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FINAL REPORT
ON THE EVENTS SURROUNDING
THE NATIONAL SCHOOL BOARDS ASSOCIATION'S
SEPTEMBER 29, 2021, LETTER TO THE PRESIDENT

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I. INTRODUCTION

The National School Boards Association (“NSBA”) retained attorney Philip Kiko and the law firm of Michael Best & Friedrich LLP (collectively, “Counsel”) to conduct a review of the events and procedures surrounding the September 29, 2021, letter to the President (the “Letter”) requesting federal investigation of and assistance with events at school board meetings and alleged threats against school board members across the nation (this “Review”).

The purpose of the Review is to relate to the NSBA and the Board of Directors all facts surrounding the decision to write the Letter, the drafting of the Letter, and the initial response to the Letter.

II. EXECUTIVE SUMMARY

A. INTRODUCTION

The NSBA is a national organization of state associations of local school boards. A purpose of the NSBA is to advocate on behalf its state association members for the advancement of equitable, excellent, and locally controlled public education. The Board of Directors has the authority and responsibility to ensure its advocacy is consistent with the Beliefs and Resolutions that are approved by the NSBA’s Delegate Assembly. To provide day-to-day oversight, the Board of Directors is authorized to hire an executive director for the organization and to elect and empower an Executive Committee to manage the NSBA’s business affairs between meetings of the Board of Directors. An organizational chart, reflecting the organization staff structure of the NSBA as of the approximate date of the Letter, is attached for reference as Appendix Exhibit 83.

On September 29, 2021, the NSBA sent the Letter, signed by Mr. Chip Slaven (“Mr. Slaven”), the then-Interim CEO and Executive Director of the NSBA, and Dr. Viola Garcia (“Dr. Garcia”), the then-President of the NSBA Board of Directors, to President Joseph R. Biden, Jr. (“President Biden”) requesting “federal assistance” at local school board meetings, including “federal law enforcement and other assistance” to “deal with the growing number of threats of violence and acts of intimidation [allegedly] occurring across the nation.” The Letter, however, was not authorized or approved by the Board of Directors or the Executive Committee. Moreover, evidence shows that no one on the Board of Directors, other than the four officers of the NSBA, reviewed the draft letter before it was finalized and sent to the White House.

The Letter asked that the “federal government investigate, intercept, and prevent the current threats and acts of violence against public school officials through existing statutes, executive authority, interagency and intergovernmental task forces, and other extraordinary measures . . .” and “specifically solicit[ed] the expertise and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI), U.S. Department of Homeland Security, and U.S. Secret Service, including its National Threat Assessment Center.” The Letter further requested that such threats and acts be considered “the equivalent to a form of domestic terrorism” requiring “expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the FBI, including technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division” and suggested enforcement “under the Gun-Free School Zones Act, the PATRIOT ACT with regards to domestic terrorism, the Matthew Shephard and James Byrd Jr. Hate Crimes Prevention Act, the Violent Interference with Federally Protected Rights statutes, the Conspiracy Against Rights statute,” and executive orders.

The Letter initially received positive and cooperative feedback from the White House. The Department of Justice issued a response three days later through a memo from the Attorney General directing the FBI to coordinate with the respective United States Attorneys in response to the Letter and its requests. The Letter received significant political and media attention. As a result, the NSBA has faced criticism for the Letter as well as a decline in its membership, posing challenges for the future of the organization.

This report discusses our findings about the origin, drafting, review, and approval of the Letter and the NSBA’s response to the fallout from NSBA membership and the public.

B. THE PRINCIPAL PARTIES

The Letter was principally directed, reviewed, and approved by Mr. Slaven. The principal drafter of the Letter, under the direction of Mr. Slaven, was Deborah Rigsby, the NSBA’s Program Director, Lobbying & Federal Legislation (“Ms. Rigsby”). Jane Mellow, NSBA’s Interim Chief Advocacy Officer (“Ms. Mellow”) played an active role in coordinating drafting and editing the contents of the letter. Jason Amos, NSBA’s Director of Communications (“Mr. Amos”) worked closely with Mr. Slaven and Ms. Mellow to provide advance copies of the Letter to media outlets and to intentionally draw significant attention to the Letter both before and after it was publicly released.

Although the Letter was the progeny of Mr. Slaven with active assistance from his staff and some of his NSBA colleagues, the White House, namely White House Senior Advisor to the President Mary C. Wall (“Ms. Wall”), had advance knowledge of the planned Letter and its specific contents and interacted with Mr. Slaven regarding the Letter during its drafting. In addition, evidence indicates that White House officials discussed the existence of the Letter, its requests, and the contents of the Letter with Department of Justice officials more than a week before the Letter was finalized and sent to President Biden.

C. THE PRINCIPAL EVENTS

On September 9, 2021, Mr. Slaven directed Ms. Rigsby, through Ms. Mellow, to begin work on the document that would become “the Letter.” Emails and interviews evidence that Mr. Slaven began considering the notion of requesting federal involvement or federal law enforcement intervention at, or with regard to, local school board meetings as early as late August 2021¹. Ultimately, Mr. Slaven did not act on his idea until September 8-9, 2021.

In his interview with Counsel, Mr. Slaven said that he made the decision to send the Letter and request federal assistance or intervention on September 8, 2021. Mr. Slaven stated that he came to this decision after reading the September 8, 2021, article in POLITICO, in which he was quoted, entitled “*Critical race theory turning school boards into GOP proving grounds.*”² Mr. Slaven said he was influenced by the article mentioning that “The Proud Boys” had “showed up twice to school board meetings in Nashua, N.H.” Also on September 8, NSBA’s then-Immediate Past-President, Charlie Wilson (“Mr. Wilson”), forwarded to Mr. Slaven a “threatening” letter sent to a school board and superintendent in Worthington, Ohio.

On September 9, Mr. Slaven began acting on the issue. Specifically, Mr. Slaven called to direct Ms. Mellow, who emailed to direct Ms. Rigsby, to begin drafting the Letter. Ms. Mellow also directed NSBA’s research analyst to compile a list of “egregious examples” of incidents that occurred at local school board meetings to be included in the Letter. Also on September 9, Mr. Slaven participated in a call with Ms. Wall, during which he expressed his concern directly to Ms. Wall “over the many threats school board members are receiving” and requested assistance from the White House. Ms. Wall responded to Mr. Slaven the same day, thanking him for participating in the White House call and requesting they confer directly regarding Mr. Slaven’s concerns.

Over the next several weeks, Mr. Slaven coordinated the efforts of Ms. Rigsby and Ms. Mellow to produce the Letter. Simultaneously, Mr. Slaven continued discussions with the White House, through Ms. Wall, on the topics contained in the Letter. On September 14, 2021, Mr. Slaven conferred with Ms. Wall on a call where she requested NSBA’s list of “egregious examples” of alleged school board threats and disruptions. On September 21, 2021, pursuant to Ms. Wall’s requests, Mr. Slaven provided the White House with an advance summary of the Letter’s contents and its list of requests for federal intervention, along with the previously requested list of “egregious examples,” so White House officials could “include” the planned contents of the Letter in discussions with Department of Justice officials on September 22, 2021. Although other NSBA staff members do not appear to have interacted with the White House or other Administration officials directly regarding the Letter,

¹ At least one board member recalled Mr. Slaven discussing the letter, in concept, while in Louisville, Kentucky, for the 2021 Summer Leadership Seminar. Some evidence also suggests Miguel Cardona, Secretary of Education, during an August 16, 2021, townhall with NSBA members and leadership, discussed disruptions in local school board meetings and requested additional information be sent to his office.

² See Daniel Payne, *Critical race theory turning school boards into GOP proving grounds*, POLITICO, Sep. 9, 2021, <https://www.politico.com/news/2021/09/08/critical-race-theory-school-boards-510381> (last accessed 3 May 2022).

communications between staff members show that some were aware of Mr. Slaven's ongoing conversations with the White House regarding the Letter.

Inside the NSBA, the evidence revealed limited knowledge about the drafting and existence of the Letter before it was officially sent to the White House. The Review did not find evidence that most NSBA officers, board members, senior staff, or executives contributed to or were aware of the Letter while the Letter was being drafted. The Letter was not shared with other NSBA executives or senior staff until September 24, 2021. On that day, Ms. Rigsby, at the direction of Mr. Slaven, shared the Letter via email with Francisco Negrón ("Mr. Negrón"), NSBA's Chief Legal Officer, Renee Joe ("Ms. Joe"), NSBA's Interim Chief Transformation Officer, Mr. Amos, and Elena Kukanova-Carpenter ("Ms. Kukanova-Carpenter"), NSBA's Interim Chief Financial Officer. Ms. Rigsby stated that Mr. Slaven had already approved the Letter but asked whether these individuals thought "further information was needed" for the Letter. Ms. Rigsby's email received limited comment from its recipients. Given the limited response, Ms. Mellow contacted Mr. Negrón directly via telephone. According to Mr. Negrón, he expressed his opinion to Ms. Mellow that the letter had not been written in the voice of the NSBA. After Ms. Rigsby's email and Ms. Mellow's phone call, no one made substantive changes to the draft Letter.

On September 26, 2021, Mr. Slaven shared a draft of the Letter via email with the NSBA's officers—Dr. Garcia, its President, Frank Henderson, Jr. ("Mr. Henderson"), its President-Elect, Mr. Wilson, its Immediate Past President, and Kristi Swett ("Ms. Swett"), its Secretary-Treasurer. In response to Mr. Slaven's email, the officers all expressed their approval without proposing substantive changes to the Letter. The officers' only request was that Dr. Garcia be added as a signatory to the Letter. No other members of the NSBA's Board of Directors were provided with a draft of the Letter nor given any opportunity to review or provide comment on whether to send such a Letter or on the contents of the Letter. On September 29, 2021, Mr. Slaven shared the Letter with the NSBA's Board of Directors to notify them that the Letter had been sent to the White House.

Externally, the evidence shows the NSBA notified both the White House, media, and interest groups of the Letter in advance of the formal sending of the Letter to the White House. On September 21, 2021, Ms. Wall requested an advance copy of the Letter to provide to her White House and Department of Justice colleagues "to see if there might be any options we can pursue here" Mr. Slaven responded with "an internal NSBA document" with the alleged "egregious examples" of incidents that was used "as a reference point to help draft the letter we plan to send," and outlined the federal actions that the NSBA was requesting. NSBA also shared advance draft copies of the Letter and discussed its contents in interviews with select media outlets. Mr. Amos gave Axios the exclusive opportunity to first report on the Letter and was able to field and answer questions from reporters on the contents of the Letter before the Letter was formally sent to the White House. On September 29, 2021, Mr. Slaven formally sent the letter to President Biden via email to Julie Rodríguez ("Ms. Rodríguez"),

Deputy Assistant to the President and Director of the Office of Intergovernmental Affairs, Katherine Pantangco, Policy Advisor to the Office of Intergovernmental Affairs, and Ms. Wall as well as to Aaliyah Samuel (“Ms. Samuel”), Deputy Assistant Secretary of the Department of Education, and Kimberly Watkins-Foote (“Ms. Watkins-Foote”), Acting Director of the National Engagement Team of the Department of Education.

D. THE REACTION

Immediately following the issuance of the Letter, reaction from the NSBA staff and the Administration was swift and positive. On September 29, 2021, Ms. Wall thanked Mr. Slaven for “sending in advance” and said, “we remain committed to working with you . . . we know [educators]/you all need to be protected now more than ever.” On the same day, Ms. Watkins-Foote thanked Mr. Slaven for the “heads up.” On September 30, 2021, Ms. Rodríguez thanked Mr. Slaven for his “leadership” and stated that she looked “forward to our continued work together.” On October 6-7, 2021, Ms. Samuel checked-in via email with Mr. Slaven because “I know its [sic] been a lot” and thanked Mr. Slaven for his “leadership.”

On October 1, the Department of Homeland Security requested a meeting with NSBA staff regarding the Letter and NSBA’s request for federal assistance. Although DHS requested a meeting directly with NSBA staff and the meeting was at one point scheduled for October 21st, this meeting was eventually cancelled. On October 4, the Attorney General issued a memorandum in response to the Letter promulgating “a series of measures designed to address the rise in criminal conduct directed toward school personnel.” On the same day, Ms. Wall requested the personal phone numbers for Mr. Slaven and Dr. Garcia. The next day, on October 5, 2021, President Biden called Dr. Garcia and thanked her for letting him know about what was happening at the local level and for Dr. Garcia discussing the Letter on television.

The reaction to the Letter from non-officer members of the NSBA’s Board of Directors was mixed. Evidence showed mostly negative reactions from NSBA membership, the public, and the media. Prior to the reaction to the Letter, two state associations had suspended their membership and eight states were considering whether to renew their membership. By November 5, 2021, seven state associations had terminated their memberships and an additional seven state associations were considering termination.

E. CONCLUSION

On September 29, 2021, Mr. Slaven sent the Letter to President Biden, requesting federal intervention. The Letter was the result of twenty days of research and drafting by the NSBA under the direction of Mr. Slaven. While directing NSBA staff in drafting the letter, Mr. Slaven was simultaneously discussing his efforts with Ms. Wall, a White House official, and providing the White House, through Ms. Wall, with advance information regarding the contents of the Letter. Evidence indicates that Ms. Wall used advance information from Mr. Slaven regarding the planned Letter and its specific content to “include in discussions” with

“other [White House] offices” and Department of Justice before the Letter was finalized and sent to President Biden.

Based on the records received in this Review and statements made to Counsel in interviews, it is clear that Mr. Slaven made the decision to write the Letter and for the NSBA to publicly make the request for federal assistance. Mr. Slaven was the only person at the NSBA who had full knowledge of the preparation, drafting, and strategy considerations surrounding the Letter. Staff members involved in the creation of the Letter only had partial knowledge related to their personal involvement in the Letter. Except for Ms. Mellow, Mr. Slaven did not consult any other executive staff member, NSBA officer, or any member of the Board of Directors on the contents of the Letter before Mr. Slaven approved a final draft of the Letter. Mr. Slaven did mention the plan to write “a letter” to the President requesting federal assistance for school boards and schools during the September 14 quarterly Organization of State Associations Executive Directors (OSAED) Liaison meeting and on the NSBA’s Executive Director listserv on September 17, but received little to no responses, questions, or feedback in either case. Notably, Mr. Slaven’s advance references to the planned Letter did not include details of the specific content contained in the Letter.

Further, the evidence also showed that the NSBA did not have a procedure in place for approving or reviewing the creation, drafting, distribution, or publishing of advocacy letters sent on behalf of the NSBA. Specifically, there was neither written policy nor historical precedent discovered by Counsel during the Review that required or encouraged Mr. Slaven to notify or consult with NSBA’s officers or Board of Directors while drafting, revising, approving, or distributing the Letter. Evidence indicated that, in most circumstances, NSBA staff routinely engaged in advocacy with governmental entities without consulting NSBA officers or the Board of Directors. Regarding this Letter, it appears that Mr. Slaven did consult with high level NSBA staff members and the NSBA officers prior to sending the Letter to the White House. During these consultations, there is no evidence that anyone suggested to Mr. Slaven that the Letter should not be sent or that substantive changes should be made before sending.

After the Letter was sent, the NSBA received positive feedback from the White House. Dr. Garcia received a personal phone call from President Biden to discuss the Letter. Within three business days, the Department of Justice issued a memorandum, directing federal action in response to the Letter. However, NSBA’s members also experienced significant negative attention. As a result, NSBA attempted to mitigate the negative response through engagement of a crisis management firm.

III. REVIEW PROCEDURE

A. Scope of Review

This Review was conducted independently from the influence of the NSBA, its staff, or Board of Directors (“NSBA Parties”). The NSBA Parties did not impose any constraints on the Review and provided their full cooperation. The NSBA provided access to all relevant materials Counsel requested. In August 2021, the NSBA issued a document hold that included

information potentially relevant to the Letter within the custody or control of the NSBA. Subsequently, the document hold was re-iterated on November 23, 2021, and February 14, 2022, for any information potentially relevant to the Letter within the custody or control of the NSBA. Counsel was able to request an interview with any individual for any amount of time and Counsel's independent e-discovery vendor was provided with administrative access to NSBA's electronically stored documents and other data as explained below. Counsel conducted interviews of thirty individuals, including NSBA staff and other NSBA Parties.

Counsel further conducted an exhaustive search of publicly available data, documents, and news articles and reports. Counsel also issued formal FOIA requests for any information and documents related to or referencing the Letter or the NSBA to the U.S. Department of Justice, U.S. Department of Education and U.S. Department of Homeland Security. Lastly, Counsel made a formal request for assistance and cooperation with this Review by the White House through the production of any information and documents related to or referencing the Letter, the NSBA or Mr. Slaven.

Counsel reached the analysis and conclusions set out herein at the end of an extensive and thorough review and based them on the totality of the evidence collected and reviewed. Counsel investigated all matters they believe were relevant to reaching their conclusions and to achieve the goals set forth by the NSBA for this Review. To the extent that additional evidence is found after the closing of this Review, the findings or conclusions of this report may be subject to change.

