

To: Johnston County Board of Education
From: Patricia Robinson, Tharrington Smith LLP
Re: Code of Ethics Issue: Allegation of Board Member Attempted Interference in Student Assignment Matter
Date: August 24, 2022

Investigation Overview

Consistent with Board Policy 2610, Johnston County Public Schools (“JCPS”) Board Chair Todd Sutton asked our firm to investigate an allegation that Board member Ronald Johnson attempted to interfere in a student assignment matter involving two special education students. We were also asked to determine whether the conduct, if substantiated, constitutes a violation of Board Policy 2120, Code of Ethics for School Board Members.

The weight of the evidence reviewed, including information obtained from interviews with multiple staff members, supports a finding that Mr. Johnson asked a JCPS school principal to modify the school assignments of two special education students as a personal favor. As such, the weight of the evidence reflects that Mr. Johnson’s conduct violated the Board member commitment in the Code of Ethics for School Board Members to “refrain from using the board member’s position on the Board for personal or partisan gain.”

Overview of Information Obtained

On August 11, 2022, Parent A sent an email to Chair Todd Sutton alleging the following:

I was made aware that School Board Member Ronald Johnson recently, within the last month or so, requested that [School Principal] remove my 2 Autistic children¹ from [the School]. Johnson assumed they had some form of waiver to attend [the School]. I have waited to make contact until I confirmed this conversation, which I did today ([the principal] stated the conversation occurred and Johnson asked for a "favor", that favor being the removal of my children). Johnson has personal issues with me and I feel unethically used his position on the School Board to seek some sort of revenge by harming my children. I believe this can be easily substantiated with a phone call to Principal [of the School].²

Over the course of my investigation into this allegation, I interviewed the following individuals: a JCPS Senior Administrator, Parent A, JCPS Superintendent Dr. Eric Bracy, and the School Principal. I attempted to interview Board member Ronald Johnson, but as noted below, he did not respond to my requests to speak with him regarding this matter.

During our interview, the Senior Administrator identified the names of the two children of Parent A (hereinafter Student 1 and Student 2) and confirmed that both students currently attend the school referenced in Parent A’s email (hereinafter the “School”). The Senior Administrator also

¹ Parent A consented to referencing the exceptionality of his children in this public document.

² Information that could lead to the identification of Parent A’s children has been redacted from the email.

confirmed that the address in PowerSchool for both students is in the attendance zone for the School and that both Student 1 and Student 2 have attended the School for the past two school years. Finally, the Senior Administrator confirmed that both students receive services through the JCPS Exceptional Children's Program.

In my interview with Parent A, he reported that two separate individuals told him that Mr. Johnson asked the School Principal to remove his children from the School, believing that the children had some kind of waiver to be at the School or were there via a school transfer. When asked why Mr. Johnson might believe the children had a waiver to be at the School, Parent A reported that Mr. Johnson was aware that Parent A shared custody of the children with the children's mother and that Parent A often picked the children up from the School and drove them to the mother's home, located in a different school attendance zone. When asked why Parent A believed Mr. Johnson had personal issues against him, Parent A reported that he and Mr. Johnson had been friends for many years but that Mr. Johnson had become angry with him 4-5 months ago after a personal dispute regarding a mutual acquaintance. When asked whether removing Students 1 and 2 from the School would have a negative impact on them, Parent A responded, "Yes, they have special needs. For them to be pulled out of school with no notice would be a huge deal."

I also interviewed Dr. Bracy, who reported that after learning of Parent A's concerns, he called the School Principal to follow up on the allegations. Dr. Bracy said that the School Principal told him that Mr. Johnson asked the School Principal to remove the two children of Parent A from the School. Dr. Bracy stated that the School Principal told him that both students were there legally (by their address) and not by way of a transfer or waiver.

During my interview with the School Principal on August 18, 2022, he recalled several conversations over the past two months with Mr. Johnson regarding student assignment issues. The School Principal reported that Mr. Johnson asked him once, "If somebody is outside of the district and needs a reassignment, you have to approve it, right?" The School Principal also recalled a personal conversation the day after graduation in June 2022 during which Mr. Johnson said, "I might need your help with this," in reference to a student assignment issue. Finally, the School Principal reported that on July 1, 2022, after reviewing news articles regarding Mr. Johnson, the School principal sent Mr. Johnson a message asking how he was doing. The School Principal reported that Mr. Johnson called him in response to the message, and the two discussed personal matters unrelated to school assignment. The School Principal recalled that as the phone conversation was concluding, Mr. Johnson raised the issue of student assignment. Specifically, the School Principal reported that Mr. Johnson asked him to remove Parent A's children from the School. The School Principal responded to Mr. Johnson by saying, I thought you two were friends. Mr. Johnson replied that Parent A had turned on him and that the School Principal would do him a solid if he could pull the reassignments for Students 1 and 2.

The School Principal reported that he did not take any action in response to Mr. Johnson's request. The School Principal also confirmed that he spoke with Dr. Bracy regarding his phone call with Mr. Johnson after Dr. Bracy was made aware of Parent A's complaint.

