

IN RE: POWAY UNIFIED SCHOOL DISTRICT
CONFIDENTIAL INVESTIGATION REPORT
RE: JOSHUA COTTRELL

Investigated by:
Paul V. Carelli, IV
Stutz Artiano Shinoff & Holtz APC

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I. CIRCUMSTANCES LEADING TO INVESTIGATION

The investigator, Paul Carelli, of Stutz Artiano Shinoff & Holtz, was retained on November 15, 2010 by William Chiment, Associate Superintendent, Personnel Support Services. The investigator met with Mr. Chiment and Ms. Hogarth on that date to discuss the nature of the investigation. At the meeting, Mr. Chiment explained that he had reasonable suspicion that Mr. Joshua Cottrell had been involved in a romantic relationship with a student at Westview High School named [REDACTED]. Mr. Chiment indicated that [REDACTED] had graduated in 2010, and that she had turned 18 in [REDACTED] 2009.

Mr. Chiment indicated that he had met with [REDACTED] [REDACTED] [REDACTED] parents, who had provided him with some documentation which suggested an inappropriate romantic relationship between [REDACTED] and Mr. Cottrell while [REDACTED] was a student at Westview. Mr. Chiment further indicated that he had already met with Mr. Cottrell, questioned him about his relationship with [REDACTED] and had placed him on administrative leave with pay and a directive not to communicate in any way with [REDACTED]. Mr. Chiment provided the investigator with the documentation which had been gathered to date concerning Mr. Cottrell and [REDACTED].

II. SCOPE OF THE INVESTIGATION

As to the scope of the investigation, Mr. Chiment asked that the investigator to: (1) determine the nature of the relationship between Mr. Cottrell and [REDACTED] [REDACTED] during the time that [REDACTED] was a student; (2) determine the circumstances and events leading up to and surrounding their relationship; and (3) make recommendations for future handling of Mr. Cottrell's employment based upon those determinations.

III. INVESTIGATION

In conducting the investigation, the investigator interviewed the following witnesses:

- 1) Dawn Kastner (November 18, 2010 at the District Office)
- 2) [REDACTED] (November 22, 2010 at the District Office)
- 3) Shannon Parker (November 29, 2010 at the District Office)
- 4) [REDACTED] (December 14, 2010 at the District Office)
- 5) Joshua Cottrell (December 23, 2010 at the District Office)
- 6) [REDACTED] (January 12, 2011 at the District Office)
- 7) Sally Flournoy (February 8, 2011 by telephone)

The investigator also reviewed documents located in an exhibit binder separate from this report. At the front of the binder is a list of the exhibits. The exhibits include the interview statement of Mr. Cottrell as recorded by Peterson Reporting; copies of communications to and from Mr. Cottrell; communications to and from [REDACTED] parents and Westview staff; the forensic report of Mr. Cottrell's school computer completed by ESI international, dated February 7, 2010; additional material provided by Mr. Cottrell concerning [REDACTED] and other material obtained by the investigator.

IV. SUMMARY OF INVESTIGATION

Mr. Cottrell and [REDACTED] were involved in a romantic relationship while she was a senior student at Westview High School during the 2009-2010 school year and while she was in a class for credit [REDACTED] Mr. Cottrell's [REDACTED]

The preponderance of the evidence is that while [REDACTED] was a Westview student, the physical relationship between [REDACTED] and Mr. Cottrell consisted of both hugging and tongue-to-tongue kissing ("making out"). According to [REDACTED] she and Mr. Cottrell kissed each other on 20-30 occasions while she was a student, mostly in Mr. Cottrell's classroom with the doors shut. They also kissed at Point Loma Nazarene college, after Mr. Cottrell drove [REDACTED] there in his car, prior to [REDACTED] graduation.

The preponderance of the evidence is that Mr. Cottrell did not touch [REDACTED] breasts, buttocks or genitals while she was a student at Westview. Their physical relationship only occurred after [REDACTED] turned eighteen years of age. Their emotional relationship, however, began much sooner. While [REDACTED] was still seventeen, Mr. Cottrell unilaterally told her that he loved her, which was difficult for [REDACTED] to deal with because she was introverted, and kept it inside of herself.

The romantic relationship between Mr. Cottrell and [REDACTED] came after multiple warnings from both [REDACTED] parents and school administrators that Mr. Cottrell was to keep appropriate professional boundaries between he and [REDACTED] due to a string of inappropriate electronic communications between the two during the 2008-2009 school year. Mr. Cottrell knew that he needed to keep such boundaries, but still disregarded them. He and [REDACTED] both intentionally acted to secret their relationship.

V. FINDINGS OF FACT AND CONCLUSIONS

A. Mr. Cottrell's Background.

Mr. Cottrell is a teacher for the District, who taught wholly at Westview High School while in the District's employ. He graduated from Poway High School, and then graduated from Point Loma Nazarene in San Diego in 1998 with a bachelor's degree in philosophy and a minor in continental literature. He studied the German language for a short time at the Goethe Institute in Murnau, Germany. He obtained his masters degree from National University in San Diego in 2004.

He obtained his teaching credential in October, 2003, and is currently is credentialed in English (according to Cal. Commission on Teacher Credentialing records).

Mr. Cottrell began his employment on August 20, 2004. According to Mr. Cottrell, when he began his full-time position at Westview, his evaluations were primarily done by Sally Flournoy, although Dawn Kastner also did some. Mr. Cottrell has mainly taught English while at Westview. Recently, he began teaching philosophy. Mr. Cottrell wrote this philosophy class, which he began teaching in the 2009-2010 school year. The course's actual name is "Critical Thinking Philosophy and Literature" according to Mr. Cottrell. Mr. Cottrell obtained District Board and UC Regents approval for the course, and now the course may be taken by students as an elective for credit. This class is taught one section per term; the remainder of his day he teaches English-related classes. For the 2009-2010 school year, he had 4th period as his prep period. According to Mr. Cottrell, he was elected Department Chair of the Humanities/Social Science Department in 2009-2010 for a two-year term.