B. Data and Documents Reviewed

Counsel began by reviewing internal NSBA electronic files. To ensure Counsel received relevant materials, Counsel identified thirteen document custodians at the National School Boards Association ("NSBA Custodians") who were most likely to have information relevant to the Letter. The NSBA Custodians were selected based on their role at the NSBA during the relevant time surrounding the Letter, preliminary discussions with NSBA Parties and the publicly available information surrounding the Letter, among other considerations. The Custodians consisted of Mr. Slaven, Ms. Mellow, Ms. Rigsby and Mr. Amos, among the others listed in **Table 1** of this Report.

After confirming the identity of the Custodians, Counsel set a relevant time in which to review the Custodian's files. The relevant period was determined to be from May 1, 2021, through December 7, 2021.

Based on the search parameters described above, Counsel received 334,296 files, approximating 155 gigabytes of data, from NSBA's internal Microsoft office platform, including, documents, photographs, recordings, records, and communications (the "Documents"). The Documents included all NSBA Microsoft Outlook data, including calendar files and email correspondence, Microsoft SharePoint data and documents, Microsoft

One Drive data and documents, and Microsoft Teams data and documents for all 13 Custodians.

Using relevant search terms, domain addresses, and dates, the Counsel reviewed over 22,000 documents, of which approximately 5,000 were responsive to the Review. Using e-discovery tools and protocol, Counsel reviewed a broad range of materials. Counsel also reviewed correspondence from potentially relevant non-custodians who communicated with NSBA staff and executives, including non-custodians from the White House, Department of Justice, Department of Education and Department of Homeland Security.

C. NSBA PARTIES INTERVIEWED

In addition to the hundreds of thousands of files obtained and searched and thousands of documents reviewed Counsel interviewed thirty individuals with personal knowledge and/or involvement with the NSBA and the circumstances surrounding the Letter. These thirty interviews, many of which lasted between one to three hours, were conducted between March 10, 2022, and April 26, 2022, as detailed in the Interview Information contained in **Table 2** of this Report.

The individuals interviewed included both NSBA staff and executives as well as NSBA Board Members and officers of the NSBA Board. All of the principal actors, Mr. Slaven, Ms. Mellow, Ms. Rigsby and Mr. Amos were interviewed, and their recorded interviews and transcripts provided to the NSBA along with all other individuals interviewed.

D. ADDITIONAL INFORMATION AND DOCUMENTS REVIEWED

In addition to the NSBA's internal servers, Counsel has also identified other possible sources of relevant information, including (1) staff member mobile devices, (2) staff member personal emails, (3) Board of Directors personal emails, (4) file servers and communication devices used by officials at the United States Departments of Education, Justice, and Homeland Security, and (5) file servers and communication devices used by officials in the Executive Office of the President within the White House. Counsel was not given or able to obtain direct access to these potential sources of information. As a result, to the extent other relevant information is located within these sources, Counsel was required to rely upon the cooperation of third parties to review, identify, and produce responsive information.

Despite lacking direct access to these additional sources of information, Counsel did make efforts to collect additional information from the sources identified above. During interviews with staff and board members, Counsel specifically asked witnesses to review their personal devices and accounts, identify potentially relevant information, and produce copies to Counsel. Although Counsel did not receive additional materials from every witness, Counsel did receive some additionally responsive information, which is detailed in Table 3 of this Report.

In addition to requesting additional documentary evidence from witnesses, Counsel has also requested documentary evidence from other third parties. On March 23, 2022, Counsel sent Freedom of Information Act requests to the U.S. Departments of Justice, Education and Homeland Security asserting requests detailed in Table 4 of this Report.

On April 5, 2022, Counsel also communicated with the White House Office, requesting any and all information, documents, records, or communications, related to or referencing (1) the NSBA dated between August 1, 2021, and December 31, 2021, or (2) the Letter.

While Counsel has received communications from federal agencies acknowledging the FOIA requests, to date, Counsel has not yet received documents in response to the FOIA requests. To date, Counsel has not received any response to its request for cooperation and documents from the White House.

In the week following the April 25, 2022 interview of Mr. Slaven, counsel for Mr. Slaven provided four sets of documents, (1) a PDF copy of the “opening statement” read by Mr. Slaven at the beginning of his interview, (2) a 210 page PDF containing various documents, including news articles, emails and text messages, (3) a PDF of a PowerPoint presentation prepared by Mr. Slaven regarding the Letter and including a timeline of events surrounding the Letter and (4) a copy of a letter dated October 25, 2021 from counsel for Mr. Slaven to counsel for NSBA, Thomas L. McCally. All documents provided by Mr. Slaven are included in Appendix Exhibit 84 of this Report and were taken into consideration when drafting this Report.

E. COMPREHENSIVE TIMELINE OF REVIEW

The Review consisted of three main phases. The first phase of the Review was initial document collection and review. On February 8, 2022, Counsel and NSBA initiated e-discovery efforts with Innovative Driven, the selected e-discovery vendor, to perform a forensic data export of NSBA files for Counsel’s review. Over the course of several weeks, Counsel, NSBA, and Innovative Driven worked together to define the scope of the data extract as well as the execution of the data extract. Data became progressively available for Counsel’s review starting from February 27, 2022, through March 9, 2022. Beginning February 28, 2022, Counsel began its review of the initial files received from the NSBA. Detailed information related to the identity of witnesses and their dates of interview can be found within **Table 5** of this of this Report.

The second phase of the Review was interviews. Counsel began requesting interviews on March 8, 2022. Interviews began on March 10, 2022 and were substantially complete on April 1, 2022. However, due to circumstances outside of Counsel’s control, two interviews occurred after April 1, 2022. Specifically, Mr. Slaven submitted to an interview on April 25, 2022, after discussions with Mr. Slaven’s counsel, and Becky Fles submitted to an interview on April 26, 2022. Ultimately, Counsel interviewed thirty individuals. Detailed information

related to the identity of individuals interviewed and their dates of interview can be found within **Table 2** of this Report.

During the second phase of the Review, Counsel used witness interviews in attempts to identify additional responsive documents and information. This included corroboration through witness statements that Counsel had received all potentially responsive files from NSBA as well as attempts to identify potentially relevant information in the custody of witnesses that would not have been produced from NSBA servers. Counsel's efforts corroborated the completeness of the data extraction from NSBA and yielded some additional materials that were responsive.

The third phase of the Review was reporting. Counsel's report was a synthesis of all the relevant information Counsel received from the document productions and witness interviews. The drafting process began in late March 2022 and continued until May of 2022.

IV. DISCUSSION

A. BACKGROUND

The NSBA is a national organization whose “core purpose . . . is to work exclusively with and through its member state school board associations . . . to ensure each student everywhere has access to an excellent and equitable public education . . . governed by high performing school board leaders.” To accomplish this goal, an explicit purpose of the NSBA is to “focus its efforts on [a]dvocating for and defending high quality education and school board governance before the executive, legislative, and judicial branches of government” and “[p]ositively influence public opinion regarding such matters.”

Four elected officers lead the organization: President, President-Elect, Immediate Past President, and Secretary-Treasurer. The Delegate Assembly elects two officers each year: President-Elect and Secretary Treasurer. The President-Elect has no specific enumerated duties; the role is limited to “duties as from time to time may be assigned by the President or the Board of Directors” or acting in the capacity of the President when the President is absent, unable to act, or unwilling to act. After a one-year term, the President-Elect automatically becomes the President. The President's duties are to preside at all NSBA meetings and “to perform all duties incident to the officer President and such other duties as may be prescribed from time to time by the Board of Directors.” Likewise, the President becomes the Immediate Past President after a one-year presidency. The sole explicit function of the Immediate Past President is to serve as the *ex officio* chair of the National Nominating Committee.

The NSBA also has a Board of Directors. The Board of Directors is tasked with “supervision, control and direction of the affairs of the Association.” This includes authority and duty to hire and direct the NSBA Executive Director. The Board of Directors is composed of NSBA's four officers, fifteen directors elected by the Delegate Assembly, and

representatives of the Council of Urban Boards of Education, the National Black Council of School Board Members, the National Hispanic Council of School Board Members, and the National American Indian/Alaska Native Council of School Board Members. The NSBA's Executive Director and CEO is an *ex officio* member of the Board of Directors, without voting rights, as is the chair of OSAED. Notably, the Board of Directors is only obliged to meet twice a year.

Between meetings of the Board of Directors, the NSBA's Executive Committee is responsible for "administering the property, funds and business affairs of the Association." These responsibilities are meant to be addressed through the exercise of "all powers and authority granted by the Board of Directors" through an enabling resolution. Its membership includes the four officers and three additional members to be elected by the Board of Directors from among its members. The NSBA's Executive Director and CEO is also a non-voting member of the Executive Committee, *ex officio*. The Executive Committee is required to report to the full Board of Directors regarding the state of the NSBA and all actions taken by the Executive Committee in the interim between board meetings.

The narrative of events as follows below outlines the circumstances and communications before, during, and after the Letter's release. This narrative is the product of the extensive data and documents reviewed and interviews conducted by Counsel mentioned above.

B. NARRATIVE OF EVENTS

In 2021, NSBA was presented with a unique set of challenges. Nearly a full year into the COVID-19 pandemic, NSBA staff worked almost entirely remotely. The NSBA's Board of Directors had not met in person in over a year. By late June 2021, the chief executive officer and the chief administrative officer had resigned. In response to these circumstances, the Board of Directors elected to designate Mr. Slaven as NSBA's interim Executive Director and interim Chief Executive Officer while it conducted a search for a permanent candidate.

Meanwhile, in the spring of 2021, the Biden Administration started work on a return-to-school plan centered on policies intended to help students and teachers transition safely back to in-person learning in the classroom for the upcoming fall semester.³ Chief among the policies included spending \$81 billion of funds from the "American Rescue Plan" which was intended "to not only get more schools opened safely [but] work to close the gaps in education equity that the pandemic has exacerbated."⁴ In support of this plan, the Department of Education began engaging with teachers, parents, members of the public, and special interest

³ See Press Release, U.S. Dep't of Educ., Biden-Harris Administration to Announce New Actions to Help Schools Reopen Safely and Meet Students' Needs (March 24, 2021), <https://www.ed.gov/news/press-releases/biden-harris-administration-announce-new-actions-help-schools-reopen-safely-and-meet-students%E2%80%99-needs>.

⁴ *Id.*

groups about the challenges and concerns they expected to face in the wake of the waning pandemic.⁵ The NSBA was one such special interest group. Throughout the summer of 2021, the NSBA participated in a number of discussions with the Administration to “give a national voice” to the concerns it believed its member school boards and state associations expected to face in the coming months.⁶ These discussions ranged from open public dialogues to private conversations with Department of Education staff in an effort to provide input on the Administration’s proposals.⁷

While the NSBA participated in return-to-school discussion in Washington DC, some local school boards experienced increased public attention and debate related to mask mandates, vaccine policies, and critical-race theory (CRT). School board meetings became the venue in which these sensitive topics were publicly discussed, sometimes passionately and sometimes contentiously.⁸ News outlets began to publish stories about discrete instances of rising tension and increased activism at local school board meetings around the country. In July 2021, these media outlets started reaching out to the NSBA for statements related to the increased activism.⁹ NSBA agreed to some of these requests, repeatedly stating over the following weeks that the increased activism was a concern. The national media attention prompted a few local school board members to reach out to the NSBA directly with first and second-hand stories and safety concerns related to the rise in activism. As a result of the media interview requests and the outreach from the local board members, Mr. Slaven began prioritizing the issues occurring at local school board meetings for NSBA attention.¹⁰

In late July, Mr. Slaven participated in a conference call with a Deputy Assistant Secretary in the Department of Education and raised, among other issues, his growing concerns about the increased public activism at school board meetings.¹¹ This dialogue with the Department of Education gave rise to several more town-hall style conversations with

⁵ *Id.*

⁶ See E-mail from Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ., to Anna Chavez (May 7, 2021) (appendix exhibit 1); *see also*, E-mail from Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ., to Anna Chavez (July 1, 2021) (appendix exhibit 2); E-mail from Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ. to Chip Slaven (July 20, 2021) (appendix exhibit 3); E-mail from Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ. to Chip Slaven (July 27, 2021) (appendix exhibit 4); E-mail from Chip Slaven to Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ. (Aug. 1, 2021) (appendix exhibit 5).

⁷ *Id.*

⁸ See Julia Wong, *Masks off: how US school boards became ‘perfect battlegrounds’ for vicious culture wars*, THE GUARDIAN, Aug. 24, 2021, <https://www.theguardian.com/us-news/2021/aug/24/mask-mandates-covid-school-boards>; *see also*, E-mail from Charlotte Blain to Chip Slaven (Aug. 24, 2021) (appendix exhibit 6).

⁹ See E-mail from Bianca Quilantan, Education Reporter, POLITICO, to Jason Amos (June 28, 2021) (appendix exhibit 7); *see also*, E-mail from Jason Amos to Chip Slaven (July 9, 2021) (appendix exhibit 8); E-mail from Jason Amos to Chip Slaven (July 22, 2021) (appendix exhibit 9).

¹⁰ See E-mail from Chip Slaven to Bob Wise, Bob Wise LLC (Aug. 27, 2021) (appendix exhibit 10); *see also*, E-mail from Charlotte Blane to Renee Joe (Aug. 26, 2021) (appendix exhibit 11); E-mail from Charlie Wilson, Vice President, Worthington Schools Board of Education to Chip Slaven, Dr. Viola Garcia, Kristi Swett, Board Member, Salt Lake City School District, and Frank Henderson (Sept. 8, 2021) (appendix exhibit 12).

¹¹ See E-mail from Chip Slaven to Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ. (July 20, 2021) (appendix exhibit 13); *see also*, E-mail from Chip Slaven to Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ. (Aug. 1, 2021) (appendix exhibit 14).

Secretary Cardona throughout August, wherein Mr. Slaven related specific instances of activism he considered inappropriate based on the conversations he was having with local school board members.¹² The Department followed up with NSBA after these town-hall conversations.

During interviews for this Review, some NSBA Members stated their belief that these interactions with the Department of Education led to, or contributed to, the creation of the Letter. This belief appeared to have been predicated on a document entitled, “Frequently Asked Questions About the National School Boards Association’s Letter to President Biden,” which stated, “prior to the letter, NSBA had b[ee]n in regular communication with the White House and U.S. Department of Education.”¹³ Some witnesses even expressed surprise by Secretary Cardona’s public statement that he had not requested the Letter. Nevertheless, Counsel’s Review did not find communications between the Department and the NSBA that indicated the Department specifically requested the NSBA make an official request for aid or federal intervention. Moreover, by early September, Mr. Slaven started communicating, via correspondence to various local school board officials and NSBA staff, that he was exploring his options to address these concerns, including contacting the Department of Justice and the Department of Homeland Security directly to ask for threat-assessment support.¹⁴

Mr. Slaven ultimately decided to write the Letter and request federal intervention on September 8. Specifically, Mr. Slaven stated to Counsel during his interview that September 8, 2021, was when he determined the NSBA should request federal intervention, saying, “when I finally decided we really needed to do something was when I read the article that was in POLITICO about ‘The Proud Boys’ on September the Eighth.”¹⁵ The POLITICO article on September 8, 2021 was entitled “Critical race theory turning school boards into GOP proving grounds” and in which Mr. Slaven was quoted as claiming that CRT was not being taught in school and that “[i]t goes back to: What can we make stick on the wall? Ah, it must be critical race theory.”¹⁶

Also on September 8, Mr. Slaven received multiple emails from NSBA’s then-Immediate Past President, Mr. Wilson, regarding CRT and alleged threats surrounding school boards. Namely, Mr. Wilson forwarded to Mr. Slaven a “threatening” letter sent to a member of the Worthington Board of Education in Worthington, Ohio. In the letter that Mr. Wilson forwarded to Mr. Slaven, the author focused on a demand that CRT be removed from all

¹² *Id.*

¹³ See Frequently Asked Questions About the National School Boards Association’s Letter to the President from the National School Boards Association (Oct. 2021) (appendix exhibit 15).

¹⁴ See E-mail from Chip Slaven to Bob Wise, Bob Wise LLC (Aug. 27, 2021) (appendix exhibit 10); see also, E-mail from Chip Slaven to Charlie Wilson, Vice President, Worthington Schools Board of Education, Dr. Viola Garcia, Frank Henderson, Kristi Swett, Board Member, Salt Lake City School District (Sept. 8, 2021) (appendix exhibit 16).

¹⁵ See Interview with Chip Slaven (Apr. 25, 2022) at 32:59 – 33:29.

¹⁶ Daniel Payne, *Critical race theory turning school boards into GOP proving grounds*, POLITICO, Sept. 8, 2021, <https://www.politico.com/news/2021/09/08/critical-race-theory-school-boards-510381>.

schools.¹⁷ Mr. Slaven responded to Mr. Wilson and the other NSBA officers, including then NSBA President, Dr. Garcia, stating:

“I have been very concerned over these issues for several weeks. This rhetoric is troubling and reminds me of similar language during the 1990’s after Waco and Ruby Ridge. I have been exploring several options to try and address these issues including contacting the Department of Justice and/or Department of Homeland Security and asking for threat assessment for school boards and public schools.”¹⁸

On September 9, Mr. Slaven directed Deborah Rigsby, via Jane Mellow, to draft a letter to “either the Attorney General or the Director of the FBI” for a threat assessment of the risk to school board members and public schools in the wake of what he deemed “confrontational tactics” being seen across the country.¹⁹ His direction consisted of broad outlines about what should be included in the forthcoming Letter but was silent on the specifics. Ms. Rigsby began to work on the initial draft of the Letter, which would not circulate within the NSBA until September 17. Notably, the September 17 draft would ultimately contain most of the substantive content included in the Letter’s final form.

