



Office of Public Information

August 22, 2018

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, TX 78711

Re: Public Information Request 18145_40_Dolan

Dear Open Records Division:

The Katy Independent School District received a written request for information from Sean Dolan, a copy of which is attached and labeled "A." In general, the request seeks all emails sent to/from Keith Rowland in 2018. All responsive emails are attached as Exhibit "B." The District seeks a ruling on withholding from public disclosure and asserts that Texas Government Code Section 552.103 (Information Related to Litigation) applies to the information sought.

The ten business day deadline for this letter, pursuant to Tex. Gov't Code Sec. 552.301(b) is August 22, 2018.

As background, during the public comment portion of the District's March 19, 2018 Board Meeting, an individual came forward and levied bullying allegations against the District's Superintendent. While these allegations are unfounded and deal with conduct between teenage boys 40 years ago, the allegations went viral and were included in publications across the United States and even overseas. On May 1, 2018, Sean Dolan also made allegations on his personal website of plagiarism against the District's Superintendent in his doctoral dissertation. His website specifically compared the dissertations of the Superintendent and Keith Rowland and this information was later broadcast to the District employees in a May 2, 2018 email. Exhibit "C." The District and Superintendent shortly thereafter began to consider the appropriate response to such allegations and all avenues for legal recourse. Ultimately, the District authorized the retention of outside counsel to pursue legal action arising from defamation on May 10, 2018. Exhibit "D."

The District requests a determination that Section 552.103 applies to except the requested materials from required public disclosure. The purpose of Section 552.103(a) is to prevent the use of the Public Information Act as a method of avoiding the rules of discovery used in litigation. It excepts from disclosure information that which relates to pending or reasonably anticipated litigation in which the government is a party. See Texas Att'y Gen. ORD 551 (1990). The test for demonstrating this exception applies requires that, as of the date that the request for

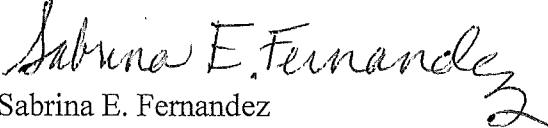
information was received by the governmental body: (1) litigation involving the governmental body is pending or reasonably anticipated, and (2) the information relates to the litigation. *Univ. of Tex. Law Sch. v. Tex. Legal Found.*, 958 SW2d 479, 481 (Tex. App. Austin 1997, orig. proceeding.); *Heard v. Houston Post Co.*, 684 SW 2d 210, 212 (Tex. App. Houston 1st Dist. 1984, writ ref'd n.r.e.); ORD 551 at 5 (1990).

The first prong of the test is satisfied because the request for public information was filed **after** the retention of outside counsel for the specific purpose of defamation litigation. Therefore, as of the date the request for information was received, litigation was already anticipated. The second prong of the test is also satisfied as the requested information relates to the litigation. The request seeks all correspondence to/from Keith Rowland [REDACTED]

Having satisfied both prongs of the test, the litigation exception applies. The District requests a determination that Section 552.103 applies to except the requested materials from disclosure under the Public Information Act.

By my signature below, I certify that the request for information was first received on August 8, 2018. If you have any questions, or need additional information or documentation, please contact me at (281) 396-7883.

Sincerely,


Sabrina E. Fernandez
KATY INDEPENDENT SCHOOL DISTRICT
PUBLIC INFORMATION SPECIALIST

cc: Sean Dolan via email to sean@abetterlegacy.com and sean@pushfire.com (excluding Exhibit "B")

Redacted as required by Sec. 552.301(e-1)

Fernandez, Sabrina E (GEN COUNSL)

From: NoReply@katyisd.org
Sent: Wednesday, August 08, 2018 12:59 PM
To: PublicRecords
Subject: PIR Form #18145 was submitted

A new PIR Form was submitted on 8/8/2018 12:58:32 PM. [Click here to view the new request.](#)

Senders Name: Sean Dolan

Company Name:

Senders Email Address: Sean@abetterlegacy.com

Preferred Phone: (281) 750-6672

Information Requested: I would like a copy of all emails to and from Keith Rowland in 2018.