In terms of extracurricular activities, Mr. Cottrell was the JV soccer coach for two years in 2007-2008 and 2008-2009, and then in 2009-2010 he was the varsity assistant coach for soccer. He also served as the advisor for the Philosophy Club in 2009-2010 and in 2010-2011. He had previously sat on a "School Site Council" from 2004-2006. He has been involved in less formal activities, such as organizing Westview campus bands to play on campus, and organizing two set-drummer competitions.

In May 2007, he received what Ms. Kastner has described as a prestigious teaching award from the Church of Latter Day Saints called the "Crystal Apple" award. According to Ms. Kastner, the award is given out each year to two teachers at Westview nominated by students who vote for the teacher most influential on them.

By all accounts, Mr. Cottrell has great teaching skills. His supervisors at Westview, Ms. Kastner and Ms. Flournoy, are of the opinion that Mr. Cottrell is one of the best teachers they have ever seen. He is also highly popular with the students. Through the 2009-2010 school year, Mr. Cottrell had an open door policy and students would hang out or have club meetings in his room during lunch. Students of both sexes were also regularly in his classroom before school and after school.

B. [REDACTED] Background.

[REDACTED] was born [REDACTED], and attended Westview High School for all four years before graduating on June 8, 2010. She now attends [REDACTED] where she is a freshman.

Important to this investigation, [REDACTED] turned 18-years old in [REDACTED] 2009, during her senior year of high school at Westview.

[REDACTED] has been generally described by her parents and school staff [REDACTED]

[REDACTED] The investigator would generally concur with these descriptions based upon the time spent with [REDACTED] during her interview.

[REDACTED] left San Diego for college in mid-August, 2010. Her college is not too far from [REDACTED], according to [REDACTED] and she can take a bus or train into the city, which she has. This is confirmed by her postcards and other materials from her visit to [REDACTED] in September 2010, which were sent to Mr. Cottrell. (Exh. 25, pp. PUSD193-218)

C. [REDACTED] Sophomore Year and Summer 2008.

[REDACTED] and Mr. Cottrell both have confirmed that they first met when [REDACTED] had Mr. Cottrell as her teacher [REDACTED]. [REDACTED] said that during her sophomore year, she would hang out in [REDACTED]

Mr. Cottrell's room before class [REDACTED]. [REDACTED] said that there were normally 8 or 9 kids in his classroom before school, and during lunchtime there could be more, since there were soccer meetings and other clubs using his classroom. [REDACTED] and her friends would regularly visit Mr. Cottrell's class during lunchtime during her sophomore year and eat there. She would go with her friends, and both male and female students would be present. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] In a February 6, 2008 e-mail to Shannon Parker, Mr. Cottrell explains that [REDACTED] and her friends have spent lunch time in his classroom, but that she had recently showed up one morning "stressed" and "to the point of tears." (Exh. 16, p. PUSD142.) [REDACTED]
[REDACTED]

[REDACTED] (Exh. 16, PUSD142.) Mr. Cottrell sought Ms. Parker's help to "keep an eye out" for [REDACTED] presuming that Ms. Parker was close with [REDACTED] Ms. Parker and Mr. Cottrell then dialogued over e-mail to determine how best to deal with [REDACTED] (Exh. 16, pp. PUSD140-141.) Ms. Parker wrote to say that her relationship with [REDACTED] wasn't "as deep as I would like it to be" but that she would "tune into her over the next couple of days and perhaps reach out if appropriate." (Exh. 16, pp. PUSD141.)

In March, 2008, [REDACTED] told Ms. Parker, "If you really knew me you would know I'm in love with Mr. Cottrell." Ms. Parker wanted to "put it out in the open" and thought "that it was just a teenage thing." Ms. Parker spoke with Mr. Cottrell soon thereafter about what [REDACTED] had said about him. Mr. Cottrell then sent Ms. Parker an e-mail dated March 10, 2008 regarding their conversation. (Exh. 16, pp. PUSD143-144.) In the e-mail, Mr. Cottrell explained that he was aware that [REDACTED] had taken a liking to him, and sought Ms. Parker's advice about whether [REDACTED] "attachment" was nothing more than just a "crush" which would fade over time. Ms. Parker responded the next day that "I think it is nothing more than a crush that will soon fade over time - [REDACTED] is quite grounded" (Exh. 16, p. PUSD143.)

Ms. Parker, nevertheless, thought that it was a bit odd that [REDACTED] [REDACTED] [REDACTED] sometime in the June/July time frame of 2008, she saw Mr. Cottrell having lunch with [REDACTED] and three other students.

The District obtained emails between Mr. Cottrell's school account concerning [REDACTED] and provided them to the investigator. The first e-mail chronologically from Mr. Cottrell to [REDACTED] is dated July 10, 2008, and possibly refers to the lunch [REDACTED], based upon [REDACTED] response. (Exh. 2, pp. PUSD023-024.) The e-mails between Mr. Cottrell and [REDACTED] from July 10 to August 13, 2008 (Exh. 2, pp. PUSD023-042) consist of friendly discussions between the two on a variety of subjects. In one e-mail, Mr. Cottrell says that he is "proud of" [REDACTED] saying to her "like I said, 'It's [REDACTED] year'" (Exh. 2, p. PUSD027.) He also provides a personal anecdote to

help motivate [REDACTED]. (Exh. 2, p. PUSD029.) Although the e-mails do not appear to have any romantic content, the volume of the e-mails and non-school related content in much of discussion crosses the line between a professional student-teacher relationship into a more inappropriate relationship.