In conjunction with directing Ms. Rigsby to draft the Letter, Ms. Mellow contemporaneously asked NSBA’s Senior Research Analyst, Jinghong Cai, to “pull together some of the instances of threatening meetings from the media” to be included in the Letter.²⁰ NSBA’s research analyst immediately compiled the requested instances, sending Ms. Mellow and Ms. Rigsby a list of twenty-eight instances from the media occurring in sixteen states,²¹ which were eventually included within the Letter and ultimately provided to the White House as the “egregious examples” along with a summary of the Letter on September 21 as discussed below.

Also on September 9, Mr. Slaven participated in a special advance briefing call with the White House about the Administration’s forthcoming “Plan to Stop the Delta Variant and Boost COVID-19 Vaccinations” and President Biden’s speech that same day.²² During the advance briefing call, Mr. Slaven emailed NSBA staff, instructing them to draft a statement for release following the Administration’s announcement that would include the substantive points of the briefing.²³ The NSBA drafted the statement while also including language about

¹⁷ See E-Mail from Charlie Wilson to Chip Slaven (Sept. 8, 2021) (appendix exhibit 17).

¹⁸ *Id.*

¹⁹ See E-mail from Jane Mellow to Deborah Rigsby (Sept. 9, 2021) (appendix exhibit 18).

²⁰ *Id.*

²¹ See E-mails between Jinghong Cai, Jane Mellow and Deborah Rigsby (Sept. 10, 2021) (appendix exhibit 19).

²² See E-mail from Mary Wall, Senior Policy Advisor, White House COVID-19 Response Team, to Chip Slaven (Sept. 9, 2021) (appendix exhibit 20).

²³ See E-mail from Chip Slaven to Jane Mellow, Deborah Rigsby, Ralph Forsht, Renee Joe, Charlotte Blane, Jaclyn Goddette, and Jinghong Cai (Sept. 9, 2021) (appendix exhibit 21).

the “in-person threats, abuse, and harassment” that school boards were continuing to face, further stating that the President’s plan to provide support, “financial and otherwise,” during the return to school process would allow board members to make decisions to keep children and educators safe.²⁴ Over the next few weeks, NSBA staff members began to email news stories to each other about specific instances of “violence” at school board meetings.²⁵

The NSBA’s September 9 statement in support of the Administration generated two notable responses. The first was from an executive director of a state board association that was an NSBA member, expressing frustration to Mr. Slaven that her local board was struggling with the NSBA because the state board was frequently receiving information from other sources before they received it from NSBA.²⁶ Mr. Slaven defended his decision to release the statement when he did, stating that the NSBA did so at his direction in an effort to ensure the statement was both timely and factually accurate.²⁷ He also indicated that he was fostering a relationship with the Administration that he did not want to sour by leaking the substance of the President’s address prior to its release.²⁸

The second notable response came from Ms. Wall, who began email correspondence with Mr. Slaven on September 9, 2021 about what they could do to “support members making tough calls on behalf of kids.”²⁹ Mr. Slaven responded by stating that, in addition to his concerns over public schools and the health of students and staff, he worries about the “many threats school board members are receiving,” and asked for any help that the White House can provide to “better prepare [board members] with information and resources.”³⁰ This amounted to the first known communication with the White House about the rising concerns Mr. Slaven had started to voice to others in the preceding several weeks. The two continued their dialogue through email and telephone over the course of the next few weeks,³¹ and while Mr. Slaven discussed the NSBA’s plan to send the Letter and ask for formal federal assistance with the White House, including sending the White House a detailed summary of the contents of the Letter and “egregious examples,”³² he did not share a draft or an advance

²⁴ See Press Release, NSBA, National School Boards Association Statement on Biden Plan to Stop the Delta Variant and Boost COVID-19 Vaccinations (Sept. 9, 2021) (appendix exhibit 22), <https://www.nsba.org/News/2021/biden-plan-stop-delta-variant-statement>.

²⁵ E.g., E-mail from Jane Mellow to Deborah Rigsby and Chip Slaven (Sept. 10, 2021) (appendix exhibit 23).

²⁶ See E-mail from Gina Patterson, Executive Director, Virginia School Boards Association, to Chip Slaven (Sept. 9, 2021) (appendix exhibit 24).

²⁷ *Id.*

²⁸ *Id.*

²⁹ See E-mail from Mary Wall, Senior Policy Advisor, White House COVID-19 Response Team, to Chip Slaven (Sept. 9, 2021) (appendix exhibit 25).

³⁰ *Id.*

³¹ See E-mail from Mary Wall, Senior Policy Advisor, White House COVID-19 Response Team, to Chip Slaven (Sept. 11, 2021) (appendix exhibit 26).

³² See E-mail from Chip Slaven to Mary Wall, Senior Policy Advisor, White House COVID-19 Response Team, (Sept. 21, 2021) (appendix exhibit 27).

copy of the actual Letter prior sending the final Letter to the White House on September 29, 2021.³³

Counsel's Review shows that Mr. Slaven first shared his plan to send the Letter with the NSBA during the mid-September meeting of the OSAED. During that meeting, Mr. Slaven mentioned to NSBA Members that he had plans to send the President a letter;³⁴ however, he did not share specific language or the requests for federal action that were ultimately contained in the Letter.³⁵ After the OSAED meeting, Mr. Slaven drafted a summary of his presentation in which he noted that he had informed the OSAED meeting participants of his addressing the issue of threats and violence with a Senior Policy Advisor from the Administration and that OSAED members met his comment with "eye rolling, the shaking of the head 'no,' grimacing and frowning."³⁶ Several state executive directors voiced concerns that they were not receiving updates about certain information, and an argument ensued between Mr. Slaven and an executive director about repeated failures of the NSBA to disseminate information to its members in a timely and accurate manner.³⁷

Around the same time in September, the National Association for Secondary School Principals ("NASSP") issued a statement calling on federal officials to protect school leaders from threats and violence,³⁸ and members of the American Federations of Teachers ("AFT") and National Education Association ("NEA") voiced their support of the statement.³⁹ Not long after the NASSP letter, the Executive Director of Advocacy & Governance for The School Superintendents Association ("AASA") began a dialogue with the NSBA about issuing a joint statement, calling for an end to threats and violence against school boards.⁴⁰ Mr. Slaven and Dr. Garcia approved the proposal for joint-statement and draft language was prepared by members of both the NSBA and AASA. During the drafting process, it became clear the AASA and NSBA took divergent positions on the appropriate response from the federal government. At one point, the AASA went so far as to say it did not want to call for federal intervention as it considered such intervention to be "a recipe for disaster and not at all a role

³³ See E-mail from Chip Slaven to Jane Mellow, Deborah Rigsby, and Jason Amos (Sept. 29, 2021) (appendix exhibit 28); see also, E-mail from Mary Wall, Senior Policy Advisor, White House COVID-19 Response Team, to Chip Slaven (Sept. 29, 2021) (appendix exhibit 29).

³⁴ See Notes from Chip Slaven (Sept. 19, 2021) (appendix exhibit 30); see also, Slaven, C. (Oct. 19, 2021). *Letter to the President of the United States* at 2 [PowerPoint Presentation]. NSBA (appendix exhibit 31).

³⁵ See Interview with Chip Slaven (Apr. 25, 2022) at 1:07:30-1:13:00.

³⁶ *Id.*

³⁷ *Id.*

³⁸ See Press Release, National Association of Secondary School Principals, NASSP Calls on Federal Officials to Protect School Leaders from Threats and Violence (Sept. 16, 2021) (appendix exhibit 32), <https://www.nassp.org/news/nassp-calls-on-federal-officials-to-protect-school-leaders-from-threats-and-violence/>.

³⁹ See E-mail from Ronn Nozoe, Chief Executive Officer, NASSP, to Alexis Holmes, Manager of Education Policy & Practice, NEA, and Marla Ucelli-Kashyap, Senior Director, AFT (Sept. 17, 2021) (appendix exhibit 33).

⁴⁰ See E-mail from Chip Slaven to Noelle Ellerson Ng, Associate Executive Director, AASA (Sept. 16, 2021) (appendix exhibit 34).

for the fed[eral government] in school board meetings”⁴¹—an opinion that was not revealed to be voiced anywhere within NSBA’s staff in this Review.

On September 17, Ms. Rigsby completed the initial draft of the Letter. After Ms. Rigsby circulated the draft for review, the Letter received various substantive revisions by Ms. Mellow, Mr. Slaven, and Ms. Rigsby over the course of the next two weeks.⁴² The initial draft of the Letter, however, would include most of the substantive content contained in the final version, including President Biden as the recipient, the request for the assistance of the Department of Justice, FBI, Homeland Security, and Secret Service, and references to the PATRIOT Act.⁴³ As part of this Review a comprehensive summary of the various drafts of the Letter and specific edits following the initial September 17 draft is included in **Table 7**. Some of the more relevant changes to the letter during its drafting are as follows:

- Mr. Slaven added to the opening paragraph: “America’s public schools and its education leaders are under an immediate threat. The National School Boards Association (NSBA) respectfully asks for immediate federal law enforcement and other assistance to deal with the growing number of threats of violence and acts of intimidation occurring across the nation.” (The second “immediate” would be removed before the final version).⁴⁴
- Mr. Slaven added to the fifth paragraph: “NSBA respectfully asks that a joint collaboration among federal law enforcement agencies, state and local law enforcement, and with public school officials be undertaken to focus on these threats. NSBA specifically solicits the expertise and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI) . . .”⁴⁵
- Mr. Slaven added, after the reference to the PATRIOT Act: “in regards to domestic terrorism.”⁴⁶
- Mr. Slaven added to the end of the Letter: “NSBA believes public discussions and transparency by local school board members are important for the safe and effective operations of schools. It is vital that public discourses be encouraged in a safe and open environment in which varying viewpoints can be offered in a peaceful manner. Our children are watching the examples of the current debates and we must encourage a positive debate even with different opinions. However . . .”⁴⁷

⁴¹ See E-mail from Noelle Ellerson Ng, Associate Executive Director, AASA to James Minichello, Director of Communications, AASA (Sept. 22, 2021) (appendix exhibit 35).

⁴² See Letter Draft (Sept. 17, 2021) (appendix exhibit 36); *see also*, Letter Changes Summary (Table 7).

⁴³ See E-mail from Deborah Rigsby to Chip Slaven and Jane Mellow (Sept. 17, 2021) (appendix exhibit 37).

⁴⁴ See Draft of the Letter in redline (appendix exhibit 38).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

- Mr. Slaven decided to remove the following language: “Further, in egregious circumstances and via coordination with local and state authorities, we ask that the Army National Guard and its Military Police be deployed to certain school districts and related events where students and school personnel have been subjected to acts and threats of violence.”⁴⁸
- Mr. Slaven, through Ms. Mellow, directed that the use of the word “intervention” be changed to “assistance” in the headline and throughout the letter. Mr. Slaven was concerned that “intervention” would draw a negative reaction from some.⁴⁹

Notably, in his interview, Mr. Slaven expressed that he edited the letter to clarify that the request to utilize the PATRIOT Act was not with regard to al Qaeda or foreign adversaries, but with regard to the fact that “we were concerned over folks here in this country.”⁵⁰

Also on September 17, the same day that the initial draft of the Letter was sent to Mr. Slaven and Ms. Mellow, Mr. Slaven responded to a question on the OSAED’s listserv about a national response showing empathy for the situation being faced by many school board members.⁵¹ Mr. Slaven gave notice about the forthcoming joint statement with AASA and outlined the NSBA’s plan to send a very detailed letter calling attention to the problem, which he expected would lay out very specific requests for action.⁵² Though Mr. Slaven indicated that the Letter would be shared with state association executive directors before its release, he did not provide a copy of the Letter until after it was sent to the White House and fewer than twenty-four hours before it was unembargoed for release to the press.⁵³

On September 21, Ms. Wall reached out to Mr. Slaven requesting the “egregious examples” that Mr. Slaven promised to send to her.⁵⁴ Mr. Slaven initially responded to Ms. Wall indicating that (i) his staff would work to send her “some of the most egregious examples” by the next day and (ii) reminding Ms. Wall that, as he mentioned to her a week earlier, “NSBA is also planning to send the President a letter requesting federal assistance.”⁵⁵ Ms. Wall responded to Mr. Slaven for more information on the planned Letter and the egregious examples because of a planned meeting between White House officials and the Department of Justice the next morning, September 22.⁵⁶ Specifically, Ms. Wall emailed Mr. Slaven as follows:

⁴⁸ See Draft of the Letter in redline (appendix exhibit 39).

⁴⁹ See E-mail from Jane Mellow to Deborah Rigsby and Jason Amos (Sept. 28, 2021) (appendix exhibit 40).

⁵⁰ See Interview with Chip Slaven (Apr. 25, 2022) at 1:20.00 – 1:22.00.

⁵¹ See E-mail from Chip Slaven to Thomas Bertrand, Executive Director, Illinois Association of School Boards (Sept. 17, 2021) (appendix exhibit 41).

⁵² *Id.*

⁵³ *Id.*; see also, E-mail from Chip Slaven to NSBA Board of Directors (Sept. 29, 2021) (appendix exhibit 42).

⁵⁴ See E-mails between Chip Slaven and Mary Wall, Senior Policy Advisor, White House (Sept. 21, 2021) (appendix exhibit 43).

⁵⁵ *Id.*

⁵⁶ *Id.*

“Is there any way we can take a look at the letter in advance of release? In specific, I’m meeting w[ith] colleagues from other [White House] offices and [the Department of Justice] tomorrow morning to see if there might be any options we can pursue here, so if you have concrete recommendations in your letter (e.g. the threat assessment you mentioned), would be good to know so I can include in discussions.”⁵⁷

Based on Ms. Wall’s notice of the White House meeting with the Department of Justice, Mr. Slaven sent a copy of NSBA’s list of “egregious examples” prepared by NSBA’s research analyst to Ms. Wall with a detailed summary of the Letter’s contents and requests for intervention. Specifically, Mr. Slaven responded thanking Ms. Wall for letting him know about the meeting between the White House and Department of Justice and stating that he wanted to prepare her for the meeting “with as much information as possible.”⁵⁸ In addition to attaching NSBA’s list of egregious examples and indicating that it was used “as a reference point to help draft the letter,” Mr. Slaven summarized various “incidents”, including “reports of Proud Boys showing up at various school board meetings and teaming-up with anti-maskers, QAnon followers now considering running for school board elections” and stating that “[t]his seems like a test drive for issues during the upcoming national campaigns. I would not be surprised if there are intentional social media campaigns from foreign powers or other bad operators also popping up like what happened during the 2016 election.”⁵⁹

Mr. Slaven further wrote:⁶⁰

“I want to help you with your meeting tomorrow so I am providing some bullets below that I hope will be useful to you. Please bear in mind the letter is not final yet and we are still vetting through our legal team as well as our officers. But I can tell you that the areas for consideration I am interested in terms of federal requests and/or recommendations are below. I think our goals are the same so we want to offer as much information to you as we can in advance. Please just don’t consider them formal until our official letter comes. There could be changes or modifications tomorrow, but our interest is in the following areas:

- NSBA would like to see a joint collaboration among federal law enforcement agencies, state and local law enforcement, and public-school officials to focus on the threats to public schools and how to deal with them.
- NSBA is interested in getting the assistance and resources of the U.S. Department of Justice, Federal Bureau of Investigation

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

(FBI), U.S. Department of Homeland Security, U.S. Secret Service, and its National Threat Assessment Center regarding the level of risk to public school children, educators, board members, and facilities/campuses. We would also like to see the assistance of the U.S. Postal Inspection Service to intervene against threatening letters and cyberbullying attacks that have been transmitted to students, school board members, district administrators, and other educators.

- NSBA is considering requesting a joint expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the Federal Bureau of Investigation (FBI), including any technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division, as well as any other federal agency with relevant jurisdictional authority and oversight.
- Additionally, NSBA is interested in a review of appropriate enforceable actions against these crimes and acts of violence under the Gun-Free School Zones Act, the PATRIOT Act in regards to domestic terrorism, Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, Violent Interference with Federally Protected Rights statute, Conspiracy Against Rights statute, an Executive Order to enforce all applicable federal laws for the protection of students and public school district personnel, and any related measure.

Evidence revealed limited input from inside the NSBA, including much of its staff and the Board of Directors, regarding the contents of the Letter by anyone other than the principal actors before it was final and sent to the White House. The Review did not find evidence that NSBA officers, board members, senior staff, or executives contributed to or were aware of the Letter while the Letter was being drafted, except as otherwise specified in this report.

After September 21, the Letter underwent final revisions by NSBA staff and a near-final embargoed copy was provided to Mr. Amos in preparation for submission to media outlets.⁶¹ The Letter was not shared with other NSBA executives or senior staff, except for Mr. Slaven, Ms. Mellow and Ms. Rigsby, until September 24, 2021.⁶² On that day, Ms. Rigsby, at the direction of Mr. Slaven, shared the Letter via email with Mr. Negrón, Ms. Joe, Mr. Amos, and Ms. Kukanova-Carpenter.⁶³ Ms. Rigsby stated that Mr. Slaven had already approved the Letter but asked whether these individuals thought “further information was needed” for the

⁶¹ See E-mail from Deborah Rigsby to NSBA Staff (Sept. 24, 2021) (appendix exhibit 44).