Fernandez, Sabrina E (SPEC SRVCS)

From: Sean Dolan <[REDACTED]>
Sent: Wednesday, May 02, 2018 10:25 PM
To: Adams, Stephen C (RSC); Aki, Martha L (ECI); Anderson, Caroline E (C&I SECON); Arasteh, Joan M (CAMP SUPP); Archer, George D (FINE ARTS); Archer, Kristi L (CAMP SUPP); Barlow, Rebecca M (INTERVENT); Bates, Alicia F (C&I SECON); Bivens, Audrey L (SPECIAL ED); Bradley, Nancy E (C&I ELEM); Bremer, John C (POLICE); Brown, Catherine H (ASSESSMENT); Bryan, Andrea C (SPECIAL ED); Butterfield, Sharri S (FIN SRVCS); Carlson-Scruggs, Dawn M (SCH LDSP/S); Christoffersen, Joseph N (TECH OPS); Corbin, Linda J (C&I ELEM); Cornell, Lynette G (INTERVENT); Coy, Nakia R (IS/EXT FUN); Creech, Freda C (SCH LDSP/S); Crews, Lee (COO); Crow, John L (CTE); Darst, Lori A (CTE); Decker, Deborah M (ATHLETICS); Deschamps, Claudia (COMM/INFO); Devries, Heather C (SYF ACAD); Dipetta, Maria A (COMM/INFO); Edmond, Yolanda N (HR); Faichtinger, Anne M (FIN SRVCS); Fink, Roslyn W (SPECIAL ED); Forney, Marcus D (CAMP SUPP); Fuchs, Nathan T (M & O); Garza, Elizabeth L (OOL); Gilder, Charlotte Y (SES); Graham, Justin R (SPEC SRVCS); Gregorski, Kenneth (DPTY SUPT); Grimet, Howard C (C&I ELEM); Harter, Catherine D (C&I SECON); Hess, Nancy S (GT/AAS); Highnote, Therese D (HLTH SRVCS); Horton, Anita S (COUNS SRVS); Hovance, Christina Z (C&I SECON); Hunt, Walter C (HR); Hurt, Owen M (HR); Hynds, Jamey R (ENT SYS); Ingram, Paulette S (C&I ELEM); James, Guy D (CTE); Jinks, Robert E (POLICE); Jones, Mitzi E (FINE ARTS); Kassman, Elisabeth A (PLAN/FAC); Lamarr, Scott P (M & O); Lara, Cecilia (C&I SECON); Lawson, Kimberly K (C&I ELEM); Lepori, Brian F (COMM/INFO); Lindley, Alene A (C&I SECON); Luster, Michelle A (C&I ELEM); Maeker, Christy H (COUNS SRVS); Malechuk, Brian E (SPECIAL ED); Marchione, Leah R (COMM/INFO); Martin, Sarah J (CTE); Matney, Allison E (ASSESSMENT); Mcelwain, Darlene C (HR); Mcrae, Lisa R (COUNS SRVS); Mctigrit, Fran L (TECH OPS); Meredith, Holly A (SPECIAL ED); Mitchell, Kimberly D (OOL); Mitchell, Laurie L (MERRELL CT); Moore, Lisa W (HR); Moreland-Mason, Elizabeth A (SPECIAL ED); Muller, Karen S (C&I ELEM); Munoz, Jennifer D (ASSESSMENT); Nauman, Lance N (RISK MGMT); Nugent, Erica G (HR); Ouellette, Michael F (FINE ARTS); Palmer, Amanda K (C&I SECON); Parker, Rebecca J (CTE); Perepeluk, Jennifer L (OOL); Peters, Marchelle L (SPECIAL ED); Pittenger, Donna A (NUTR/FS); Pollard, Darla J (C&I SECON); Portier, Marlene A (C&I ELEM); Pratt, Rosela G (OOL); Pulido, Gabriela (CAMP SUPP); Rampelli, Kerry D (ENT SYS); Rankin, Darlene B (INST TECH); Richard, Brandyn M (HR); Rigdon, Christopher D (SPECIAL ED); Robertson, Elaine W (DEAF ED); Robertson, Steven M (SCH LDSP/S); Robinson, William M (SUPP SRVCS); Rolens, Benjamin R (MERRELL CT); Shaw, Shelli S (INTERVENT); Shepard, Linda M (OOL); Shields, Kathryn M (HR); Steele, Cazilda C (C&I SECON); Stocks, Jeffrey D (SCH LDSP/S); Stutts, Mandy M (C&I SECON); Theis, Janet R (PIE); Thorne Green, Sharon E (C&I SECON); Tiedt, Mark R (M & O); Tulp, Rami M (INTERVENT); Villalobos, Manuel J (M & O); Walker, Terri L (INTERVENT); Ward, Rhonda R (A/SUPT); Washington, Vonda K (SCH LDSP/S); Wells, Lisa M (C&I ELEM); White, Brenda D (TECH OPS); Williams, Kathryn A (SPECIAL ED); Wilson-Rodgers, Sherita L (ASSESSMENT); Wood, William F (TRANS-E); Woollen, Jennifer M (ASSESSMENT); Wright, Cydney J (MERRELL CT); Young, Paul A (PURCHASING); Zimmerman, Jacqueline M (C&I SECON); Zwahr, Nicole C (PROF LEARN); Alawneh, John Y (CIO); Caskey, Christine W (CAO); Grooms, Andrea M (COMM & GOV); Hindt, Lance A (SUPT OFF); Holland, Bonnie B (SPEC SRVCS); Smith, Christopher J (FIN SRVCS)
Subject: Please vote

Dear Educators,

As a parent of Katy ISD students, I also encourage you to vote. But, before you do, please review the content on ABetterLegacy.com.