[REDACTED] babysat for Mr. Cottrell's children in July of 2008. [REDACTED] and Mr. Cottrell both confirmed that [REDACTED] babysat twice for Mr. Cottrell, and both times [REDACTED] was not alone, but with a friend. [REDACTED] and on another occasion, with [REDACTED].

[REDACTED]. Mr. Cottrell provided similar information during his interview. However, an e-mail from Mr. Cottrell to [REDACTED] dated July 20, 2008 implies that babysitting was more his idea, because he and his wife "were curious if [students [REDACTED] and [REDACTED] would like to watch the kids for a few hours." (Exh. 2, p. PUSD038). Regardless of the genesis of the idea, [REDACTED] babysat Mr. Cottrell's children once at a residential clubhouse, and once at his home, both times with friends. [REDACTED] parents were not concerned about [REDACTED] babysitting for Mr. Cottrell, and Ms. Kastner does not generally have an issue with students babysitting their teachers' children.

D. [REDACTED] Junior Year - The First Parental Intervention.

Unbeknownst to Mr. Cottrell, [REDACTED] had been monitoring [REDACTED] e-mails and texts and had seen her communications with Mr. Cottrell. [REDACTED] believed that those early e-mails from July and August 2008 were benign. However, [REDACTED] became concerned in mid-August 2008 when her friend, B [REDACTED] had told her that Ms. [REDACTED] had overheard [REDACTED] speaking with someone on the phone in Ms. [REDACTED]'s car [REDACTED], and that the person on the other end of the phone turned out to be Mr. Cottrell. Ms. [REDACTED] told [REDACTED] that Ms. [REDACTED] thought that [REDACTED] was speaking with a boyfriend by the way she was chatting with the person on the other end of the line. Ms. Parker confirmed that [REDACTED] trip was in early August [REDACTED]. Ms. Parker heard the same story from Ms. [REDACTED] (that [REDACTED] was talking on the phone with Mr. Cottrell on the way up to camp).

On August 18, 2008, [REDACTED] in conjunction with [REDACTED] wrote an e-mail and sent it Mr. Cottrell, saying that they had been monitoring [REDACTED] communications with him, and that although there was "friendly bantering," there were also "times when you [Mr. Cottrell] are stepping on the line (being an older male teacher), and this makes us very uncomfortable." (Exh. 3, p. PUSD043.) The [REDACTED] also told Mr. Cottrell that "the frequency and closeness of the conversations is not appropriate for a student/teacher relationship. Certainly any other faculty member would agree." (Exh. 3, p. PUSD043.) They ask Mr. Cottrell to keep his friendship "at a professional level" and that they would leave it up to him as to how to control the situation, since they did not want to tell [REDACTED] that they were seeing her e-mails. (Exh. 3, p. PUSD043.)

Mr. Cottrell responded the same day to [REDACTED] [REDACTED] "I understand and wholeheartedly apologize for stepping over the boundaries. I agree that the conversations have stepped over the boundaries of what is acceptable, which is why I have no problem writing this e-mail." (Exh. 3, p. PUSD044.) Mr. Cottrell's e-mail then explains that he saw [REDACTED] as more of a family friend than a student and therefore found it difficult to remain "above reproach," and that he allowed himself "to become too lax" in his conversations with [REDACTED] (Exh. 3, p. PUSD044.) In the same e-mail, Mr. Cottrell tells [REDACTED] "I can assure that any and all communication between [REDACTED] and I from this point forth will be at school, and to the best of my ability in the presence of others."

Later that same afternoon, [REDACTED] [REDACTED] replied, telling Mr. Cottrell that it was alright if [REDACTED] babysat so long as Mr. Cottrell maintained a “professional relationship” with her. [REDACTED] also told Mr. Cottrell: “I do feel that you will need to explain the boundaries to her” and “I know you will do what is right.” (Exh. 3, p. PUSD045.) In an e-mail dated August 19, 2008, Mr. Cottrell reported back to [REDACTED] [REDACTED] that he had spoken with [REDACTED] and that he “took FULL responsibility for what took place.” (Exh. 3, p. PUSD048, emphasis in original.) Mr. Cottrell further indicated that he had expressed to [REDACTED] that it was his responsibility to be clearer as to the nature of his interactions, and that he should have known how their interactions might be perceived and should have kept it “professional.” (Exh. 3, p. PUSD048.) The [REDACTED] did not contact District or Westview administrators regarding the situation. [REDACTED] [REDACTED] wrote to [REDACTED] [REDACTED] after receiving Mr. Cottrell’s e-mail: “Hopefully this is resolved.”

E. [REDACTED] Junior Year - Subsequent Communications and the Second Parental Intervention.

Despite Mr. Cottrell's promise to [REDACTED] [REDACTED] that all communications between he and [REDACTED] would remain at school, and on a professional level, he and [REDACTED] began their friendly e-mail communications again beginning on September 5, 2008. There was an e-mail trail on September 5 and 6, 2008 concerning [REDACTED] a school football game. (Exh. 4, pp. PUSD051-058).

At back-to-school night in September 2008, Ms. Parker spoke with Mr. Cottrell about [REDACTED]. According to Ms. Parker, Mr. Cottrell told her that [REDACTED] looked up to him as a “father figure.” [REDACTED] (Exh. 15, p. PUSD138.) Ms. Parker, according to her, reminded Mr. Cottrell that [REDACTED] had once told Ms. Parker that [REDACTED] loved

Mr. Cottrell, and Ms. Parker offered that he should be very careful because [REDACTED] seemed to be pulling him in emotionally by coming to him with her difficulties. (Exh. 15, p. PUSD138.)