⁶² *Id.*

⁶³ *Id.*

Letter.⁶⁴ Ms. Rigsby’s email received limited comment from its recipients.⁶⁵ Given the limited response, Ms. Mellow contacted Mr. Negrón directly via telephone. According to Mr. Negrón, he expressed his opinion to Ms. Mellow that the letter had not been written “in the NSBA voice.”⁶⁶

After Ms. Rigsby’s email and Ms. Mellow’s phone call, no one made substantive changes to the draft Letter. On September 26, Mr. Slaven emailed the Letter to Dr. Garcia, Mr. Henderson, Ms. Swett, and Mr. Wilson for their review.⁶⁷ The parties provided minor typographical edits and agreed that Dr. Garcia should be a signatory to increase the Letter’s impact.⁶⁸ Counsel did not find any evidence that non-officer members of the Executive Committee were consulted about the Letter prior to the Letter being finalized and sent to the White House. On September 28, an embargoed copy of the Letter was sent to media outlets⁶⁹ and the NSBA started drafting a press release to accompany its publication.⁷⁰

Notably, Mr. Slaven’s drafting, directing, approving, and sending of the Letter did not explicitly violate NSBA policies or procedures. The Review did not find evidence of an internal policy or procedure governing the drafting and publishing of advocacy materials on behalf of the NSBA. While the Board of Directors is tasked with directing the organization’s executive director, Counsel did not find evidence in document review or witness interviews that the Board of Directors had provided explicit direction to Mr. Slaven or his predecessors on quality control measures for advocacy materials. Instead, the Review found evidence that Board Members and officers knew NSBA staff routinely advocated with public officials and government agencies on behalf of the organization without receiving any direction, feedback, or quality review from the Board of Directors, the Executive Committee, or NSBA’s officers. As a result, the Review indicates that Mr. Slaven had limited direction or oversight by the Board of Directors, Executive Committee, or officers and that the limited direction and oversight was consistent with the history and culture of the NSBA.

Notwithstanding the foregoing, the Review also revealed the Letter was a relatively unique advocacy project for the NSBA. No one interviewed by Counsel could recall the NSBA engaging in advocacy with the President with such a long letter or with such specific examples and requests. Interviewees were only familiar with the NSBA’s general advocacy activities, which typically consisted of interacting with lower-level Administration officials, participating

⁶⁴ *Id.*

⁶⁵ See E-mail correspondence between NSBA staff (Sept. 24-27, 2021) (appendix exhibit 45).

⁶⁶ See Interview with Francisco Negrón (Mar. 21, 2022) at 22:00 – 28:30.

⁶⁷ See E-mail from Chip Slaven to Kristi Swett, Board Member, Salt Lake City School District (Sept. 27, 2021) (appendix exhibit 46); see also, E-mail from Charlie Wilson, Vice President, Worthington Schools Board of Education, to Chip Slaven, Viola García, Frank Henderson, and Kristi Swett (Sept. 26, 2021) (appendix exhibit 47).

⁶⁸ *Id.*

⁶⁹ See, e.g., E-mail from Jason Amos to Andrew Kreighbaum, Reporter, Bloomberg (Sept. 28, 2021) (appendix exhibit 48); See also, E-mail from Jason Amos to Jennifer Calfas, Reporter, The Wall Street Journal (Sept. 28, 2021) (appendix exhibit 49).

⁷⁰ See E-mail from Jason Amos to NSBA Staff (Sept. 28, 2021) (appendix exhibit 50).

in the administrative rulemaking procedure, and facilitating communication through townhalls and teleconferencing.

The Letter was sent to the White House on September 29 at 3:00 P.M. EST⁷¹ via email to Ms. Rodríguez, Deputy Assistant to the President and Director of the Office of Intergovernmental Affairs, Katherine Pantangco, Policy Advisor to the Office of Intergovernmental Affairs, and Ms. Wall of the Executive Office of the President as well as to Ms. Samuel, Deputy Assistant Secretary, and Ms. Watkins-Foote, Acting Director of the National Engagement Team, of the Department of Education. Later that day, Mr. Slaven sent the Letter to the NSBA Board of Directors at 8:18 P.M. EST.⁷² The Letter was unembargoed the following day. After the public release of the Letter, there was an immediate backlash from some members of the public in the form of emails, phone calls, letters, messages, and social media posts.⁷³ Ms. Joe directed NSBA staff not to engage with these communications directly as much of the public correspondence being received was aggressive in tone.⁷⁴ On October 1, two days after notice of the Letter was provided to the NSBA Board of Directors, directors started replying to Mr. Slaven's email—the one that included the Letter—with objections to its contents.⁷⁵ Several Board Members suggested an investigation into the Letter's origins and asked for measures to reprimand those responsible for conceiving and approving it.⁷⁶

On October 1, Julia Treanor of the School Safety Task Force, Cybersecurity and Infrastructure Security Agency within the Department of Homeland Security requested a meeting with NSBA staff regarding the Letter and NSBA's request for federal assistance.⁷⁷ On October 4, in response to the Letter, Anthony Coley, a Senior Advisor to the Attorney General opened up a dialogue via email with the NSBA on behalf of the Department of Justice to discuss steps to address the threats the Letter referenced.⁷⁸ The Department of Justice discussed a forthcoming memo that the Attorney General intended to issue, and a copy of that memo was provided to Mr. Slaven shortly before its release.⁷⁹ In response to that memo, members of the Senate Committee on the Judiciary responded to the Attorney General, citing several examples of conduct touched on in the Letter and characterized those instances as ones involving frustrated parents exercising their free speech rather than instances akin to

⁷¹ See E-mail from Chip Slaven to Julie Rodríguez, Executive Office of the President, White House (Sept. 29, 2021) (appendix exhibit 51).

⁷² See E-mail from Chip Slaven to the NSBA Board of Directors (Sept. 29, 2021) (appendix exhibit 42).

⁷³ See, e.g., E-mail from Jason Amos to Jaclyn Goddette and Charlotte Blane (Sept. 30, 2021) (appendix exhibit 52).

⁷⁴ See E-mail from Renee Joe to NSBA Staff (Oct. 1, 2021) (appendix exhibit 53).

⁷⁵ See E-mail from Chip Slaven to the NSBA Board of Directors (Sept. 29, 2021) (appendix exhibit 42); see also, E-mail chain between NSBA Board of Directors (Oct. 1, 2021) (appendix exhibit 54).

⁷⁶ *Id.*

⁷⁷ See E-Mail correspondence with NSBA Staff (Oct. 1–4, 2021) (appendix exhibit 55).

⁷⁸ See E-mail from Anthony Coley, Senior Advisor to the Att'y Gen., U.S. Dep't of Just., to Chip Slaven (Oct. 4, 2021) (appendix exhibit 56); see also, Press Release, U.S. Dep't of Just., Justice Department Addresses Violent Threats Against School Officials and Teachers (Oct. 4, 2021) (appendix exhibit 57).

⁷⁹ See E-mail from Alivia Roberts, Special Assistant to the Director of Public Affairs, U.S. Dep't of Just., to Chip Slaven (Oct. 4, 2021) (appendix exhibit 58).

domestic terrorism.⁸⁰ The Attorney General later participated in several congressional oversight hearings with members of both houses of Congress about the Department’s memo, and stated that he relied on representations made within the Letter when issuing the directives outlined in his memo.⁸¹

On October 5, Ms. Wall emailed Mr. Slaven asking for the telephone numbers for Mr. Slaven and Dr. Garcia.⁸² The next day, President Biden personally called Dr. Garcia regarding the Letter. According to Dr. Garcia, President Biden was “appreciative” of and thanked her for the Letter in a fifteen-minute one-on-one phone call.⁸³ President Biden also extended an invitation to Dr. Garcia to visit the Oval Office, however the visit never occurred.⁸⁴ The next day, Ms. Wall and Mr. Slaven discussed, via email, how Dr. Garcia was “thrilled” and had a “wonderful conversation with the President.” On October 7, Ms. Wall emailed Mr. Slaven: “we have your back, and we’re exploring every avenue we can.”⁸⁵ Dr. Garcia confided to Counsel that despite her excitement from President Biden’s support, she was reluctant to discuss the call because of the perception that the NSBA was “in cahoots essentially with the Biden Administration on this Letter.”⁸⁶

In the background, Dr. Garcia was being considered for, and was ultimately appointed to, the Federal Education Advisory Board. This decision was publicly announced on October 13.⁸⁷ Counsel’s Review has not uncovered any connection between the Letter and Dr. Garcia’s appointment despite her signature to the Letter and interaction with the President regarding the Letter before her appointment.

In the weeks following the Letter’s release, the NSBA reduced its public engagement about the issues raised within the Letter. Mr. Slaven, in his interview, asserted that he was essentially “under a gag order” from NSBA to not discuss the Letter.⁸⁸ When asked to clarify the alleged “gag order” during his interview, Mr. Slaven explained there was no “formal” directive to stop talking about the Letter, but that he was under the impression that he was “not allowed to respond.”⁸⁹ Mr. Slaven stated that he cooperated with the NSBA’s decision to disengage, though he disagreed strongly with the decision.⁹⁰ Mr. Slaven attempted to defend the Letter before the Board of Directors by preparing a presentation explaining the timeline

⁸⁰ See Letter from Sen. Charles Grassley, Ranking Member, S. Comm. on the Judiciary (Oct. 7, 2021) (appendix exhibit 59).

⁸¹ *Just. Dep’t Oversight Hrg. of the H. Comm. on the Judiciary*, at 01:18:14–1:22:57, 117th Cong. (2021), <https://www.c-span.org/video/?515345-1/justice-department-oversight-hearing>.

⁸² See E-mail between Chip Slaven and Mary Wall (Oct. 5-7, 2021) (appendix exhibit 60).

⁸³ See Interview with Dr. Viola Garcia (Mar. 21, 2022) at 44:00 – 53:20.

⁸⁴ See Interview with Dr. Viola Garcia (Mar. 21, 2022) at 48:30 – 50:30.

⁸⁵ See E-mail between Chip Slaven and Mary Wall (Oct. 5-7, 2021) (appendix exhibit 60).

⁸⁶ See Interview with Dr. Viola Garcia (Mar. 21, 2022) at 44:00 – 53:20.

⁸⁷ See Press Release, Dep’t of Educ., Five Board Members Appointed to Board Overseeing the Nation’s Report Card (Oct. 13, 2021) (appendix exhibit 61).

⁸⁸ See Interview with Chip Slaven (Apr. 25, 2022) at 6:00-7:00; 2:31:00-2:36:00; 2:53:00-2:56:00.

⁸⁹ *Id.*

⁹⁰ *Id.*

and origins of the Letter. Mr. Slaven stated the presentation was intended to answer the Board's requests for more information about the Letter.⁹¹ Ultimately, Mr. Slaven was not allowed to give his presentation to the Board of Directors. Mr. Slaven lamented this decision in his interview.⁹²

On October 22, the NSBA Board of Directors issued an apology memorandum (the "Apology") to NSBA Members about the Letter, against Mr. Slaven's "strong objections," promising a formal review of the processes and procedures that led to the Letter.⁹³ In his interview for this Review, Mr. Slaven explained his thoughts on issuing an apology, stating that it was the "worst thing that we possibly could have done" and that until the crisis management firm retained by NSBA, Rational 360, presented the Apology to the Board the day before it was released Mr. Slaven had "never seen it."⁹⁴

The Apology appears to have renewed media interest in the Letter. The Attorneys General of Indiana, Alabama, Alaska, Arizona, Arkansas, Georgia, Kansas, Missouri, Montana, Oklahoma, South Carolina, and Texas issued a joint statement reiterating the need for the NSBA to rectify the situation created by the Letter and to formally investigate the circumstances surrounding its creation.⁹⁵

On October 28, Dr. Garcia communicated further with NSBA staff and members regarding the Board of Director's apology, outlining further steps the NSBA expected to take to navigate the national attention.⁹⁶ Congressional inquiries regarding the Letter are still active and include, *inter alia*, a letter dated October 7, 2021 from 63 members of Congress to the Attorney General requesting information related to his October 4, 2021 memorandum in response to the Letter; a letter dated October 27, from Representative Jim Jordan, Ranking Member of the Committee on the Judiciary, requesting documents related to the Letter; a November 12, 2021 letter from Ranking Member Jordan requesting transcribed interview with Mr. Slaven; a letter dated January 18, 2022 from eleven United States Senators to the Department of Education requesting information on the Letter; and a follow-up letter dated March 9, 2022 from Ranking Member Jordan to the new NSBA Executive Director and CEO, Dr. John Heim.⁹⁷

⁹¹ Slaven, C. (Oct. 19, 2021). *Letter to the President of the United States* at 2 [PowerPoint Presentation]. NSBA (appendix exhibit 31).

⁹² See Interview with Chip Slaven (Apr. 25, 2022) at 2:40:00-2:43:00.

⁹³ See E-mail from Chip Slaven to Celinda Lake, President, Lake Research Partners (Oct. 23, 2021) (appendix exhibit 62); see also, Memorandum, NSBA Board of Directors (Oct. 22, 2021) (appendix exhibit 63).

⁹⁴ See Interview with Chip Slaven (Apr. 25, 2022) at 2:38:30.

⁹⁵ See Letter from Todd Rokita, Att'y Gen., State of Indiana (Oct. 26, 2021) (appendix exhibit 64).

⁹⁶ See E-mail from Renee Joe to NSBA Staff (Oct. 28, 2021) (appendix exhibit 65); see also, Memorandum from Dr. Viola Garcia to NSBA Members (October 28, 2021) (appendix exhibit 66).

⁹⁷ See Letter from Sen. Charles Grassley, Ranking Member, S. Comm. on the Judiciary (Oct. 7, 2021) (appendix exhibit 59); see also Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary (Oct. 27, 2021) (appendix exhibit 68); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary (Nov. 12, 2021) (appendix exhibit 69); Letter from Sen. Charles Grassley, Ranking Member, S. Comm. on the Judiciary (Jan. 18, 2022) (appendix exhibit 70); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary (Mar. 9, 2022) (appendix exhibit 71).

In addition to this detailed narrative of the major events surrounding the Letter and associated citations, a comprehensive timeline of events revealed by Counsel’s Review is further included in **Table 6** of this Report.

C. THE NSBA’S ACTIONS SINCE THE LETTER

After the Letter was sent, the NSBA listened to the response from its members and the public caused by the Letter. As part of Counsel’s Review, NSBA enumerated the actions it has taken to address the Letter and the issues surrounding it. The NSBA provided the following examples:

- On October 22, 2021, the NSBA Board of Directors apologized for the Letter, expressing its regret for the Letter’s language while emphasizing its desire to serve its members. The Apology also announced a formal review process.
- On November 17, 2021, the NSBA Board of Directors announced new executive leadership for the organization, hiring Dr. John Heim.
- The Board of Directors commissioned the independent review of which this Report is the product.
- On April 1, 2022, at its annual meeting, the NSBA Delegate Assembly amended the organization’s constitution to refine the scope of its advocacy to “a united, *non-partisan* national movement”
- On April 1, 2022, at its annual meeting, the NSBA Delegate Assembly re-emphasized the principle of local control as a fundamental belief of the organization.
- On April 1, 2022, the NSBA Delegate Assembly amended its Beliefs of the National School Board to include Article IV, Section 5.1: “NSBA believes school boards must lead through community engagement, particularly with parents and guardians of the students they serve. NSBA urges school boards to encourage and support partnerships between schools, communities, community organizations, families and local government that bring together critical resources and enhance strategies that help students master academic and life skills and develop civic responsibility, and address students’ emotional, social and physical well-being at school and beyond.”⁹⁸
- On April 1, 2022, the NSBA Delegate Assembly adopted a resolution opposing federal intrusion and the expansion of executive authority by the US Department of Education and other federal agencies in the absence of authorizing legislation.⁹⁹
- On April 1, 2022, the NSBA Delegate Assembly also re-emphasized the importance of (1) supporting historically disadvantaged students, (2) increasing broadband internet access to close the “homework gap,” (3) ensuring each classroom is staffed with a highly qualified teacher, (4) supporting students with

⁹⁸ Beliefs of the National School Board Association (am. Apr. 1, 2022) (available at [NSBABELIEFS2022.PDF](#)) (last accessed May 11, 2022)

⁹⁹ Resolutions of the National School Board Association (Apr. 1, 2022) (available at [NSBAResolutions2022.pdf](#)) (last accessed May 11, 2022)

disabilities and mental health needs, and (5) addressing the learning loss associated with COVID-19 pandemic and response to the same.

