

## EXECUTIVE SUMMARY OF INVESTIGATION

The Maine School Administrative District No. 6 Board of Directors (the “Board”) retained Drummond Woodsum & MacMahon to conduct, in conjunction with two Board members – Paul Mosley and Cindy Meserve – an investigation into certain issues related to the hiring and employment of Zachariah Sherburne (“ZS”). We conducted interviews of 14 people and reviewed all documents and correspondence that we were able to gather. We have generated a detailed 21-page report which contains extensive personnel information that is confidential by state statute (20-A M.R.S. § 6101). The following is a summary of the key events and the findings based on the investigation.

### **Chronology of Key Events**

- January 26, 2016 –
  - Superintendent Sherburne meets with Board Chair and Vice Chair (agenda meeting) and raises question of his son applying for job, and they say they are okay with it.
  - Superintendent sends text message to Chair about ZS applying for job, including reference to nepotism policy, and Chair gives go-ahead to apply.
- January 27, 2016 – ZS’s application received (for educational technician positions at Buxton Center Elementary and Bonny Eagle Middle School).
- February 1, 2016 – ZS interviewed at both schools.
- February 2, 2016 – Department of Education (“DOE”) Certification office receives ZS’s application.
- February 3/4, 2016 – ZS offered position at Buxton Center (contingent on DOE approval and central office paperwork).
- February 8, 2016 – ZS’s first day of work at Buxton Center.
- February 12, 2016 –
  - ZS allegedly has sexual encounter with M.S.A.D. No. 55 student.
- Mid-February, 2016 – DOE sends ZS letter notifying him that his application for authorization is incomplete because unofficial (rather than official) copies of transcripts submitted.
- February 16, 2016 – ZS has fingerprints taken.
- March 11, 2016 – Superintendent and others in M.S.A.D. No. 6 learn of allegations against ZS from Department of Health and Human Services.

- March 11/12, 2016 – ZS resigns from M.S.A.D. No. 6.
- March 15, 2016 –
  - ZS arrested.
  - Superintendent Sherburne informs Board Chair about allegations against ZS.
- April 4, 2016 – Board notified about events concerning ZS.

## **Findings**

### **1. Knowledge By Superintendent and/or Staff Responsible for Hiring of Alleged Inappropriate Relationship With Student**

District administrators interviewed and hired Zachariah Sherburne before the date of his alleged sexual encounter with a minor and therefore could not have known about that event at the time they decided to hire him. Further, we found no evidence to show that the Superintendent or anyone involved in hiring ZS knew about the alleged inappropriate relationship between ZS and a student in another school district prior to March 11, 2016, which was the date on which DHHS informed the Assistant Superintendent (who subsequently informed the Superintendent) about the allegations involving ZS. ZS resigned from the District on March 11 or 12, 2016.

### **2. The Hiring of ZS and the Nepotism Policy**

A complete copy of Policy BCC (“Nepotism”) is attached to this executive summary.

On January 26, 2016 the Superintendent had an agenda-setting meeting with the Board Chair and Vice Chair during which they discussed the need for educational technicians, and the Superintendent told them that his son was interested in working as an educational technician in M.S.A.D No. 6. They discussed the need for educational technicians in the school district, the fact that ZS was qualified to work as an educational technician, and that the Superintendent would not be involved in ZS’s hiring or his supervision. They also discussed the nepotism policy. The requirement that the Board approve exceptions to the policy against the hiring of the Superintendent’s family members was not raised by anyone at the meeting.

The Superintendent said he did not review the nepotism policy prior to the meeting because he was familiar with what it says, because he was raising the subject of ZS applying for a job for the first time, and if the Chair and Vice Chair said “no” the matter would be over. The Superintendent acknowledged, however, that he was aware that the policy required the Board to approve an exception to the policy against employing a superintendent’s family member. He said he did not advise the Chair and Vice Chair that they needed to obtain full Board approval of the exception because at times in the past the Board officers’ approval had been regarded as being sufficient when a policy calls for Board approval, and this practice had not been questioned. The Superintendent said he believed it was enough to get the okay from the Board officers. The Superintendent also said that he felt that if the issue of ZS’s application for work

was going to go on the agenda for consideration by the full Board, it was up to the officers to make that decision because it was not his place to insist that an item be placed on the agenda pursuant to the agenda policy.

The Chair and Vice Chair told the Superintendent that they were “okay” with ZS applying, but the Chair wanted the Superintendent to check with the union first, and the Vice Chair was only “okay” with the application if the Superintendent did not have any supervisory authority over ZS.

The Superintendent, as requested by the Chair, checked with Ms. Hicks, the union president, regarding ZS’s application for employment and she indicated that she was “okay” with ZS applying for a position as long as, if he received a position, the classroom teacher was comfortable working with the Superintendent’s son.

The question of ZS’s application for employment was not brought to the full Board for approval.

The Superintendent subsequently informed the Buxton Center Elementary School Principal and Assistant Principal that they could consider ZS’s application, that they should treat him like any other applicant, and that he (the Superintendent) would not play a part in the decision. ZS was required to follow the same application process as other applicants. The Buxton Center administrators interviewed Zachariah, checked his references, and offered him a job because they felt he was qualified for it. They made the decision to hire him. We found no evidence that the Superintendent was involved in the hiring process, or that the application process or the decision to hire ZS was influenced by the fact that he is the Superintendent’s son. ZS submitted an application to the DOE for ed tech authorization prior to being hired by M.S.A.D. No. 6, and the DOE acknowledged receipt of that application on February 2, 2016. Subsequently, the DOE sent ZS a letter notifying him that his application was incomplete because it contained unofficial (rather than official) transcripts. ZS had his fingerprints taken on February 16, 2016.