On November 25, 2008, Mr. Cottrell e-mailed [REDACTED] to inform her that he had received new ear piercing hardware (Exh. 5, p. PUSD059), which started a new round of back-and-forth communications between the two from November 26, 2008 through November 29, 2008 while on Thanksgiving break. (Exh. 5, p. PUSD062-071.) [REDACTED] signed off on two e-mails as [REDACTED] evidencing an overly familiar relationship. (Exh. 5, pp. PUSD064 and 066.) This was followed over winter break with additional e-mail communications from December 20, 2008 through January 2, 2009. (Exh. 5, pp. PUSD072-084.) Like the e-mails from the Summer 2008, objectively there does not appear to be romantic content in the e-mails, but as before, the volume and content are inappropriate to a student/teacher relationship.

[REDACTED] brought to [REDACTED] attention that [REDACTED] and Mr. Cottrell were still e-mailing each other on a regular basis. [REDACTED] was upset by Mr. Cottrell's continued e-mail communications with his daughter, because Mr. Cottrell had told he and his wife that such communications would stop.

On January 21, 2009 [REDACTED] sent Mr. Cottrell an e-mail with the subject line: "your emails to [REDACTED]" (Exh. 6, p. PUSD085.) In the e-mail Mr. [REDACTED] writes: "I thought we went over this with you and had an understanding? Do I have to go to your wife and/or your boss to get this resolved? It's clear you don't seem to have enough sense to do the right thing here. When my wife asked you to back off in her really nice way, we thought you heard her. Listen Cottrell, I don't want to ruin your job. Listen to me right now. Stop the emails. Do I have to come over there and visit you?" (Exh. 6, p. PUSD085.) The same day, Mr. Cottrell responded: "No sir. Again I am sorry." (Exh. 6, p. PUSD086.) Mr. Cottrell adds, "Mr. [REDACTED] please know that I do not intend to cross any line with your daughter." Later in the e-mail, Mr. Cottrell says that the "emails were begun by [REDACTED] and that "[w]hen this issue first arose, it centered on the texting, which was halted right away." (Exh. 6, p. PUSD086.) Mr. Cottrell's e-mail ignores that he promised [REDACTED] that he would stop all outside-of-school communications with [REDACTED] in August, 2008. Mr. Cottrell finished the e-mail by saying: "Any interaction between [REDACTED] and I will, from now on, remain at school. And I am again very sorry that this has happened, and can assure you that there is no need to involve anyone else." (Exh. 6, p. PUSD086.)

Mr. [REDACTED] later responded to Mr. Cottrell the same day that it was Mr. [REDACTED] opinion that ethically, teacher-student correspondence should be limited to school functions, and that it is Mr. Cottrell's "duty to remind students that superfluous communication beyond that is not appropriate" and that such communication included "emails, text messages, phone calls and/or any individual meetings outside of . . . school functions. It includes rides in your car and other non school related private visits." (Exh. 6, p. PUSD087.) Mr. Cottrell replied the same day that "[y]our wishes will be complied with completely. I am sorry (again) for putting you in a position that forced you to have to correspond with me in this matter." Mr. Cottrell also wrote that "since it is I who have created and perpetuated this situation, I will also be the one that deals with it." Mr. Cottrell

adds that he can "assure" Mr. [REDACTED] that he "will not again give you reason to go any further with this matter than you already have." Mr. [REDACTED] did not contact District or Westview administrators at that time.

On the weekend before March 16, 2009, [REDACTED] was speaking with her friend, [REDACTED] about [REDACTED] Mr. Cottrell. (Exh. 7, p. PUSD089.) During that conversation, [REDACTED] became concerned about [REDACTED] once again, and e-mailed Shannon Parker. (Exh. 7, pp. PUSD089-090.) According to Ms. Parker, the situation with [REDACTED] had to do with Mr. Cottrell being [REDACTED] [REDACTED] (Exh. 15, p. PUSD137.) Mr. Cottrell confirmed this during his interview. Ms. Parker talked with Mr. Cottrell at the time (in September 2008) and believed everything had been resolved with respect to the [REDACTED]' situation.

[REDACTED] spoke with Ms. Parker at school about what she had heard from [REDACTED] on or about March 16, 2009. According to Ms. Parker, the two of them discussed the situation concerning [REDACTED] current relationship with Mr. Cottrell, and that [REDACTED] said she was upset to find e-mails from Mr. Cottrell after he said he would stop talking with her via e-mail. Ms. Parker told [REDACTED] that between all of these e-mails, that she was alarmed. Ms. Parker told [REDACTED] she sees [REDACTED] and Mr. Cottrell walking to class (with other [REDACTED] too), and that [REDACTED] frequented Mr. Cottrell's classroom, and that [REDACTED] talks about Mr. Cottrell a lot. It was Ms. Parker's understanding from that conversation that [REDACTED] then wanted to seek Administration support.

F. [REDACTED] Parents Meet with the Principal; the Principal and Assistant Principal Give Directives to Mr. Cottrell.

Following [REDACTED] conversation with Shannon Parker, [REDACTED] and John [REDACTED] decided to meet with the Westview Principal, Dawn Kastner. According to Ms. Kastner, they conferenced at Ms. Kastner's office on or about March 17, 2009. Ms. Kastner thought that perhaps the meeting had come about because "apparently Shannon told [WHS Assistant Principal] Tina [Ziegler] that she was concerned about the [REDACTED] and didn't know what to do." Ms. Kastner couldn't remember if she called the [REDACTED] or if Shannon Parker told the [REDACTED] to call her. Ms. Kastner explained that, in any event, "we took it seriously and I met with the [REDACTED]"

Principal Kastner took handwritten notes during the meeting with the [REDACTED] which lasted from 30 minutes to an hour. (See notes at Exh. 9, pp. PUSD094-095.) The parents came in and shared some concerns about Mr. Cottrell with Ms. Kastner. The parents brought Ms. Kastner e-mails concerning Mr. Cottrell and [REDACTED] (Exh. 1, pp. PUSD001-020.) Ms. Kastner said that she would speak to Mr. Cottrell and get back to them. During her interview, Ms. Kastner opined that the e-mails were "typical" of students and teachers these days, where there are lot of teachers engaging with students by text and email and other media. It was Ms. Kastner's impression from the meeting that the [REDACTED] seemed to be more concerned with the volume of e-mail rather than the actual content.