V. CONCLUSIONS

Taken together, the facts revealed by the Review show Mr. Slaven was behind the Letter, both in origin and substance. Though Ms. Rigsby was the principal drafter of much of the Letter, she worked at Mr. Slaven's direction. Weeks prior to sending the Letter and at the request of the Administration, Mr. Slaven made the Administration aware of the issues and requests expected to be raised by the Letter. The Review shows that the Letter came about as Mr. Slaven's response to the growing tensions at local school board meetings made manifest by the divide in public opinion in the then-ongoing debate about when and how public-school students should return to in-person instruction that took place in the late summer and early fall of 2021. Counsel did not find direct or indirect evidence suggesting the Administration requested the Letter or specified, edited, or reviewed the contents of the Letter before the Letter was sent, or otherwise specifically requested that it be written. Though NSBA members or directors were aware, or should have been aware, that a letter requesting federal involvement was being worked on by NSBA, the finalized letter—including the language in the Letter that sparked national attention—was not disclosed to NSBA members or directors until after it was sent. Although the letter was reviewed and approved by NSBA's officers, the Letter was never provided to the NSBA Board of Directors for review, comment, or editing. The full Board only received the letter after it was already submitted to the White House.

The Review did not find evidence suggesting that the Letter was part of a quid pro quo between Dr. Garcia and the Administration. Dr. Garcia was made aware of the Letter at the same time as her fellow officers. Dr. Garcia did not propose her signature being added to the Letter. Although Dr. Garcia's appointment was announced contemporaneous to the Letter, her application for the position had been pending for a significant period prior to the Letter's creation or sending. Despite reports proposing a link between Dr. Garcia's appointment to a federal education board and the Letter, although not the focus of our Review, the Review did not identify evidence suggesting the existence of such a link.

On September 29, 2021, Mr. Slaven sent the Letter to the White House, requesting federal law enforcement monitor and, potentially, intervene in local school board meetings across the country. In less than a week, Attorney General Merrick Garland issued a memorandum to federal law enforcement officials directing federal agencies to act consistent with relief requested in the Letter. The Review revealed that the Letter and the Attorney General's memorandum were the result of weeks of work by NSBA staff, at the direction of Mr. Slaven, and weeks of collaboration between Mr. Slaven and Ms. Wall, and Ms. Wall with the Department of Justice.

VI. RECOMMENDATIONS

The Review revealed that the Letter and its fallout resulted from several issues at NSBA that existed during the relevant period.

A. LACK OF ESTABLISHED INTERNAL CONTROLS AND PROCESSES

In the months leading up to the Letter the NSBA had been through personnel changes at a critical time, with three of its four executive level employees in interim positions. This situation was exacerbated by the NSBA's vague internal processes and lack of clarity regarding its internal controls. The only formal review process used by the NSBA was a review process for approving *amicus curiae* briefs filed by the NSBA in pending judicial proceedings. Counsel's Review revealed that there was no formal internal quality control process for advocacy of NSBA's policy positions before publishing advocacy materials on behalf of the NSBA. This lack of control allowed for an interim chief executive officer to direct an interim chief advocacy officer to draft a letter with significant policy and legal positions that evidently were not clearly embraced by the NSBA, its Board of Directors, or its member organizations without prior review and approval by the NSBA's legal counsel or its Board of Directors despite the fact that Mr. Slaven had cleared the letter internally with a process he thought went above and beyond what was required. In fact, whether the Letter's policy and legal positions are consistent with the NSBA's core principle of local control remains contested by the Letter's critics within the NSBA.

B. LACK OF AN ESTABLISHED ROLE FOR THE BOARD OF DIRECTORS

The Review also revealed the lack of a clearly defined relationship between NSBA staff, the chief executive officer, and the Board of Directors—especially with regard to important policy and advocacy decisions. The NSBA's governing documents obliges the Board of Directors to direct and supervise the executive director. The governing documents also contemplate that the Board of Directors will empower the Executive Committee with its authority to govern the NSBA's daily operations between Board of Director meetings. The governing documents further contemplate that the Executive Committee, comprised of NSBA's officers and select members of the Board of Directors would have routine meetings to address the NSBA's business operations consistent with an enabling resolution of the Board of Directors.

The Review revealed that the NSBA operations did not reflect the procedure envisioned by its governing documents. Interviews revealed an understanding by the Board of Directors that the NSBA's CEO and Executive Director handled daily operations of the NSBA on the Board's behalf, generally making the incumbent CEO the sole intermediary between the NSBA's Board of Directors and employees. Mr. Slaven limited most of interactions with NSBA's officers and did not often interact with most of the Board of Directors or the Executive Committee. Moreover, the Review revealed that Mr. Slaven often felt comfortable making significant decisions for the NSBA without receiving guidance or

input from the Board of Directors or the Executive Committee, including and the drafting and sending of the Letter. Mr. Slaven's interaction with board members and staff members give the impression that he, alone, had full knowledge and final authority over the operation of the NSBA. It appears from our Review that this was not unique to Mr. Slaven's tenure as interim CEO, but that the NSBA had operated in such a fashion for some time.

C. LACK OF CLEARLY DEFINED AUTHORITY

Finally, the Review revealed a lack of clear governance structure followed by the NSBA, its Board of Directors, Executive Committee, and officers. The NSBA has four elected officers: the immediate past president, the president, the president-elect, and the secretary-treasurer. In addition to serving on the Board of Directors, the officers also serve on the executive committee of the Board of Directors along with selected directors from the Board of Directors. The Review was not able to identify the scope of authority for either officers of the NSBA or the Executive Committee. Many of the individuals interviewed, including both NSBA staff and members of the Board, were unable to define the relationship between the Board of Directors, the Executive Committee, and the NSBA's officers or the proper role of the Board of Directors, the Executive Committee, or the officers.

We recommend that the NSBA develop a strong internal control system and rigorous process beginning with establishing clearly articulated requirements for its CEO and Executive Director to obtain the approval of significant policy and legal positions on behalf of the NSBA—whether such a process involves the NSBA's Executive Committee or Board of Directors. Such formal clearance process should be required for advocacy communications and policy statements on behalf of the NSBA, especially when communicated to high-level government officials or when the NSBA is taking a position on matters with political implications. We further recommend that the NSBA better define the roles and responsibilities associated with its CEO, its officers, its Executive Committee and Board of Directors and encourage more communication and collaboration with its Board and its membership.

VII. TABLES

TABLE 1 – RECORD CUSTODIANS

Name	NSBA Position
Chip Slaven	Former Interim CEO and Executive Director
Francisco Negrón	Chief Legal Officer
Jane Mellow	Interim Chief Advocacy Officer
Verjeana McCotter-Jacobs	Chief Transformation Officer
Renee Joe	Interim Chief Transformation Officer
Jason Amos	Director, Communications
Deborah Rigsby	Program Director, Lobbying and Federal Legislation
Ralph Forsht	Director, Grassroots Advocacy
Cheryl Richardson	Director, Counsel of School Attorneys
Kimberly Muse	Executive Assistant to the CEO
Alesha Stuart	Executive Assistant, Advocacy
Patricia Boyd-King	Executive Assistant
Anna Maria Chavez	Former CEO and Executive Director

TABLE 2 – INTERVIEW INFORMATION

No.	Name	Interview Date	Title ¹⁰⁰ [Employer / Assoc.]
1.	Ralph Forsht	March 10, 2022	Director, Grassroots Advocacy [NSBA]
2.	Cheryl Richardson	March 11, 2022	Director, Council of School Attorneys [NSBA]
3.	Verjeana McCotter-Jacobs	March 11, 2022	Chief Transformation Officer [NSBA]
4.	Frank S. Henderson, Jr.	March 15, 2022	President-Elect of NSBA, Seaman School Dist. #345 [KS]
5.	Alesha Stuart	March 15, 2022	Executive Assistant, Advocacy [NSBA]
6.	Jason Amos	March 15, 2022	Director of Communications [NSBA]
7.	Charlie Wilson	March 16, 2022	Worthington Board of Education [OH]
8.	Jane Mellow	March 17, 2022	Interim Chief Advocacy Officer [NSBA]
9.	Francisco Negrón	March 21, 2022	Chief Legal Officer [NSBA]
10.	Viola M. Garcia, EdD	March 21, 2022	President of NSBA Aldine ISD [TX]
11.	Kristi Swett	March 22, 2022	Salt Lake City School District [UT]
12.	Patricia Boyd-King	March 22, 2022	Executive Assistant [NSBA]
13.	Kimberly Muse	March 23, 2022	Executive Assistant to the CEO [NSBA]
14.	Deborah Rigsby	March 23, 2022	Program Director, Lobbying and Federal Legislation [NSBA]
15.	Kathy Gebhardt	March 28, 2022	Boulder Valley School Dist. [CO]
16.	Marnie J. Maraldo	March 28, 2022	Issaquah School Board [WA]
17.	Devin Sheehan	March 28, 2022	Holyoke Public School District [MA]
18.	Donald R. Hubler	March 28, 2022	Macomb Intermediate School Dist. [MI]
19.	Floyd Simon, Jr., DDS	March 29, 2022	Clinton Public Schools [Oklahoma]
20.	Steven Chapman	March 29, 2022	Tolleson Union High School Dist. [AZ]
21.	Janine Bay Teske	March 29, 2022	Teton County School Dist. [WY]
22.	Beverly Slough	March 30, 2022	St. Johns County School Dist. [FL]
23.	Kathy Green	March 30, 2022	Austin Public Schools ISD 492 [MN]
24.	Lydia Tedone	March 30, 2022	Simsbury Public Schools [CT]
25.	Peter Hoepfner	March 31, 2022	Cordova City School District [AL]
26.	Pamela Doyle	March 31, 2022	Alabama School of Math & Science [AL]
27.	John W. Halkias	March 31, 2022	Plain Local School District [OH]
28.	Renee Joe	April 01, 2022	Interim CTO/Communications [NSBA]
29.	Chip Slaven	April 25, 2022	Interim CEO / Exec. Director [NSBA]
30.	Becky Fles	April 26, 2022	MSAD #11 School District [ME]

¹⁰⁰ The Titles or School Districts associated with the witnesses reflects their titles or membership during the period relevant to the Review of the Letter and do not necessarily reflect their title or membership at the time of this Report.

TABLE 3 – ADDITIONAL DOCUMENTARY INFORMATION OBTAINED

Source of Information	File Description	Dupe of NSBA Information
Chip Slaven	PDF of the “opening statement’ read by Mr. Slaven at the beginning of his interview as part of this Review	No
Chip Slaven	PDF of various documents, including emails and text messages provided by Mr. Slaven’s counsel and containing Bates Numbers CHIP000001 – CHIP000210.	Yes, in part, and no, in part.
Chip Slaven	PDF of a PowerPoint presentation regarding the Letter and timeline associated with the Letter.	Yes
Chip Slaven	Copy of letter dated October 25, 2021, from counsel for Mr. Slaven to counsel for NSBA, Thomas L. McCally.	No
Viola Garcia	Email re “Draft Letter to the President”; 09/26/2021 email from Mr. Slaven to Officers regarding letter to President Biden; Above original email, Dr. Garcia also provided information about her media interview schedule as well as a meeting between NSBA officers and staff.	Yes, in part, and no, in part.
Viola Garcia	Email re “Updated Talking Points”; 10/02/2021 email from Jason Amos to Dr. Garcia and CC to Mr. Slaven with talking points for Dr. Garcia’s media interviews related to the Letter with attached talking points.	Yes
Janine Bay Teske	Email re “Executive Directors: Charlie Wilson on CNN”; 10/23/2021 email thread between Ms. Teske and Frank Henderson discussing an underlying communication from Timothy Duffy (ED from Rhode Island) expressing concern about Mr. Wilson’s continued media interviews about the Letter.	No
Janine Bay Teske	Email re “Letter to Viola and Board”; 10/09/2021 email from John Halkias to Pam Doyle and Janine Bay Teske with a draft letter entitled “Dear Viola and Directors” from Central Region directors and promise to provide final copy when complete.	No
Janine Bay Teske	Document re “Dear Viola and Directors”; A 4-page document prepared on 10/08/ 2021, and last modified on 10/09/2021, by John Halkias. The document purports to be a communication from Central Region board members to the Board on behalf of their constituents regarding the Letter.	No
Janine Bay Teske	Email re “NSBA Federal Update 10/1/2021”; 10/01/2021 email from Pam Doyle to Beverly Slough expressing shock that NSBA sent email including coverage of the Letter despite disagreement within Board re the Letter and suggesting Southern Region meet to discuss what to do.	No
Janine Bay Teske	Email re “seeking comment on NSBA letter”; A thread escalated from Leanne Winner (NCSBA) regarding Parents Defending Education communication with ultimate	No

	communication between Ms. Doyle and Dr. Garcia demanding the draft of the Letter and anyone involved be fired.	
Devin Sheehan	Email re “HJC GOP 10/27 Letter to NSBA”; 12/15/21 email and attachment from Elliot Walden, counsel for Ranking Member Jim Jordan of the House Judiciary Committee inquiring when NSBA would respond to 10/27/21 letter	No
Jason Amos	Email re “Letter to President Biden from the National School Boards Association”; 09/29/2021 email from Mr. Slaven to Julie Rodriguez with multiple CC, delivering the Letter to the White House	Yes
Jason Amos	Email re “For Your Review – EMBARGOED COPY – NSBA Letter-Federal Intervention 9-2021”; 9/24/21 email from Deborah Rigsby to Francisco Negrón, Renee Joe, Jason Amos, and Elena Carpenter requesting “further information” if needed for letter.	Yes
Ralph Forsht	Text thread screen shots (2) from 10/11/21 between Mr. Forsht and Mr. Slaven – expressing support for Mr. Slaven as a friend; Mr. Slaven responded defending the letter and his actions.	No

TABLE 4 – FOIA REQUESTS

Agency	Scope of Request
United States Department of Justice	<ol style="list-style-type: none"> 1. Any and all information, documents, records, or communications related to or referencing; the NSBA dated between August 01, 2021, and December 31, 2021; 2. Any and all information, documents, records, or communications related to or referencing the September 29, 2021, Letter; 3. Any and all information, documents, records, or communications related to or referencing the October 4, 2021, Memo; and 4. Any and all information, documents, records, or communications related to or referencing Attorney General Merrick Garland’s October 21, 2021, and October 27, 2021, testimony in front of the House and Senate Judiciary Committees.
United States Department of Education	<ol style="list-style-type: none"> 1. Any and all information, documents, records, or communications related to or referencing the NSBA dated between August 01, 2021, and October 31, 2021. 2. Any and all information, documents, records, or communications related to or referencing the September 29, 2021, Letter. 3. Any and all information, documents, or records related to or referencing the October 4, 2021, Memo. 4. Any and all information, documents, records, or communications related to or referencing NSBA President Viola Garcia’s appointment to the National Assessment Governing Board.
United States Department of Homeland Security	<ol style="list-style-type: none"> 1. Any and all information, documents, records, or communications related to or referencing the NSBA dated between August 01, 2021, and December 31, 2021. 2. Any and all information, documents, records, or communications related to or referencing the September 29, 2021, Letter. 3. Any and all information, documents, records, or communications related to or referencing the October 4, 2021, Memo.

TABLE 5 – TIMELINE OF REVIEW

January 27, 2022	NSBA engages MBF to conduct an independent review into the Letter.
February 4, 2022	MBF opens NSBA Review Matter
February 8, 2022	MBF conducts a call with John Reeb, NSBA IT Director, and Innovative Driven (“Driven”) to discuss forensic e-discovery engagement for data extract. Action items left with John Reeb via email from Nicholas Boerke.
February 10, 2022	John Reeb responds with estimated size of responsive NSBA files.
	Driven provides estimated vendor expenses based on file estimates.
February 11, 2022	Nicholas Boerke provides e-discovery vendor estimated expenses based on estimated data size.
February 14, 2022	John Reeb emailed Nicholas Boerke with authority to accept the proposed vendor quote.
	Nicholas Boerke confirms acceptance of proposed terms and requests slight revisions to engagement letter for Driven.
February 15, 2022	Driven provides MBF finalized scope of work engagement for NSBA’s signature.
	MBF provided Driven’s engagement letter to NSBA for execution.
February 17, 2022	Nicholas Boerke emails John Reeb, following up on status of executed engagement.
February 18, 2022	MBF team prepares initial search terms and protocols in preparation for document review.
February 22, 2022	John Reeb produced signed vendor contract from NSBA to Driven; Driven returns fully executed copy of engagement letter.
	Driven, NSBA, and MBF participate in kick off call for file extraction.
February 23, 2022	Data extraction begins.
February 24, 2022	Driven confirms NSBA responsive data size of 155 Gigabytes.
February 27, 2022	Driven informs MBF that first date is available for review in Relativity.
February 28, 2022	MBF document review begins. Key words, Boolean search terms, domains, and key dates are used to review 334,296 documents.
March 7, 2022	Driven informs MBF that NSBA’s Teams information is available for review in relativity.
March 8, 2022	Initial witness interview requests sent to NSBA staff members.
March 9, 2022	Driven confirms all data from NSBA is extracted and staged on relativity.
March 10, 2022	MBF begins requesting external interviews, including existing and former NSBA Board members and Mr. Slaven.
	MBF interviews Ralph Forsht, Director of Grassroots Advocacy (2:00pm-4:00pm).
March 11, 2022	MBF interviews Cheryl Richardson, Director of the Counsel of School Attorneys (9:00am-11:00am).
	MBF interviews Verjeana McCotter-Jacobs, Chief Transformation Officer (11:00am-1:00pm).
March 15, 2022	MBF interviews Frank S. Henderson, Jr., President-elect of Seaman School District 345, Kansas (7:30am-9:30am).