You are all professional educators, and I trust your judgment in reviewing the similarities in dissertations between Dr. Lance Hindt (2012) and Keith Rowland (2008).

if you don't see any issues, feel free to vote for Dr. Hindt's candidates, Don Massey and Susan Gesoff. I'm sure Dr. Lance Hindt would appreciate your review of his dissertation and potential vindication.

If these similarities bother you, I encourage you to vote for Scott Martin and Dawn Champagne.

Despite rumors being circulated, your superiors do not know who you vote for.

For a side-by-side comparison of Dr. Lance Hindt's dissertation, visit: <http://abetterlegacy.com/papers/>

I encourage you to do this from you personal device, and not while connected to the KISD wifi.

Here is a letter sent to me from a current KISD teacher:

"As a teacher in Katy ISD, and one who recently finished a graduate degree, I cannot sit idly by and not say something in regards to the two dissertations that I've read and studied the last two days. What concerns me most, is Chapter Two of Hindt's dissertation. This is supposed to be a systematic review by the researcher (writer of the dissertation) of several different studies in the field that he will be doing his research. It's extremely important that the researcher do the review of literature himself. For a dissertation, this level of academic effort is a must!"

From my review of both documents, Hindt (2012) appears to have used many of the literature sources that Rowland (2008) researched. Since Hindt's thoughts and connections of these sources are exactly the same, it's highly unlikely that he researched everyone of these studies himself, but instead paraphrased from the 2008 dissertation. If you look closely at both documents, Hindt even presents these ideas in the same order.

I challenge ALL teachers in Katy to do their own research. There is nothing "evil" by reviewing the documents and drawing your own conclusions as to if Hindt has plagiarized his dissertation. And I'll leave you with a thought. If you had written a dissertation and put those hundreds of hours and days into the work, and then were accused of plagiarism, what would you do? Well, I'll tell you what I'd do. I'd put my work next to the one I'm accused of plagiarizing, and ask the public to review it because I'm certain I've done my best work! I think as teachers in this district, we should expect our Superintendent would want us to review his work and vindicate him of a false accusation. I'll warn you however, I was disheartened by what I saw."

I assume that this email will be blocked by the IT department, but if it does get through, I would appreciate someone alerting me that they received it by messaging me on Facebook.

Thank you,

Sean Dolan
KISD Parent



**Thursday, May 10, 2018
Special Board Meeting**

CLOSED MEETING: 7:30 P.M.

OPEN MEETING: APPROXIMATELY 8:30 P.M.

Notice is hereby given that the Board of Trustees of the Katy Independent School District will hold a Special Board Meeting on Thursday, May 10, 2018. The Closed Meeting will begin at 7:30 p.m. and the Open Meeting will begin at approximately 8:30 p.m. in the Board Room of the Katy ISD Education Support Complex, 6301 South Stadium Lane, Katy, Texas, 77494. In accordance with Katy ISD Board Policy BE(LEGAL) and BE(LOCAL), a video and audio recording shall be made of all meetings of the Board that are held in the Board Room. The Board shall make available an archived copy of the recording on the Internet not later than seven days after the date the recording was made and shall maintain the archived recording on the Internet for not less than two years. The subjects to be discussed are listed in the agenda below.

1. **Call to Order - Upon announcement by the presiding officer that a quorum is present, the meeting will be called to order.**
2. **Closed Meeting - Closed Meeting will be held for the purposes authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq. concerning any and all purposes permitted by the Act, including but not limited to the sections and purposes listed below.**
 - 2.1 Consultation with Board's attorney. (Texas Government Code 551.071: For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law; and Texas Government Code 551.129: For the purpose of a private consultation with the Board's attorney by telephone conference call.)
 - 2.2 Discuss amendment to the superintendent's contract. (Texas Government Code 551.074: For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.)

3. Reconvene from Closed Meeting - The Board will reconvene from Closed Meeting. The presiding officer will verify that the meeting has been duly called and notice of the meeting has been posted for the time and manner required by law.

3.1 Consider Board approval of engaging special outside counsel to pursue legal action for defamation on behalf of the superintendent, other school officials, and/or staff.



3.2 Consider amendment to the superintendent's contract.

4. Adjournment

5/7/2018

*approved at meeting
minutes are not yet available
SF*