According to Ms. Kastner, the [REDACTED] related during the meeting that [REDACTED] was going into Mr. Cottrell's classroom a lot during non-class time, and both parents felt like there wasn't an inappropriate relationship, but they were concerned [REDACTED] had a crush on Mr. Cottrell, and that it could lead to more problems. Ms. Kastner told the parents that when she has been in Mr. Cottrell's classroom before lunch, there are always a lot of kids, but that she was going to check the room during lunch in the near future and see who was there. At the end of the meeting, Ms. Kastner told the [REDACTED] that she would check out Mr. Cottrell's classroom, and that she would talk with Mr. Cottrell and Ms. Parker about the situation and that she would call [REDACTED] [REDACTED] back within a few days (by 3/20/09).

Kastner followed up as promised, and when she checked Mr. Cottrell's classroom on several occasions, there were a number of students in there, and there were boys present, and that [REDACTED] was only in there on one occasion that she stopped by.

Ms. Kastner also spoke with Shannon Parker after the meeting. According to Ms. Kastner, Ms. Parker informed her that [REDACTED] had said something in the past something to the effect of "I love Mr. Cottrell." They further spoke about the e-mails and about how [REDACTED] was going into Room G112 (Mr. Cottrell's room) a lot.

Ms. Kastner also followed up with her meeting with the [REDACTED] by asking Sally Flourney, who was the Assistant Principal for Mr. Cottrell's "hub," to speak with Mr. Cottrell. Ms. Kastner said that she asked Ms. Flourney to speak with Mr. Cottrell "because she had relationship with Josh." Ms. Kastner indicated that Ms. Flourney "wanted to speak with him and she did speak with him."

Sally Flourney confirmed that she followed Ms. Kastner's instructions to speak with Mr. Cottrell, and that she met with him for 10-15 minutes. During what Ms. Flourney described was a "conversational" tone of discussion, Ms. Flourney spoke with Mr. Cottrell specifically about [REDACTED] because her parents had specifically instructed that he have no further private interactions with her. Ms. Flourney also spoke with Mr. Cottrell about proper student interactions generally and the "appearance of impropriety." As an example, Ms. Flourney explained to Mr. Cottrell that it is not a good idea to be inside the classroom with a student when blinds and doors aren't open, and that it not a good idea to meet alone with members of the opposite sex. Ms. Flourney explained that her conversation with Mr. Cottrell about [REDACTED] revolved around educational notions, like that the teacher and student should remain professionally separated, like the distance between a parent and child.

Ms. Flourney also gave Mr. Cottrell specific instructions with respect to [REDACTED]. She directed Mr. Cottrell that he "cannot be alone with [REDACTED] and that he "shouldn't be alone with other students either" but "meeting with groups of students was okay." Ms. Flourney specifically discussed with Mr. Cottrell that outside of an academic setting (group discussion or class), [REDACTED] parents did not want him communicating with [REDACTED] via e-mail or texting, and told him not to do that. Mr. Cottrell told Ms. Flourney he agreed not to do these things.

Mr. Cottrell told [REDACTED] about her parents' conference with Principal Kastner about him, and that her parents felt that he and [REDACTED] had come too close. [REDACTED] admitted to the investigator that she also believed that she and Mr. Cottrell had gotten too close during that time, and agreed that it may have been because of the deep emotional subjects they spoke about, because, according to

_____ however, continued to visit Mr. Cottrell's classroom during lunch in the time after the Principal meeting, even though Mr. Cottrell was not her teacher that term.

████████ continued to visit Mr. Cottrell's classroom at lunchtime when back at school for her senior year. ██████ also indicated that she would speak with Mr. Cottrell by telephone periodically beginning again during her senior year.

She did not tell her friends, her parents, or anyone else what he said.

11

[REDACTED]

For her eighteenth birthday, Mr. Cottrell gave her a present of a "Barrel of Monkeys" game. Neither [REDACTED] nor Mr. Cottrell assigned any symbolic significance to the type of present given.

During the second term of her senior year, [REDACTED]

[REDACTED]

[REDACTED] nearly a year had gone by since she and [REDACTED] had spoken with Ms. Kastner, and [REDACTED] had no knowledge of anything untoward occurring between [REDACTED] and Mr. Cottrell since that time. [REDACTED]

[REDACTED]

Mr. Cottrell and [REDACTED] kissed each other for the first time in his classroom at the beginning of January, 2010, according to [REDACTED] indicated that [REDACTED]

Before the time of her graduation on June 8, 2010, the preponderance of the evidence is that Mr. Cottrell and [REDACTED] physical relationship did not advance further than hugging and "making out." Before June 8, 2010, the preponderance of the evidence is that no sexual intercourse occurred between [REDACTED] and Mr. Cottrell, nor was there sexual touching prior to [REDACTED] graduation.

[REDACTED] statement on the subject was very credible: she [REDACTED]

[REDACTED] According to [REDACTED]

[REDACTED]

[REDACTED] which Mr. Cottrell indicated may have happened.