March 15, 2022 (cont.)	MBF interviews Alesha Stuart, Executive Assistant, Advocacy (10:30am-12:00pm).
	MBF interviews Jason Amos, Director of Communications (12:00pm-2:00pm).
March 16, 2022	MBF interviews Charlie Wilson, Immediate Past President of Worthington City School, Ohio (10:00am-12:00pm).
March 17, 2022	MBF interviews Jane Mellow, Interim Chief Advocacy Officer (1:00pm-3:00pm).
March 21, 2022	MBF interviews Francisco Negrón, Chief Legal Officer (9:00am-11:00am).
	MBF interviews Viola M. Garcia, EdD, President of Aldine Independent School District, Texas (1:00pm-3:00pm).
March 22, 2022	MBF interviews Kristi Swett, Secretary-Treasurer (10:00am-11:00am).
	MBF interviews Patricia Boyd-King, Executive Assistant (12:00pm-1:00pm).
March 23, 2022	MBF interviews Kimberly Muse, Executive Assistant to the CEO (9:00am-10:00am).
	MBF interviews Deborah Rigsby, Program Director for Lobbying and Federal Legislation (2:00pm-4:00pm).
	MBF makes a Freedom of Information Act request to the U.S. Department of Homeland Security for all information, documents, records, or communications related to the NSBA, the NSBA's Letter to the President, and the Attorney General's October 4, 2021, Memo.
	MBF makes a Freedom of Information Act request to the U.S. Department of Education for all information, documents, records, or communications related to the NSBA, the NSBA's Letter to the President, the Attorney General's October 4, 2021, Memo, and Viola Garcia's appointment to the National Assessment Governing Board.
	MBF makes a Freedom of Information Act request to the U.S. Department of Justice for all information, documents, records, or communications related to the NSBA, the NSBA's Letter to the President, the Attorney General's October 4, 2021, Memo, and the Attorney General's October 21, 2021 & October 27, 2021, testimony in front of the House and Senate Judiciary Committees.
March 28, 2022	MBF interviews Donald R. Hubler, Director of the Macomb Intermediate School District, Michigan (10:00am-10:30am).
	MBF interviews Kathy Gebhardt, Director of the Boulder Valley School District, Colorado (11:30am-12:00pm).
	MBF interviews Marnie J. Maraldo, Director of the Issaquah School Board, Washington (1:00pm-1:30pm).
	MBF interviews Devin Sheehan, Director of the Holyoke Public School District, Massachusetts (2:30pm-3:00pm).
March 29, 2022	MBF interviews Floyd Simon Jr., DDS, of Clinton Public Schools, Oklahoma (1:30pm-2:00pm).
	MBF interviews Steven Chapman, Director of Tolleson Union High School District, Arizona (4:00pm-4:30pm).
	MBF interviews Janine Bay Teske, Director of Teton County School District, Wyoming (11:00am-11:30am).

March 30, 2022	MBF interviews Beverly Slough, Director of St. Johns County School District, Florida (9:30am-10:00am).
	MBF interviews Kathy Green, Director of Austin Public Schools ISD 492, Minnesota (11:00am-11:30am).
	MBF interviews Lydia Tedone, of Simsbury Public Schools, Connecticut (4:00pm-4:30pm).
March 31, 2022	MBF interviews Peter Hoepfner, Director of the Cordova City School District, Alaska (9:30am-10:00am).
	MBF interviews John W. Halkias, Director of Plain Local School District, Ohio (11:am-11:30am).
	MBF interviews Pamela Doyle, Southern Region Director (4:00pm-4:30pm).
April 1, 2022	MBF interviews Renee Joe, Interim CTO of Communications (4:00pm-5:30pm).
April 25, 2022	MBF interviews Chip Slaven, former Interim CEO and Executive Director
April 26, 2022	MBF interviews Becky Fles, Director of MSAD 11, Maine

TABLE 6 – COMPREHENSIVE TIMELINE OF EVENTS

May 7, 2021	Aaliyah Samuel, Deputy Assistant Secretary of the Department of Education, emailed the NSBA to coordinate a time for the NSBA and Secretary Cardona to discuss a strategy for reopening schools. The call was scheduled for May 24, 2021 with the NSBA officers hosting the call as an exclusive event for the NSBA Board of Directors to have a private conversation with Secretary Cardona.
May 21, 2021	(Audio Recording) Anna Chavez gave a media interview regarding contested board elections in Chicago and around the country, saying the NSBA believes these are outliers and believes its due to heightened awareness from the pandemic.
May 24, 2021	Mr. Slaven had a logistics call with the Department of Education for the NSBA event with Secretary Cardona.
May 25, 2021	Mr. Slaven, Ms. Mellow, and Ms. Chavez had an introductory call with Cindy Marten, Deputy Secretary of Education.
June 2, 2021	Christina Flores of the Department of Education emailed a 4-minute video of Secretary Cardona thanking Dr. Garcia and Ms. Chavez that was to be shown at the NSBA’s Advocacy Institute Online in the following week.
June 22, 2021	The Board of Directors received an anonymous email from nsbatruth@gmail.com claiming to be a concerned member and asking why the Board of Directors met on June 16, 2021. Ms. Chavez emailed Eileen Frazier stating she has received many requests from the Board of Directors to investigate the source of the email. They looped in counsel at Carr Maloney, asking how an investigation could be done. Mr. Slaven emailed the law firm stating that they won’t take further action due to the cost. The meeting was related to an internal investigation into a staff member after an allegation was made about improper conduct.
June 28, 2021	Bianca Quilantan of Politico emailed Mr. Amos regarding parents attending school board meetings and how boards are addressing protesting parents. They agreed to a July 6 interview.
July 1, 2021	Dep. Asst. Sec. Samuel emailed NSBA requesting to start a conversation about the Department’s “return to school roadmap.” A Politico reporter emails Mr. Amos while working on a story about the “increase in parent activism in school board meetings.” Mr. Amos emailed back on July 6, stating the NSBA is looking forward to speaking with the reporter today.
July 2, 2021	Bianca Quilantan (Politico Reporter) emailed Mr. Amos with a list of questions that will be asked during the July 6 interview. She stated that she will ask about board member burnout resulting from the pandemic and increased parent activism at local board meetings.
July 6, 2021	Mr. Slaven interviewed with Politico. Mr. Amos transcribed and recorded the interview.
July 7, 2021	Mr. Slaven and other NSBA representatives attended a Department of Education conversation.

July 7, 2021 cont.	Mr. Amos emailed Mr. Slaven “talking points” discuss threats and harassment of school board members as a large concern for Mr. Slaven’s interview with Alan Greenblatt of Stateline.
July 8, 2021	Mr. Amos emailed Mr. Slaven talking points for a US News and World Report interview and stated that he added new talking points for Mr. Slaven to consider “around the role of political operatives and pursuing a recall versus harassment and physical threats.”
July 15, 2021	Mr. Slaven gave his first report as interim executive director, indicating his focus was on providing talking points and push back on critics regarding CRT and transgender policies that are creating “hostile situations for school board members.”
July 20, 2021	Dep. Asst. Sec. Samuel emailed Mr. Slaven asking for a quick phone call on reopening schools.
July 22, 2021	Mr. Amos emailed Mr. Slaven talking points for a Stateline interview with Alan Greenblatt, indicating online and in-person threats against and harassment of board members was a concern that NSBA was hearing about from members.
July 27, 2021	Dep. Asst. Sec. Samuel emailed Mr. Slaven and offered, on behalf of the White House and Department of Education, to assist any school board in setting up youth vaccination sites at schools. Mr. Slaven responded, talking about giving a CRT messaging meeting in Utah. Ms. Samuel asked whether a meeting comprised of ten to fifteen school board members (from across the US) would benefit from an “off the record listening session on the reopening challenges.” Mr. Slaven replied that such a meeting would be helpful.
July 30, 2021	Mr. Slaven had a conference call with Dep. Asst. Sec. Samuel to discuss threats and concerns related to school board members. Mr. Slaven sent a follow up email on August 1, stating that he was glad Secretary Cardona wants to reach out to school board members. He suggested the Secretary meet with a large group of school board members who serve in leadership capacities to talk with the Secretary in a town-hall style meeting. Ms. Samuel agrees. On August 4, a town-hall plan is developed and finalized for an August 16 meeting. In the same email chain.
August 13, 2021	Serena Walker (Department of Education), Mr. Slaven, and other NSBA staff had a 15-minute call.
August 16, 2021	NSBA representatives met with Secretary Cardona in a virtual town hall meeting to discuss back-to-school challenges and the Education Department’s Return to School Roadmap. The Secretary answered questions and provided insight into a variety of challenges facing school board members. This town hall was not recorded but there are some records of communications in the meeting. One of the questions posed was by Mr. Henderson, who asked “how can you support us in [the] efforts” to overcome challenges faced by districts in their DEI efforts that serve students and are opposed by anti-CRT groups. A list of people who attended is available. As well as chat messages and questions during the meeting.
August 18, 2021	President Biden issued a memo directing the U.S. Secretary of Education to use all available tools to ensure a return to safe school environment. The directive came amid a wave of states imposing new laws and regulations preventing school districts and institutions from implementing mask mandates.

August 19, 2021	Mr. Slaven interviewed with Juan Perez of Politico about the Department of Education, Governors, mask mandates, and the forthcoming return to school.
August 24, 2021	Ms. Blane emailed Ms. Slaven with quotes from his interview with The Guardian for " Masks off: how US school boards became 'perfect battlegrounds for vicious culture wars' ". Mr. Slaven was quoted about the unprecedented engagement and anger occurring at school board meetings. Mr. Slaven also compared the circumstance to September 11, 2001, and asked whether governors intervened to stop local officials from safeguarding public meetings during that time.
August 25, 2021	A CRT statement was circulated. The statement discusses how political and ideological groups, with the backing or partisan funders, have been focusing on schools and school board meetings recently and protesting. Ms. Mellow sent edits and comments on the statement to Kathleen Vail.
August 26, 2021	Mr. Slaven participated in a virtual town hall. Secretary Cardona and Surgeon General Murphy were in attendance. Mr. Slaven shared a story told to him by Ryan White wherein a stranger at a school board meeting showed pictures of Ryan's children not wearing masks at summer camp.
August 27, 2021	Mr. Slaven emailed Bob Wise voicing concern that "school boards are getting more popular than even [sic] with the conspiracy groups and COVID deniers." Mr. Slaven shared Ryan White's story and told Bob Wise that the story was recounted to Secretary Cardona on the August 26, 2021 call.
September 1, 2021	(Audio Recording) Mr. Slaven interviewed with US News and World Report. Mr. Slaven talked about abuses to board members and the genesis of the hostility. After the interview ended, Mr. Amos continued to record a private conversation between himself and Mr. Slaven., including discussion. Of behind-the-scenes conversations with the Department of Homeland Security and compared it to what Mr. Negrón did with "the department around the investigation" where he talked with an assistant secretary and stated, "this would be helpful." They then discussed interest in the Department of Homeland Security, expressing their shared belief that something was inevitably going to happen. Finally, the two discussed the Proud Boys and law enforcement-level bulletin. [Resulting Article].
September 7, 2021	Mr. Slaven was interviewed by a Stateline reporter about how decisions on masking had threatened the safety of school officials, including school board members. Mr. Amos emailed talking points to Mr. Slaven related to this interview.
September 8, 2021	Mr. Wilson forwarded an email to Mr. Slaven and Dr. Garcia from an OH school Superintendent with a document called "Coordinated Attacks on School Boards in Ohio and Nationwide." The document discusses how "[s]everal far-right wing groups are currently working in concert to attack Boards of Education in Ohio and nationwide by running and training extremist candidates, lobbying ... to pass laws that ... limit curricula, and attempting to change laws to allow for expensive and burdensome recall elections." Mr. Wilson asked whether the NSBA would do something, like a report, on the best practices to keep school board meetings and members safe and how to "oppose these folks taking control of school boards across the nation." Mr. Wilson also indicated people had contacted him asking whether one of the groups

<p>September 8, 2021 cont.</p>	<p>mentioned in the document are a part of NSBA. Mr. Slaven responded to Mr. Wilson’s email stating the group was potentially infringing on NSBA’s trademark and that he would ask Ms. Negrón to investigate. Mr. Slaven also stated that he had been very concerned over these issues for several weeks and likened the letter’s language to events in the 90’s following Waco and Ruby Ridge. Mr. Slaven then stated that he was exploring several options, including contacting the Department of Justice and/or the Department of Homeland Security to ask for a threat assessment. Mr. Wilson responded thanking Mr. Slaven for his excellent response.</p>
	<p>Mr. Slaven emailed Mr. Negrón about a “right wing group” called the National School Board Leadership Council that might be violating NSBA’s trademark. In the email, Mr. Slaven attached the above referenced document titled “Coordinated Attacks on Ohio School Boards. He then asked Mr. Negrón to investigate and inquired into whether NSBA should consider “pursuing them legally” if the group ignored a cease-and-desist letter.</p>
<p>September 9, 2021 (1:13 pm)</p> <p>(1:35 pm)</p> <p>(3:06pm)</p> <p>(3:16 pm)</p> <p>(2:30pm- 4:56pm)</p>	<p>Ms. Mellow emailed Ms. Rigsby that Mr. Slaven specifically requested that Ms. Rigsby draft a letter “for either the Attorney General or the Director of the FBI, he is not sure yet,” asking for “a threat assessment of the risk to school board members and public schools in the wake of some of the confrontational tactics” being seen across the country.</p> <p>Ms. Rigsby replied to Ms. Mellow and Mr. Slaven and agreed to draft the letter, further “suggest[ing] including the Secret Service as well, given the agency’s authority regarding school violence incidents.”</p> <p>Mr. Slaven emailed Ms. Rigsby, Mr. Forsht, Ms. Joe, Mr. Amos, Ms. Blane, Ms. Goddette, and Jinghong Cai to tell them that he was on “a last-minute call . . . with the White House” regarding President Biden’s speech on the pandemic. He then related to them the information he learned during the call and asked that they start preparing a press statement.</p> <p>Mr. Slaven replied to Ms. Mellow and Ms. Rigsby agreeing to include the Secret Service. He also stated that he “just brought up the issue on this White House call. I didn’t mention our planned letter, but the issue brought a lot of discussion among the small group. Ronn Nozoe with NASSP in particular jumped in.” He attached a letter to Charlie Wilson’s board to give a sense of what was going on.</p> <p>Mary Wall, White House Senior Advisor to the President, sent a mass email sharing the President’s COVID-19 Action Plan. Ms. Joe emailed Mr. Amos and Mr. Slaven suggesting that NSBA prepare a statement.</p> <p>NSBA staff put together a slideshow that included budget and funding information. Two slides (pp. 11-16) discuss “recent animosity against school boards” and “what we can do to stop attacks on school board members.”</p> <p>The NSBA issued a statement titled “National School Boards Association Statement on Biden Plan to Stop the Delta Variant and Boost COVID-19 Vaccinations.” In it, the NSBA stated: “For their hard work, school board members, superintendents, principals, teachers, and others who work in service to our students are being subjected to online and in-person threats, abuse, and harassment. This must stop . . . President Biden’s plan to provide support—</p>

September 9, 2021 cont. (5:30pm)	financial and otherwise—will allow school board members to make the necessary decisions to keep students and school staff safe.” [NSBA Website] .
	Gina Patterson, Executive Director of the Virginia School Boards Association, emailed Mr. Slaven voicing frustration that her Board gets information from competing organizations before they get it from the NSBA (alluding to the NSBA statement). Mr. Slaven responded stating that the statement needed to be released after POTUS finished the address and that he did not want to sour his relationship with the White House by releasing it prematurely.
(9:56 pm)	Ms. Wall emailed Mr. Slaven thanking him for joining their call today. She stated they should catch up “in greater depth at some point” on the school board issue, stating “[w]e’d love to do anything we can to support members making tough calls on behalf of their kids.” Mr. Slaven responded later that night thanking her for the opportunity to participate in the briefing. He then raised the issue of “the many threats school board members are receiving,” stating that anything “you can do to help us better prepare them with information and resources will certainly help.”
September 10, 2021	Ms. Mellow emailed Mr. Slaven and Ms. Rigsby with a link to “other violent things at school board meetings.”
September 11, 2021 (11:00 am)	Mr. Slaven responded to Ms. Wall’s September 9, 2021, email. He thanked her for the opportunity to participate in the briefing and expresses additional concern about “the many threats school board members are receiving. Anything that you can do to help us better prepare them with information and resources will certainly help. We appreciate what the President and Administration are doing to deal with these tough challenges.” Ms. Wall agreed to speak with him the following week.
September 12, 2021	Mr. Slaven drafted a letter to “Sally” which discusses the NSBA’s function and procedures for issuing public statements, further explaining why the NSBA statement following the President’s September 9, 2021 statement was released in the way it was.
	Mr. Slaven scheduled a call with Ms. Wall for September 14, 2021. The call occurred at 10:15am.
September 13, 2021	Ms. Rigsby scheduled a meeting from 11:00am-1:30am about the “school boards safety letter.”
September 14, 2021 (10:15am-10:45am)	Ms. Wall and Mr. Slaven discussed President Biden’s Plan to Stop the Delta Variant and Boost Covid-19 Vaccinations.
	At the quarterly OSAED Liaison meeting, Mr. Slaven gave an overview of ongoing issues and claims that he mentioned the NSBA was going to write a letter to the President requesting federal assistance.
September 16, 2021	Christine Cole, of the Crime and Justice Institute, emailed Ms. McCotter-Jacobs what appears to be an unsolicited email with strategies for de-escalating conflict at school board meetings.
	Noelle Ellerson Ng, Associate Executive Director of Advocacy & Governance of the American Association of School Administrators, emailed Mr. Slaven asking whether NSBA had any interest in a joint statement for an end to threats and violence towards school boards. Mr. Slaven agreed to issue a joint statement. Ms. Ellerson Ng then sent NSBA draft language on September 20

