemcelroy [REDACTED]@com

RE: TEA Complaint Reference #INV2019-07-029

Ms. McElroy,

The Texas Education Agency, Educator Investigations Division completed its review of the complaint that you submitted concerning one or more certified educators. We appreciate that you communicated your concerns to the Agency. This letter is to notify you that, after considering all information gathered during our review, the division will not be opening an investigation. Therefore, Educator Investigations has closed the complaint. If you have not done so already, you may share your complaint with your school's administrators and school board.

Please be aware that TEA follows the Texas Public Information Act for releasing information. Information can only be kept confidential to the extent allowed by law. TEA must maintain the confidentiality of all student information protected by the Family Education Rights and Privacy Act. If a member of the public requests preliminary or audit working papers, the TEA may ask the Texas Office of Attorney General to except specific information from public disclosure.

Respectfully,

Mandi [REDACTED]  
Texas Education Agency  
Educator Investigations

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Darline J. Mcelroy  
3502 Hamlett Ln  
Garland, TX 75043

From: Dallas District Office  
207 S. Houston St.  
3rd Floor  
Dallas, TX 75202

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

450-2019-04767

Yolanda [REDACTED],  
Investigator

(972) 918-3634

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Belinda F. McCallister,  
District Director

10/21/2019  
(Date Mailed)

Enclosures(s)

cc: Richardo [REDACTED] Superintendent  
Garland Independent School District  
501 S. Jupiter  
Garland, TX 75042



TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

COMMISSIONER  
Jaime Masters

Darline Mcelroy

GARLAND, TX 75043-1976

Date: 06/12/2020

INTAKE NUMBER (CALL ID): 73598467

CHILD'S INITIALS:

[Redacted]

Dear Darline Mcelroy:

Thank you for contacting our office on 06/11/2020 concerning the care of the above named child(ren).

Garland Pd (email) +cac

Your concerns have been forwarded to the following agency because they do appear to have jurisdiction in such matters:

I appreciate your concern for the welfare of these children (this child) and hope that you will promptly report your concerns for any child whom you feel may be at risk of abuse or neglect. It is through the actions of concerned citizens like yourself that we are aided in the protection of children.

Sincerely,

Sarah [Redacted] CPS INV SCREENER V