According to [REDACTED]

[REDACTED] and Mr. Cottrell had a prep period during the same time. The student and teacher schedules obtained from the District show that [REDACTED] was off roll during the

second semester of her senior year on Mondays and Wednesdays (Exh. 29, p. PUSD227) and that Mr. Cottrell had fourth period as his prep time. (Exh. 27, PUSD222.) Accordingly, [REDACTED] version of events appears to be accurate from a timing standpoint. Additionally, [REDACTED] was more credible on this issue than Mr. Cottrell, who said that [REDACTED] visited during this time very infrequently. That understatement is not believable in light of information provided by [REDACTED]

The preponderance of the evidence is that both [REDACTED] and Mr. Cottrell intentionally hid their relationship from the District staff and students. Neither of them told staff, students, or others about their relationship. [REDACTED] admitted that [REDACTED]. [REDACTED] credibly said that [REDACTED]. Mr. Cottrell's statement that the doors were always open on the occasions where he and [REDACTED] kissed is not credible given [REDACTED] more credible statement and the implausibility of Mr. Cottrell's assertion.

During her interview, [REDACTED] [REDACTED] When asked during the interview if their relationship was abnormal because they had crossed the line of the student-teacher relationship, [REDACTED]

At the end of March, 2010, Mr. Cottrell attended a philosophy conference in San Francisco, where he spoke on a panel. [REDACTED]

When Mr. Cottrell returned from San Francisco, he used his school computer to write what he called a "journal" of his thoughts concerning [REDACTED]. The document (Exh. 18, p. PUSD152, more clearly transcribed at Exh. 13, pp. PUSD131-133) reads like a stream of consciousness concerning Mr. Cottrell's time in San Francisco and some imaginings about [REDACTED] presence there also. Mr. Cottrell admits that he wrote the document. The document cements the fact that Mr. Cottrell had very deep emotional and romantic feelings for [REDACTED]. That said, it is difficult to determine from this writing what is real and what is fantasy. Mr. Cottrell stated that the writing consisted of exaggeration and fantasy.

The writing at Exhibit 13 suggests that [REDACTED] and Mr. Cottrell had sex before April, 2010. For example, the writing asks, rhetorically, "Where did Rumi, Nertuda, Gibrahn find the words that made their lovers quake with ecstasy. Why can I not write something that makes you swoon?" (Exh. 13, p. PUSD132; Exh. 18.) Two other examples are where the writing states: "We've interwoven our bodies, souls and everything that falls short of that feels like only a drop of water sliding down the throat of the parched" (Exh. 13, p. PUSD133; Exh. 18); and "My arms wrap around

you and our tongues slide over and around each other.” (Exh. 13, p. PUSD133; Exh. 18.) Despite the suggestive language in the writing, however, the preponderance of the evidence is that at the time of the writing, which was before [REDACTED] graduation, [REDACTED] and Mr. Cottrell did not have sexual intercourse.

Mr. Cottrell said that he did not remember giving this writing to [REDACTED] but it was in her suitcase in August, 2010 according to her father. Furthermore, [REDACTED] handwriting appears at the end of the writing, “Do you want to read mine. I’m embarrassed by them . . . I still want you to at least see my attempt to express in words . . .”. (Ellipses in original; Exh. 18.)

[REDACTED] said that [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] At some point in time, she and Mr. Cottrell began communicating by Gmail accounts. Her prefix was [REDACTED] and his was [REDACTED]. [REDACTED] begrudgingly agreed that [REDACTED] [REDACTED] [REDACTED] Mr. Cottrell said that he and [REDACTED] played with words to get the address prefixes.

In terms of off-campus behavior prior to [REDACTED] graduation, Mr. Cottrell stated that he had been off-campus with [REDACTED] on non-school related matters prior to her graduation on only three occasions: Once was when [REDACTED] babysat for his children at the residential clubhouse; once was to drive her to see his college, Point Loma Nazarene, where they toured the campus and kissed (briefly according to Mr. Cottrell), and once to take a walk alone near Torrey Pines High School in San Diego. In contrast, [REDACTED] stated that [REDACTED] [REDACTED] In addition, [REDACTED] said that [REDACTED] [REDACTED] And Ms. Parker saw Mr. Cottrell having lunch with [REDACTED] and [REDACTED] during over the Summer in 2008. [REDACTED] however, [REDACTED].

H. Events Occurring After [REDACTED] Graduation.

Mr. Cottrell and [REDACTED] continued their relationship even after graduation, and after [REDACTED] went off to college. [REDACTED] said that [REDACTED]
[REDACTED]

The romance between Mr. Cottrell and [REDACTED] came to light in mid-August, 2010. [REDACTED] had taken [REDACTED] to the airport to leave for [REDACTED], but the airlines were going to charge additional money for transporting one of [REDACTED] overweight suitcases. Mr. [REDACTED] decided that he

² These e-mail addresses were determined from an e-mail obtained from Mr. Cottrell’s computer, attached as Exhibit 19, and confirmed by Mr. Cottrell during his interview. [REDACTED] was mistaken during her interview when she said that her prefix was [REDACTED]” as that was actually Mr. Cottrell’s account.

would take the suitcase home, and repack it, and then bring it with him when he visited [REDACTED] a couple of days later. When Mr. [REDACTED] got home and began transferring items from the suitcase to lighten it, he found and unfolded what he called a "series of letters" bound in a hair band. Mr. [REDACTED] read the material, was disturbed by it, and intended to make a copy, but there was no toner in the copier at home, so instead he laid out the writings on the floor, and took pictures of them with a cell phone. A somewhat blurry printout of the photos is at Exhibit 18, p. PUSD152. The District later transcribed the photos of the text into a clean copy, and Mr. Cottrell admitted that he wrote the text. [REDACTED] [REDACTED] acknowledged that the handwriting on the bottom of PUSD appeared to be [REDACTED] (See Exh. 21, p. PUSD 156.)