September 16, 2021, cont.	<p>and NSBA proposed some edits. Mr. Slaven was removed from the email thread, and Ms. Mellow stated the parties did not need to get into CRT. Ms. Ellerson Ng tells Ms. Mellow that she spoke with Mr. Slaven about including AASA Presidents. Ms. Mellow then emailed Mr. Amos and asked, “if we do the release w/ AASA Monday/Tuesday, when would we release our letter?” Later, on September 20, 2021, Ms. Mellow sent Ms. Ellerson Ng a drafted quote.</p> <p>The National Association for Secondary School Principals (NASSP) issued a statement calling “on Federal Officials to Protect School Leaders from Threats and Violence.” An email thread indicates support from various groups including the American Federation of Teachers (AFT) and National Education Association (NEA).</p> <p>Ms. Mellow forwarded the NASSP statement to Ms. Rigsby. Ms. Rigsby replied that she was finalizing the NSBA Letter draft for Mr. Slaven and will look at the NASSP statement after.</p>
September 17, 2021	<p>Ms. Rigsby emailed the first draft of The Letter to Mr. Slaven and Ms. Mellow with a summary of what was included. Ms. Mellow and Mr. Slaven responded, acknowledging receipt.</p> <p>Thomas Bertrand, Executive Director of the Illinois Association of School Boards, posted a message in the Executive Directors Chat about the NASSP statement. He asked, “if there may be an opportunity to show support and empathy for our school board members across the country with something similar from NSBA,” stating the belief that “a national approach may have more impact. Mr. Slaven replied to Mr. Bertrand outlining the school board threats issue. Mr. Slaven indicated that NSBA “[was] taking a number of actions regarding calling for protection and resources to assist school board members with these threats, including a call for the President and federal government for more assistance.” Mr. Slaven then explained the forthcoming Letter and joint statement with AASA.</p>
September 19, 2021	<p>Mr. Slaven drafted a document about the September 14, 2021, OSAED meeting. In it, he recalled the events of the meeting and stated that he informed the participants that he discussed the issue with Ms. Wall, and notes that he was meet with displeasure at those remarks, including “eye rolling, the shaking of the head no, grimacing and frowning,” and that at least one Executive Director audibly sighed. An argument ensued with Valerie Wilson (Georgia) wherein Mr. Slaven explained NSBA’s lack of notice of the September 9, 2021, statement following President Biden’s address.</p>
September 20, 2021	<p>Ms. Mellow emailed a new draft of The Letter to Ms. Rigsby that included additions and edits. Ms. Rigsby then emailed a draft of the letter to Mr. Slaven incorporating Ms. Mellow’s edits.</p> <p>Ms. Ellerson Ng emailed a draft of the joint statement to Ms. Mellow. Mr. Negrón also emailed edits to Mr. Slaven, who himself makes a few minor edits. Ms. Mellow then emailed Mr. Slaven and others that she sent Mr. Negrón’s version of the statement to Ms. Ellerson Ng and made it clear it had not gotten approval yet from NSBA to go out. Mr. Slaven emailed back thanking her.</p>
September 21, 2021	<p>Ms. Rigsby forwarded Mr. Slaven an email containing a list of acts of violence that occurred during school board meetings, which was compiled by Jinghong Cai.</p>

September 21, 2021, cont.	Mr. Slaven emailed the list, along with a comprehensive summary of The Letter's planned contents to Ms. Wall.
	Ms. Mellow emailed Ms. Joe, Mr. Amos, and Mr. Slaven about the AASA/NSBA Joint Statement. Ms. Mellow then circulated a version from Mr. Amos, and NSBA staff discussed the draft-statement's language. Dr. Garcia approved of the message and a finalized version is drafted.
September 22, 2021	The NSBA and AASA issued a joint statement calling for an end to threats and violence around safe school opening. [Statement] .
	Ms. Ellerson Ng replied to an email from a reporter at Education Week asking if the joint statement was a call to action to the Department of Education about acting on threats of violence. Ms. Ellerson Ng stated that asking for federal government involvement was "a recipe for disaster and not at all a role for the fed govt in school board meetings." Ms. Mellow forwarded that conversation to Mr. Slaven and stated, "I think Noelle will be surprised and likely pissed when we do our letter." Mr. Amos then emailed Ms. Mellow and Mr. Slaven recommending a response to Ms. Ellerson Ng. Ms. Mellow replied to Ms. Ellerson Ng using Mr. Amos's language, stating that Mr. Slaven had been in regular communication with the White House about the issue. Mr. Amos then forwarded these concerns to Mr. Slaven, stating that "I thought it might be helpful for you to see Noelle's comments about federal involvement in case you get push back from them about why we didn't involve them [in the letter]." Mr. Slaven responded, stating "I was pretty open w/ Noelle we were going to our own letter but this is good context."
	Ms. Rigsby emailed Mr. Slaven and Ms. Mellow with an updated version of The Letter incorporating their additions.
September 24, 2021	Mr. Slaven emailed Ms. Rigsby and states the letter is in a good place but suggests taking out the national guard language.
	Ms. Rigsby emailed a near-final embargoed copy to the staff at NSBA. Mr. Amos replied, congratulating her on the Letter and pointing out typos.
September 26, 2021	Mr. Slaven emailed the Letter to Dr. Garcia, Mr. Henderson, Ms. Swett, and Mr. Wilson. Mr. Wilson responded, stating the Letter looked fine and asking whether it should also be signed by the President as well as the CEO. Ms. Swett responded by stating the letter was good and agreeing with Mr. Wilson that Dr. Garcia should be included as a signatory. Dr. Garcia agreed. Mr. Slaven emailed all of them while responding to their comments and Mr. Slaven then emailed NSBA staff asking them to include Dr. Garcia's signature. Mr. Amos responded about signature lines on the letter, and Mr. Slaven replied, saying tomorrow or the day after is fine.
September 27, 2021	Ms. Rigsby emailed NSBA staff the most recent version of the letter.
September 28, 2021	Ms. Rigsby emailed Mr. Amos back about the proposed press release on the letter to POTUS.
	Mr. Amos emailed several reporters: <ul style="list-style-type: none"> • Mr. Amos emailed a reporter at Bloomberg with an embargoed copy of the Letter. Mr. Amos stated that he was giving the reporter a heads up that the Letter will be released tomorrow. [The Bloomberg reporter

	<p>replied to Mr. Amos on September 29, stating that Bloomberg expected to have a short piece on the letter out on September 30, and a longer piece about campus harassment would be released later that day. Mr. Amos then emailed the Bloomberg reporter on September 29 with the embargoed final Letter and associated press release.</p> <ul style="list-style-type: none"> • Mr. Amos emailed a reporter at the Wall Street Journal with the embargoed letter. • Mr. Amos emailed a reporter at Axios about the embargoed letter, and then asks that the story be held from publication until Thursday morning. The Axios reporter stated the story would run September 30. Mr. Amos replied that Axios can attribute the language “NSBA has been in touch w/ the WH . . .” to Mr. Slaven. Mr. Amos emailed the Axios reporter again on September 29 with the embargoed final letter and associated press release. • Mr. Amos emailed a reporter at the Associated Press on September 29, stating the NSBA ran into a speed bump on release and that the Letter was still embargoed. Mr. Amos then emailed the Associated Press reporter on September 29 with the final embargoed copy of the Letter and the associated press release.
	<p>Ms. Mellow emailed Mr. Negrón with the Letter asking if he had any legal concerns about it.</p>
	<p>Ms. Rigsby emailed Mr. Amos stating that NSBA had never requested this magnitude of Federal support before.</p> <p>Mr. Amos emailed Mr. Negrón with a question from reporters about whether NSBA had ever requested this much help from the federal government.</p> <p>Mr. Amos emailed Ms. Rigsby and Ms. Mellow with other reporter questions about the PATRIOT Act and lists his suggested answers</p> <p>Ms. Rigsby replied with changes to his suggested answers.</p> <p>Mr. Amos then emailed Mr. Slaven with the suggested answers</p> <p>Mr. Slaven emailed back with slight edits.</p> <p>Mr. Amos then emailed Ms. Mellow asking if there was anything they could say in the press release about “our conversations with the WH as mentioned in the letter? I haven’t been privy to those so I’m not sure what to say.”</p> <p>Ms. Mellow got back to him on September 30, stating “I don’t know much more than you do about those conversations that were just Chip. I do know they asked him for examples which we included.”</p>
	<p>Ms. Mellow emailed Mr. Amos with edits to the Letter. Ms. Mellow then sent a Microsoft Teams message to Mr. Amos about high-level framing of the Letter, stating that she expected push back about federal overreach “or something stupid like that.”</p>
<p>September 29, 2021 (1:29pm)</p>	<p>Mr. Slaven emailed a copy of his draft email to the White House, including the Letter, and tells NSBA staff that they would discuss at 1:45pm.</p>
<p>(1:47pm)</p>	<p>Mr. Slaven emailed the Letter to Ms. Goddette, asking her to update the letter on the NSBA website with an updated URL.</p>
<p>September 29, 2021, cont.</p>	<p>Ms. Rigsby emailed Mr. Amos the finalized Letter. Mr. Slaven then emailed a final version to Ms. Rigsby, Mr. Amos, and Ms. Mellow stating they changed</p>

(2:17pm)	the title of the Letter and that the White House email is almost ready and could be expected to go out very soon.
(3:00pm)	The Letter was sent to the White House via Ms. Rodríguez. Ms. Wall emailed Mr. Slaven back to thank him that the Letter was sent in advance of its release. She reiterated that the President “stands with educators who are doing right by kids-and we know they/you all need to be protected now more than ever.” Ms. Rodríguez also thanks Mr. Slaven for his leadership and stated that “we look forward to our continued work together. Mr. Slaven replied, thanking her.
(3:28pm)	Ms. Rigsby emailed Amanda Beaumont (Senate HELP Committee) with the Letter in advance of the September 30 Senate HELP Committee meeting.
(4:48pm)	Mr. Slaven, Ms. Rigsby, Ms. Mellow, Mr. Amos, and Ms. Joe exchanged emails about the CSBA’s letter to Governor Newsom, which asked for similar investigations and assistance to help protect board members.
(8:18pm)	Mr. Slaven emailed the Letter to the NSBA Board of Directors explaining that it was sent to President Biden. No Board members responded until October 1, 2021.
(8:30pm)	Mr. Slaven emailed Daniel Domenech (AASA) informing him that NSBA would release the Letter the following day and explains NSBA is asking for federal involvement.
(10:12pm)	Mr. Amos forwarded an email chain that included Ms. Ellerson Ng about the joint statement from September to provide context in case NSBA received push back from AASA about not collaborating with them on the Letter. Mr. Slaven then indicated he was very open with Ms. Ellerson Ng about the contents of the Letter.
September 30, 2021	Mr. Amos responds to a reporter from NPR; He tells her that she can talk interview Mr. Slaven about the letter later that day.
	Ms. Mellow sent the Letter to many organizations across the country. Nozoe (NASSP) responded, praising Mr. Slaven for the Letter.
	Mr. Amos forwarded the first unsolicited email sent by a citizen in response to the letter to Ms. Blane and Ms. Goddette. Ms. Blane then asked whether they should give Mr. Slaven and Dr. Garcia advanced notice that they would likely receive similar emails, and whether all of these emails should be forwarded to them.
	Mr. Amos emailed Dr. Garcia and Mr. Slaven talking points about the Letter.
October 1, 2021	Ms. Joe emailed NSBA staff directing them not to engage with unsolicited calls, emails, and social media posts they receive in response to the Letter.
	Julia Treanor, DHS Cybersecurity School Safety Task Force, emailed NSBA about the Letter to get background on NSBA’s requests within it. This was forwarded to Mr. Slaven, who was asked whether they should proceed. Mr. Amos began to “quarterback” internal response to the blowback and referred to callers as “spewing hate and chaos” while lamenting about right-wing websites. During a recording, Mr. Amos’s and Mr. Slaven’s conversation was interrupted when Randi Weingarten called to congratulate Mr. Slaven on the Letter.
October 1, 2021, cont.	Nicole Neily sent a letter in response to NSBA’s Letter to NSBA on behalf of 20 other parent organizations from around the country.

	<p>NSBA team edited a paragraph for their newsletter that discussed not trying to silence parents.</p> <p>Beverly Slough of the NSBA Board of Directors emailed Mr. Slaven and the NSBA Board of Directors strongly objecting to the Letter being sent while making clear that the Letter should not have been sent without the approval of the Board of Directors.</p> <p>John Halkias emailed Mr. Slaven and the NSBA Board of Directors, stating the Board should have been consulted before the Letter was sent. He also discussed how the Letter made the situation worse.</p>
October 2, 2021	<p>Steven Chapman (NSBA Board of Directors) emailed Mr. Slaven and the Board stating that letters like the Letter should at the very least be reviewed by the executive committee.</p> <p>Dr. Garcia emailed Mr. Slaven and the Board thanking them for their responses. She indicates the NSBA had been engaged with the White House and Department of Education on these issues for several weeks and promises to coordinate next steps with Mr. Slaven.</p> <p>Janine Bay Teske emailed Mr. Slaven, Dr. Garcia, and the Board and discusses the negative wording of the Letter and how it promotes divisiveness.</p> <p>Dr. Garcia responded to the email chain stating that the Letter does not call parents terrorists.</p> <p>Mr. Slaven responded to the email chain with a long explanation that discusses sending the Letter to the Board the day before it was released, how the request to the federal government is legitimate, and about how these issues are escalating across the country.</p>
October 4, 2022	<p>Ms. Joe emailed NSBA staff, stating “expect for direction from [Mr. Slaven] today,” after lots of NSBA staff forward a Department of Homeland Security invitation to Mr. Slaven asking what to do in response. Ms. Joe followed up, stating that Mr. Slaven wanted Ms. Mellow, Ms. Rigsby, and Mr. Lustig to take the meeting. Ms. Joe then followed up with Mr. Slaven’s assistant stating that after talking it through with Ms. Mellow, they believe Mr. Slaven should lead the call for NSBA.</p> <p>Anthony Cole, Department of Justice Sr. Advisor to the Attorney General, emailed Mr. Slaven asking to chat in the afternoon. Mr. Slaven agreed, and the call took place “within the hour” between 3:45pm-4:45pm.</p> <p>Alivia Roberts at the Department of Justice had a conversation with Mr. Slaven about steps the Department could take to address the threats referenced in Letter. Ms. Roberts then followed up with an email. She attached the Attorney General’s Memo that would be made public later that day. Anthony Cole was also on the call. Mr. Slaven thanks them for demonstrating leadership and stated that he believes the Attorney General’s actions will make a difference.</p> <p>Attorney General Merrick Garland issued a memo with steps the Department would take in response to the Letter.</p>
October 5, 2021	<p>Ms. Wall emails Mr. Slaven asking for his and Dr. Garcia’s phone number.</p>

