



STATE OF ALABAMA
DEPARTMENT OF EDUCATION



Michael Sentance, J.D., LL.M.
State Superintendent of Education

June 21, 2017

Alabama
State Board
of Education

MEMORANDUM

Governor Kay Ivey
President

TO: Members, Alabama State Board of Education

Jackie Zeigler
District I

FROM: Michael Sentance, State Superintendent of Education

Betty Peters
District II

RE: Internal Investigation

Stephanie Bell
District III

As you know, in October, the Board unanimously voted to request an investigation into the unauthorized and illegal dissemination of confidential information. The resolution specifically directs an opinion by the “appropriate regulatory body – including but not limited to the Alabama Ethics Commission and Alabama Attorney General’s office – as to whether or not the subject disseminated information, in fact, violated any state or federal law.”

Yvette M. Richardson, Ed.D.
District IV
Vice President

My interpretation of this resolution was to follow the plain language of the directive that sought an *independent* entity to pursue said matter.

Ella B. Bell
District V

In a November 7, 2016, e-mail to the ALSDE General Counsel, the General Counsel of the Ethics Commission declined to move forward unless there was a named individual alleged to have violated the Ethics Law.

Cynthia McCarty, Ph.D.
District VI

There was no written communication from the Attorney General’s office about the disposition of the October resolution.

Jeff Newman
District VII

We have had no other communication from any other county, state or federal investigative or regulatory body.

Mary Scott Hunter, J.D.
District VIII
President Pro Tem

I knew that the Board wanted some disposition of this matter. I thought that we should collect the evidence on any digital record that would assist any regulatory body’s investigation. In mid-January, I asked Michael Meyer to take on the task of reviewing the e-mail documentation on this matter. Mr. Meyer had undertaken several tasks for me and acquitted himself well on these matters.

Michael Sentance, J.D., LL.M.
Secretary and
Executive Officer

Mr. Meyer’s work was not designed to do anything more than the internal review of the electronic evidence. He did not conduct a full investigation of these matters as we were simply trying to expedite another regulatory body’s work. For example, other than Dave Pope, none of the individuals were interviewed.

Members, Alabama State Board of Education

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On June 7, 2017, Mr. Meyer presented his report to me. I have attached his June 6, 2017, document to this e-mail. After reading his report and discussing the matter with him, I expressed serious concerns. However, I did not want to alter his report, but I wanted to present to the Board a report that had my full confidence. Accordingly, I sought to find an independent perspective from a person with both investigative and appellate experience to review the record and report his findings.

Accordingly, I reached out to the Honorable Bernard Harwood, Jr., a former member of the Alabama Supreme Court, to review the material. He agreed to do so. In addition to his years on the Supreme Court, in his distinguished career, Judge Harwood has been a trial judge, a special assistant attorney general and a lecturer at the University of Alabama School of Law. Judge Harwood will be at the Executive Session tomorrow to make his report and answer questions.

Please feel free to contact me if additional information is needed.

MS