Soon thereafter, while [REDACTED] was moving into her dorm room, [REDACTED] [REDACTED] was setting up [REDACTED] computer. While doing that, Mr. [REDACTED] found a letter, and then he encapsulated the letter off to his personal G-Mail account. Mr. [REDACTED] is in possession of the letter, and has not shared it with the investigator. Mr. [REDACTED] did tell the investigator that the letter indicates that [REDACTED] and Mr. Cottrell are in love, and that, in Mr. [REDACTED] words, they intended to do "what is socially acceptable." [REDACTED] [REDACTED] believed the letter was written over the summer, because he bought [REDACTED] a new computer for graduation, and that the letter was from a few weeks later.

After finding these writings, [REDACTED] and [REDACTED] [REDACTED] were not sure what to do next, and did not want what they had found to jeopardize their relationship with their daughter. So after discussion, [REDACTED] e-mailed Shannon Parker on September 23, 2010, and asked Ms. Parker for advice and if Ms. Parker would be willing to look at the writings. (Exh. 20, p. PUSD154.) This is the first that Ms. Parker had heard about any kind of romantic relationship involving [REDACTED] and Mr. Cottrell. Ms. Parker declined [REDACTED] [REDACTED] invitation to view the writings, but did speak with her. Ms. Parker told [REDACTED] that Ms. Parker did not notice anything untoward occurring [REDACTED] [REDACTED] regarding [REDACTED]

On October 11, 2010, [REDACTED] [REDACTED] sent Principal Kastner an e-mail that "nothing changed" after their meeting about Mr. Cottrell with her the last year. (Exh. 21, p. PUSD155.) Mr. [REDACTED] explained that "We have since found letters and have phone records that show us that an on going affair did happen between our daughter and this teacher. It appears that our daughter was under age at the time that this started. By the way, the contact is ongoing and he is using your school phone system to do it." (Exh. 21, p. PUSD155.) Due to technical problems with the District's e-mail system, which [REDACTED] [REDACTED] confirmed later, the e-mail did not arrive in Ms. Kastner's inbox until days later, likely on or about October 22, 2010.

Principal Kastner was surprised about the allegations raised by the parents, as she "had absolutely no idea" that something was going on between [REDACTED] and Mr. Cottrell following their discussion in March 2009. Kastner reemphasized that at that time, she viewed Mr. Cottrell as "a very professional teacher." Ms. Kastner said that when she received [REDACTED] [REDACTED] e-mail, (Exh. 21, p. PUSD155), she called Mr. Chiment and had a short conversation with him about it, and he asked if she would collect evidence and speak with the parents, and she did. Ms. Kastner e-mailed on October 22, 2010 with the details of the conversations she had with [REDACTED] [REDACTED] (Exh. 21,

p. PUSD159.) Ms. Kastner and [REDACTED] [REDACTED] also exchanged e-mails regarding the writings Mr. [REDACTED] found in [REDACTED] suitcase. (Exh. 21, p. PUSD156-158.) Mr. Chiment and Ms. Robertson were involved at that point, and they continued to communicate amongst each other to review pertinent documents and information. (Exh. 21, pp. PUSD156-167.) Mr. Chiment gathered information from October 22 through November 5, 2010.

Meanwhile, Mr. Cottrell and [REDACTED] had continued to regularly communicate with each other. [REDACTED] parents provided a portion of call and text logs assigned to [REDACTED] cell-phone for the period of September 21, 2010 through October 16, 2010. (Exh., 22, pp. PUSD168-170, color coded by the District.) The records show multiple daily calls and texts during that period, lessening in frequency near the end of that period. The records show calls to and from Westview HS, and texts between Mr. Cottrell's cell phone number and [REDACTED] cell phone number. In addition, the District obtained a letter and a postcard from [REDACTED] as well as additional items sent by her in late September, 2010 to Mr. Cottrell's address at Westview. (Exh. 25, pp. PUSD193-218.) Furthermore, forensic analysis of Mr. Cottrell's computer by ESI International showed that Mr. Cottrell and [REDACTED] used their Gmail accounts to correspond through the end of October, 2010. (See ESI Report at Exh. 30.) In addition, both Mr. Cottrell and [REDACTED] separately admitted that used a Skype video-conferencing program on Mr. Cottrell's school computer to speak with one another. Mr. Cottrell says they did it no more than three times, and [REDACTED] statement confirms that. The ESI Report indicates that there were six occasions when the Skype program on Mr. Cottrell's computer generated an access code with respect to [REDACTED] three times on September 16, 2010, once on September 17, 2010, once on September 21, 2010, and once on November 3, 2010. (See ESI Report at Exh. 30.) The September 21, 2010 communication lasted 14 minutes. The access on November 3, 2010 appears to have been a one-way prompt from [REDACTED] to Mr. Cottrell. The duration and nature of the other uses of the program are not available from the report. (See Exh. 30, pp. PUSD231; PUSD236-237.)

On November 3, 2010, Mr. Chiment and Ms. Hogarth met with Mr. Cottrell at the principal's office of Westview High School. (Exh. 23, p. PUSD171.) During the meeting, Mr. Cottrell acknowledged that he knew [REDACTED] [REDACTED] but that she was only a "good friend" and that they had maintained their "friendship throughout." They discussed the volume of communications between [REDACTED] and Mr. Cottrell in October, and Mr. Cottrell said that he only communicated with [REDACTED] about once per week. (Exh. 23, p. PUSD171.) Also during the meeting, Mr. Cottrell admitted that the writing at Exh. 13 concerning [REDACTED] was written by him, and that the writing was inappropriate. (Exh. 23, p. PUSD172.) Mr. Chiment provided Mr. Cottrell with a Lybarger Admonition, which Mr. Cottrell signed. (Exh. 23, p. PUSD176.)