Within hours of my interview with the School Principal, I emailed Mr. Johnson to schedule a time to speak with him about the allegations. Mr. Johnson did not respond to my email. Later that evening, the School Principal reported to Dr. Bracy that the same afternoon (after my interview with the School Principal and my email to Mr. Johnson requesting to schedule a phone call to discuss the

allegations), Mr. Johnson called the School Principal to ask what information the School Principal had reported to me.

Dr. Bracy reported that the School Principal told him that during the phone conversation between the School Principal and Mr. Johnson, Mr. Johnson asked what the big deal was since the School Principal did not actually move the kids (Student 1 and Student 2). Following this phone call with the School Principal, Dr. Bracy sent an email to the School Principal confirming the content of his conversation with Mr. Johnson as described in this report.

I sent a second email to Mr. Johnson on August 19, 2022, again requesting to speak with him about the allegations under review and to offer Mr. Johnson an opportunity to respond. As of the date of this report, Mr. Johnson has not responded to my requests to speak with him about this matter.

Board Member Code of Ethics

As required by applicable law, the Johnston County Board of Education has adopted a Board Member Code of Ethics, formalized in Policy 2120³. All Board members are required to abide by the Code of Ethics adopted by the Board, which includes commitments to “refrain from using the board member’s position on the Board for personal or partisan gain.” *See* Policy 2120(B)(14). The Board of Education last reviewed and adopted Policy 2120 on July 13, 2021. The Policy was approved unanimously by all Board members in attendance, including Mr. Johnson.

Findings

The weight of the evidence supports a finding that Board Member Ronald Johnson sought to interfere with the school assignment of two special education students for personal reasons. The only information received regarding Mr. Johnson’s motivation for making the request to move the two students was (1) the School Principal’s account that Mr. Johnson said Parent A had turned on him and that pulling the reassignments for Students 1 and 2 would do him a solid; and (2) Parent A’s account that Johnson had “personal issues” with him. Nothing in my review reflects that Mr. Johnson had any legitimate educational interest in requesting that the two students be removed from the School.

The review also supports a finding that based on the conduct described above, Mr. Johnson violated the commitment in the Board Member Code of Ethics to “refrain from using the board member’s position on the Board for personal or partisan gain.”

³ A copy of Policy 2120 is attached as Exhibit A.

Policy Code: 2120 Code of Ethics for School Board Members

The Johnston County Board of Education (the “Board”) recognizes that, collectively and individually, all members of the Board must adhere to a code of ethics as required by [G.S. 160A-86](#) and [G.S. 115C-47\(57\)](#).

A. Board Member Ethical Requirements

The following standards will guide each board member in the performance of his or her official duties:

1. the need to obey all applicable state and federal laws regarding official actions taken as a board member;
2. the need to uphold the integrity and independence of the board member’s office;
3. the need to avoid impropriety in the exercise of the Board’s and board member’s official duties;
4. the need to perform faithfully the duties of the office; and
5. the need to conduct the affairs of the Board in an open and public manner, complying with all applicable laws governing open meetings and public records.

B. Specific Board Member Commitments

In order to implement the above standards, each member of the Board commits to do the following:

1. attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;
2. endeavor to make policy decisions while always keeping in mind the objective of providing students the opportunity to receive a sound basic education and only after full discussion at publicly held board meetings;
3. render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;
4. model civility to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members and engaging in respectful dialogue with fellow board members on matters being considered by the Board;
5. respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of matters discussed in closed session;
6. work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;
7. not make secret recordings, in any format, on school system property, at school- or Board-related events or meetings, or otherwise connected to the business of the Board or the Johnston County Public Schools;
8. communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;

EXHIBIT A

9. learn about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national school boards associations;
10. with the assistance of the Board Clerk, comply with [North Carolina General Statute 115C-50](#) by earning the required 12 hours of training every two years;
11. with the assistance of the Board Clerk comply, with [G.S. 160A-87](#) by earning two hours of ethics education within 12 months of election or appointment to the Board;
12. support the employment of those persons best qualified to serve as school employees and avoid allowing personal relationships and biases to influence decision making;
13. refrain from investigating or attempting to resolve complaints received personally, but instead direct the complainant to follow the Board's complaint or grievance process to resolve concerns;
14. avoid being placed in a position of conflict of interest and refrain from using the board member's position on the Board for personal or partisan gain;
15. as stated in board policy 2121, Board Member Conflict of Interest, refrain from participating in, deliberating on, voting on, or attempting to influence any person with respect to any matter pertaining to the employment with the Board of the board member's spouse, including but not limited to hiring, transfer, promotion, demotion, suspension, discipline, performance evaluation, or review or investigation of a complaint of any kind;
16. take no private action that will compromise the Board or administration; and
17. remember always that a board member's first and greatest concern must be the educational welfare of the students attending the public schools.

All board members are expected to sign a code of ethics statement that includes these provisions at the organizational meeting of the Board.

Legal References: [G.S. 115C-36](#), [-47\(1\)](#), [-47\(57\)](#), [-50](#); [160A-86](#), [-87](#); *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Member Conflict of Interest (policy 2121), Board Member Opportunities for Development (policy 2123)

Adopted: July 13, 2021

Replaces: Board policy 1550 Code of Ethics for School Board Members

JOHNSTON COUNTY PUBLIC SCHOOLS