	<p>Mr. Negrón emailed Mr. Slaven voicing personal safety concerns in the wake of the Letter, noting a specific instance about his personal information being shared on LinkedIn.</p> <p>Mr. Slaven emailed NSBA staff and asked for edits on the FAQs they plan to release regarding the Letter. Comments and edits are visible.</p>
October 6, 2021	<p>Ms. Doyle emailed the NSBA Board of Directors calling for disclosure about the origins of the Letter as well as corrective action and calling for “the inept employee and anyone else that had a hand in this” Letter to be replaced.</p> <p>Mr. Slaven emailed Dr. Garcia, Frank Henderson (KS), Kristi Swett (UT), and Charlie Wilson (OH) with an article about a fight between Florida and NSBA over safety concerns. He told them “Board members have a duty of confidentiality, loyalty and obedience as part of their fiduciary duties to the org. they represent. The best interests [sic] of the association is to prevail over any individual interest even if they disagree barring an illegal action—which is not at play in this situation.”</p> <p>Ms. Doyle responded, suggesting Ms. Slaven send the talking points to the state association executive directors himself because she would not defend the Letter.</p> <p>Mr. Slaven sent Anthony Cole a follow-up email after their phone call. Mr. Slaven expressed happiness about the Attorney General’s announcement. He told Mr. Cole that emails and calls to NSBA are increasing and wonders if he should report them to the Alexandria Police Department or Federal Bureau of Investigation. Mr. Cole then gave Mr. Slaven resources.</p> <p>Mr. Slaven started to draft a “Timeline” of events surrounding the Letter. He emailed it to Ms. Mellow on October 19 to “check for accuracy,” and tells her he will be sharing it with the NSBA’s PR firm today.</p> <p>Ms. Samuel emailed Mr. Slaven asking how he is doing (in light of the Letter fallout). Mr. Slaven responded stating that he doesn’t like bullies. He then told an anecdote about his father and maintains that he will fight for students “against violence, threats, and anything else that interferes with an excellent education.”</p>
October 7, 2021	<p>Senator Charles Grassley and other members of the Senate Committee on the Judiciary send Attorney General Garland a memo related to the Letter. [Available Here].</p> <p>Ms. Wall emailed Mr. Slaven saying, “I know I didn’t call on Tuesday, but I think Dr. Garcia got a call from someone way better than me,” alluding to The President</p>
October 8, 2021	<p>Mr. Lustig responded to the Department of Homeland Security’s request for information, stating that Mr. Slaven would participate along with Ms. Rigsby. NSBA requested that the Department’s Director of State and Local Affairs be present.</p> <p>Ms. Watkins-Foote (Dept. of Educ.) asked Ms. Mellow to start having 20 minute bi-weekly check ins to include Ms. Rigsby on October 7. The first meeting happens on October 8.</p>
October 8, 2021, cont.	<p>Mr. Slaven emailed Ms. Wall, stating that Dr. Garcia “was thrilled and said she had a wonderful conversation with the President.” Dr. Garcia was appointed by</p>

	the Administration to the Federal Education Advisory Board on October 13, 2021.
October 10, 2021	Mr. Slaven emailed talking points about the Letter to the NSBA Board of Directors. Ms. Doyle responded that he should send it to state executive directors b/c she would not defend the Letter.
October 13, 2021	Dr. Garcia was appointed as a Board Member to the Federal Education Advisory Board. [Available Here] .
October 15, 2021	Mr. Slaven and NSBA staff attend the Department of Homeland Security's School Safety Meeting to discuss, among other types of safety, the concerns raised in the Letter. Prior, Mr. Lustig told Mr. Slaven that the Department asked to provide it with information about how to frame the Letter if it comes up during the town hall and wanted to know whether NSBA will answer questions directly during the Q&A. Mr. Slaven stated that it would be "best if we be silent listeners tomorrow." Mr. Slaven emailed Ms. Rigsby and Mr. Lustig following the meeting, stating that it went great and there were at least two NSBA Board Members there.
	The NSBA's counsel, Carr Maloney, sent a letter about NSBA retaining counsel to navigate the deluge of records requests associated with the Letter.
October 19, 2021	Mr. Slaven prepared a presentation for the NSBA Board of Directors about the timeline of events surrounding the Letter.
	Attorney General Garland is sued for allegedly violating free speech following the release of the Memo.
October 21, 2021	Mr. Slaven, Mr. Lustig, Ms. Mellow, and Ms. Rigsby participated in a call with the Department of Homeland Security Cybersecurity Division, School Safety Taskforce.
	Attorney General Garland testified at a Justice Department Oversight Hearing about his memo, acknowledging that he relied on the Letter as a basis for issuing his October 4 Memo. [Available Here at 01:18:14-1:22:57] .
October 22, 2021	NSBA Board of Directors issued an apology over the Letter.
October 23, 2021	Mr. Slaven sent an email to Celinda Lake (of Lake Research) and told her the Board of Directors apologized yesterday over "my strong objections and it has only made things worse which is what I predicted."
	Mr. Amos emailed Mr. Slaven and Ms. Joe that the Oregon School Board Association posted the apology memo yesterday and that it was getting some traction.
October 26, 2021	Mr. Amos emailed Mr. Slaven and Ms. Joe, advising them that a "new news angle" had begun running in which outlets were trying to tie Dr. Garcia's nomination to the National Assessment Governing Board to an alleged quid-pro-quo for cooperation between NSBA and the Biden Administration on the Letter. Mr. Slaven responded that Dr. Garcia's nomination was in the works for months and the appointment letter came "well before the NSBA letter."
October 26, 2021, cont.	Indiana's Attorney General issued a letter calling for actions to be taken by the NSBA. The Attorneys General of Alabama, Alaska, Arizona, Arkansas, Georgia, Kansas, Missouri, Montana, Oklahoma, South Carolina, and Texas were all signatories.

October 27, 2021	<p>The House of Representatives Committee on the Judiciary sent a memo to NSBA announcing its investigation based on factual allegations that hinted at backchanneling concerns.</p> <p>Attorney General Garland testified before the House Committee on the Judiciary. [Available Here].</p> <p>Senator Charles Grassley and other Senators sent Attorney General Garland a follow-up requesting information discussed during his hearing. [Available Here].</p>
October 28, 2021	<p>Dr. Garcia issued a follow-up to the NSBA’s apology letter and sent it to NSBA Members to outline the next steps NSBA would take.</p> <p>Ms. Joe emailed Dr. Garcia’s apology to NSBA staff.</p> <p>NSBA held an internal staff call to discuss responses to the Letter. During the meeting, Ms. Mellow was upset that the NSBA backed off support of the letter because of a “politically false narrative” and another staff member wanted to know if the NSBA truly meant the apology. Dr. Garcia explained the apology was to address the concerns of members and based on the crisis management team’s suggestions, to step away from the “hottest terms” in the Letter.</p>
November 12, 2021	<p>Mr. Amos prepared Revised Board Talking Points regarding the Letter.</p> <p>Ranking Member Jordan sent Mr. Slaven a memo laying out events surrounding the Letter and asking Mr. Slaven to make himself available for an interview with the Committee. A news article outlining Ranking Member Jordan’s claims was published on March 9, 2022. [Available Here].</p>
December 6, 2021	<p>Senator Charles Grassley and other members of the Senate Committee on the Judiciary sent Attorney General Garland another follow-up memo. [Available Here].</p>
January 18, 2021	<p>Senator Charles Grassley and other members of the Committee on the Judiciary sent Attorney General Garland another memo with email exhibits dated from October 5, 2021. [Available Here].</p>
January 24, 2022	<p>Senator Tom Cotton sent a memo to Secretary Cardona. [Available Here]. The memo deals with an October 8 email from NEA (National Education Association) sent to Facebook, Twitter, and Tik Tok accusing them of spreading misinformation.</p>

TABLE 7 – SUMMARY OF LETTER CHANGES AND DRAFTS

Date	Editor	Edits & Comments
September 9, 2021	Jane Mellow	Ms. Mellow emailed Ms. Rigsby stating that Mr. Slaven had asked that she draft a letter to “either the Attorney General or the Director of the FBI, he is not sure yet, about threats to school boards across the country.” ¹⁰¹
	Deborah Rigsby	Ms. Rigsby emailed Ms. Mellow agreeing to draft a letter and suggested including the Secret Service. ¹⁰²
	Chip Slaven	Mr. Slaven emailed Ms. Rigsby agreeing, further stating that he brought the issue up on his call to the White House and that it sparked considerable discussion. ¹⁰³
September 17, 2021	Deborah Rigsby	Ms. Rigsby emailed the initial draft of the letter to Mr. Slaven and Ms. Mellow. ¹⁰⁴
September 20, 2021	Jane Mellow	Ms. Mellow emailed a newer version of the letter ¹⁰⁵ with comments and edits: <ul style="list-style-type: none"> • In ¶2, Ms. Mellow commented: “Do we want to add ‘investigate’ before ‘intercept’” • In ¶3, Ms. Mellow commented: “We should all talk about this” on the line discussing the Army National Guard and Military Police deployment to school districts. • In ¶7, Ms. Mellow commented: “I’m not sure where we should include this but I want to insert something along these lines: These types of incidents are causing many school board members, most of whom are not paid, to decide to not run again. It also has the effect of causing good people who are interested in making a difference in their community choose not to engage.” • Ms. Mellow removed the language “Reportedly, this apprehension is because a number of districts may have previously revised or ordered a hiatus of contracts and memoranda of understanding with law enforcement agencies for school resource officer support and other public safety services.” • Date changed from September 17 to September 22
September 21, 2021	Chip Slaven	Mr. Slaven edited Jane Mellow and Deborah Rigsby’s draft and emailed a new version back to Deborah Rigsby ¹⁰⁶ with the following changes:

¹⁰¹ See E-mail from Jane Mellow to Deborah Rigsby (Sept. 9, 2021) (appendix exhibit 72).

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ See Letter Draft (Sept. 17, 2021) (appendix exhibit 73).

¹⁰⁵ See Letter Draft (Sept. 22, 2021) (appendix exhibit 74).

¹⁰⁶ See Letter Draft (Sept. 23, 2021) (appendix exhibit 75).

<p>September 21, 2021, cont.</p>		<ul style="list-style-type: none"> • Mr. Slaven commented on the heading: “Should we address directly to President Biden?” in lieu of “The President.” • Mr. Slaven commented at ¶8: “I need to check with Charlie and see if we can reference the letter. I am not sure if they wanted it released publicly but I am glad you included. It sends the message of how bad things are right now.” • The Date is changed to September 23. • Mr. Slaven inserted this language into ¶1: “America’s public schools and its education leaders are under an immediate threat. The National School Boards Association (NSBA) respectfully asks for immediate federal law enforcement and other assistance to deal with the growing number of threats of violence and acts of intimidation occurring [sic] across the nation.” • Mr. Slaven inserted this language into ¶2: “This propaganda continues despite the fact that critical race theory is not taught in public schools and remains a complex law school and graduate school subject well beyond the scope of a K-12 class.” • Mr. Slaven inserted this language into ¶3: “We also appreciate recent discussions with White House and Department of Education staff on many critical issues facing public schools including threats school officials are receiving.” [sic]. • Mr. Slaven edited ¶4 from “are reticent to intervene” to “need assistance including help with monitoring threat levels.” • Mr. Slaven inserted this language into ¶4: “NSBA respectfully asks that a joint collaboration among federal law enforcement agencies, state and local law enforcement [sic], and with public school officials be undertaken to focus on these threats. NSBA specifically solicits the expertise and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI).” • Mr. Slaven inserted this language into ¶5: “in regards to domestic terrorism.” • Mr. Slaven inserted this language into ¶5: “As the threats grow and news of extremist hate organizations showing up at school board meetings are being reported, this is a critical time for a proactive approach to deal with this difficult issue.” • Mr. Slaven inserted this language into ¶8: “These threats and acts of violence are affecting our nation’s
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September 21, 2021, cont.		<p>democracy at the very foundational levels, causing school board members – including many who are not paid – to resign immediately and/or discontinue their service after their respective terms. Further, this increasing violence is a clear and present danger to civic participation, in which other citizens who have been contemplating service as either an elected or appointed school board member have reconsidered.”</p> <ul style="list-style-type: none"> • Mr. Slaven inserted this language into ¶8: “NSBA believes public discussions and transparency by local school board members are important for the safe and effective operations of schools. It is vital that public discources be encourgaged in a safe and open envrionment in which varying viewpoints can be offered in a peaceful manner. Our children are watching the examples of the current debates and we must encourage a postive debate even with different opinons.” [sic].
September 22, 2021	Deborah Rigsby	<p>Ms. Rigsby emailed a newer draft of the letter to Mr. Slaven and Jane Mellow with additional edits and comments.¹⁰⁷ These included changes to footnotes as well as the following:</p> <ul style="list-style-type: none"> • Ms. Rigsby commented in ¶3: “If a district and its officials have received imminent threats and have canceled contracts with local police/sheriff departments – and is experiencing threats, protests, and related disruptions and also any changes in community standard(s) – perhaps the National Guard is needed ... especially if a governor will not intervene with state law enforcement. We are already seeing punitive actions from governors over masks, thereby jeopardizing lives.” • Ms. Rigsby commented in ¶4: “This phrase may be redundant as the PATRIOT Act was enacted to protect the US domestically. Overseas surveillance, if needed, would be linked to accounts or electronic correspondence, for example, “transmitted domestically” on the “in regards to domestic terrorism” language. • Ms. Rigsby commented: ‘Plotters’ is an actual term used by the U.S. Secret Service, including in its investigations into incidents of school violence” in last paragraph over Mr. Slaven’s edit removing “plotters” in exchange for “individuals and hate groups.”

¹⁰⁷ See Letter Draft (Sept. 23, 2021) (appendix exhibit 76).

September 22, 2021, cont.		<ul style="list-style-type: none"> Ms. Rigsby added all citations included on the Letter in reference to specific instances of threats or harassment at school board meetings.
	Chip Slaven	<ul style="list-style-type: none"> Mr. Slaven commented in ¶3: “I went back and forth on this one. I think we should leave it out for now. I am concerned it could be seen as us asking for too much of a federal intervention. However, if things start to get bad, we can revisit” about the language asking for National Guard/Military Police support.
September 24, 2021	Chip Slaven	<p>Mr. Slaven emailed the letter back to Deborah¹⁰⁸ with the following changes:</p> <ul style="list-style-type: none"> Mr. Slaven commented in ¶1: “I added this line just to reinforce the notion we still want public discourse, just not chaos.” Mr. Slaven commented in ¶3: “I’ve reviewed this section again and think it will be seen as a federal intervention into local and state issues. School districts that have this issue should be reaching out to their Governor first who can deploy State Police. I also think this is not a widespread problem. If we leave this in it will garner a lot of attention away from the broader context. I think we leave it out and can revisit it if things turn out to be more widespread.” Mr. Slaven commented in ¶4: “You are right Deborah but I recommend keeping it in because there is often confusion on the PATRIOT Act from the public so I thought calling it was important so there is not confusion.” Mr. Slaven commented in ¶7: “I’m going to go ahead and take this out. I am not sure they are actively talking around this publicly and I don’t want to put them in a bad situation.” Letter date is edited to September 27. Mr. Slaven inserted this language in ¶1: “Local school board members want to hear from their communities on important issues and that must be at the forefront of good school board governance and pro.” Mr. Slaven deleted this language in ¶3: “Further, in egregious circumstances and via coordination with local and state authorities, we ask that the Army National Guard and its Military Police be deployed to certain school districts and related events where students and school personnel have been subjected to acts and threats of violence.”

¹⁰⁸ See Letter Draft (Sept. 23, 2021) (appendix exhibit 77).

		<ul style="list-style-type: none"> • Mr. Slaven deleted this language in ¶7: “In Ohio, an individual mailed a letter to a school board member labeling the return address on the envelope from a local neighborhood association and then enclosing threatening hate mail from another entity.” • Mr. Slaven deleted this language in ¶7: “This correspondence states that, “We are coming after you and all the members on the ... BoE [Board of Education].” This hate mail continues by stating, “You are forcing them to wear mask—for no reason in this world other than control. And for that you will pay dearly.” Among other incendiaries, this same threat also calls the school board member a “filthy traitor,” implies loss of pension funds, and labels the school board as Marxist.”
September 24, 2021, cont.	Deborah Rigsby	Ms. Rigsby emailed the version with Chip Slaven’s edits to Jason Amos, who pointed out a few minor typographical mistakes. ¹⁰⁹
September 26, 2021	Chip Slaven	Mr. Slaven emailed a near finalized version of the letter to Charlie Wilson, Dr. Viola Garcia, Frank Henderson, and Kristi Swett. ¹¹⁰
	Charlie Wilson	Mr. Wilson emailed Chip Slaven with a single typographical error edit. ¹¹¹
September 27, 2021	Deborah Rigsby	Ms. Rigsby emailed the most recent draft of the letter to Chip Slaven, Jason Amos, Jane Mellow, Francisco Negrón, Renee Joe, Elena Kukanova-Carpenter, and he cc’d Lenora Johnson, Kimberly Muse, and Alesha Stuart asking for edits. This draft reflected no differences from the September 26 draft. ¹¹²
September 28, 2021	Jane Mellow	Ms. Mellow emailed Jason Amos and Deborah Rigsby pointing out the following edits via e-mail. ¹¹³ <ul style="list-style-type: none"> • I think in the first graph we say “immediately” two times in a row. Ditch one of them. • Change “intervention” to “assistance” in the headline and first graph of the release and in the letter. • He was concerned that “intervention” would draw an immediate negative reaction among some and I think he’s right. • Can you both make those edits and send to: Chip, Jane, Deborah, Jason, Francisco.”

¹⁰⁹ See E-mail from Jason Amos to Deborah Rigsby (Sep. 29, 2021) (appendix exhibit 78).

¹¹⁰ See E-Mail from Charlie Wilson to Chip Slaven, Dr. Viola Garcia, Frank Henderson, and Kristi Swett (Sep. 26, 2021) (appendix exhibit 79).

¹¹¹ *Id.*

¹¹² See Letter Draft (Sept. 27, 2021) (appendix exhibit 80).

¹¹³ See E-mail from Jane Mellow to Jason Amos and Deborah Rigsby (Sept. 28, 2021) (appendix exhibit 81).

September 29, 2021	Jason Amos	Mr. Amos emailed Jaclyn Goddette with the following edit via e-mail: <ul style="list-style-type: none"> • “We just made another change. Here’s the most recent version, removing “immediate” in the second sentence: “The National School Boards Association (NSBA) respectfully asks for federal law enforcement...””
September 29, 2021	Chip Slaven	Mr. Slaven emailed the finalized letter to the White House. ¹¹⁴ The only edits to this version include typo corrections and a change to the date.

¹¹⁴ See Final Letter Draft (Sept. 29, 2021) (appendix exhibit 82).