At the end of the meeting, Mr. Chiment placed Mr. Cottrell on administrative leave with pay, effective immediately and through the outcome of this investigation. Mr. Chiment directed that Mr. Cottrell was not to be on school property or at school district events whether on campus or not, nor was he to contact District employees, parents, students, current or otherwise, other than Mr. Chiment or Ms. Hogarth; and that he was not to contact [REDACTED] [REDACTED] in any manner.

The evidence shows that Mr. Cottrell has followed Mr. Chiment's directive with respect to not contacting [REDACTED] indicated that [REDACTED] at the time of her interview on January 12, 2011.³ It is unknown if communications resumed after that, but presumably they have not. At the time of her interview, [REDACTED]
[REDACTED].

The Assistant Principal (now Principal as of 2011), Todd Cassen, is Mr. Cottrell's conduit for communications. Mr. Cassen obtained some e-mails from Josh's computer and was clearing Mr. Cottrell's voice messages on the school phone, which Mr. Cassen does that to ensure that the parents are being responded to. According to Ms. Kastner, Mr. Cassen was checking phone messages, and one phone call message was a very quite female voice in hushed tones saying "please call me." There was a second phone call, according to Ms. Kastner and then a third phone call with the same voice saying "please, please call me." Ms. Kastner believed, and the investigator concurs, that the messages were likely left by [REDACTED] and that based upon the substance of the messages, [REDACTED] and Mr. Cottrell hadn't spoken in a while.

VI. ANALYSIS AND RECOMMENDATIONS

[REDACTED] interview statements about her romantic relationship with Mr. Cottrell were very credible. [REDACTED] was emotional but stable during the interview, and bravely answered almost all of the difficult questions asked, even when the questions sought potentially embarrassing answers.

In sum, the preponderance of the evidence shows that Mr. Cottrell acted inappropriately and unprofessionally with respect to his relationship with [REDACTED] beginning in the summer before her junior year (July 2008) and continuing through the time of her graduation on June 8, 2010. His conduct escalated from frequent friendly communications to communicating his romantic feelings for her, to then being involved in a physical relationship with her. This occurred despite warnings to Mr. Cottrell from [REDACTED] parents and Westview administrators to maintain appropriate teacher-student boundaries, and cease non-school-related outside communications with [REDACTED]. Even after her graduation, Mr. Cottrell continued to use District telephone and computer equipment to communicate with [REDACTED] sometimes several times per day, through the end of October, 2010.

Mr. Cottrell committed severe breaches of both ethical responsibilities and professional duties beginning just after the start of [REDACTED] senior year, when she was still a minor. Mr. Cottrell

³ In addition to this information from [REDACTED] the investigator accessed [REDACTED] publicly accessible Facebook page on November 16, 2010 (note: the page was privatized as of the time of the submission this report). (Exh 24, pp. PUSD179-192.) [REDACTED] Facebook "friend list" did not contain Joshua Cottrell, nor did the investigator locate any communications on the page which appeared to be from Mr. Cottrell under an assumed name. The only possible reference to [REDACTED] relationship with Mr. Cottrell was at Exhibit 24, page PUSD181, where one of [REDACTED] friends commented about a "secret" affair. It is unknown, however, if there is a connection, and [REDACTED] said that she has not told any friends about her relationship with Mr. Cottrell.

told [REDACTED], when she was still seventeen-years old. [REDACTED]. The problem was, that being an introverted person who didn't confide deep secrets with others, [REDACTED]. She certainly would not have told administrators, so as to protect Mr. Cottrell. The beginning of a romantic relationship is highly emotional for teenagers under ideal conditions. [REDACTED] should not have had to go through what appears to be her first romance without an outlet to discuss her feelings. Sadly, it is likely not a coincidence that Mr. Cottrell chose as his romantic interest an introspective, quiet girl, who was not likely going to tell anybody about what was occurring. Mr. Cottrell obviously would not have wanted anyone, whether at school or in his home life, to discover this secret relationship.

Mr. Cottrell's administrators gave him direction long before [REDACTED] senior year concerning appropriate boundaries with her. These administrators, Ms. Kastner and Ms. Flourney, told him to maintain professional boundaries with students generally, and specifically with respect to [REDACTED]. Mr. Cottrell said that he would do that. He followed their directions for a while, but eventually crossed the ethical line again. Mr. Cottrell, at any time, could have and should have told [REDACTED] that she was not permitted to visit his classroom any longer or speak with him.

Had [REDACTED] not located the documents in [REDACTED] suitcase written by Mr. Cottrell, nor seen a letter on [REDACTED] computer at school, it is unlikely that this entire affair would ever have come to light. It was not reasonable for any school staff member or administrator to suspect a romantic relationship during [REDACTED] senior year. [REDACTED] mother even permitted [REDACTED]. [REDACTED] The Westview administrators were rightly surprised when the nature of [REDACTED] relationship in 2010 came to light. There is no credible evidence that they should have known what was occurring and stopped it.

Mr. Cottrell was also dishonest during and prior to the formal investigation on several major points. First, Mr. Cottrell misrepresented to Mr. Chiment his status with respect to [REDACTED] during their meeting on November 3, 2010, when he told Mr. Chiment that they were just good friends. Secondly, he misrepresented to Mr. Chiment the volume of communications that he and [REDACTED] had in the month previous to his meeting with Mr. Chiment. Third, Mr. Cottrell told the investigator that he did not have romantic feelings for [REDACTED] until after [REDACTED] in February/March 2010. The truth was that he told [REDACTED] that [REDACTED], months prior to Mr. Cottrell's timeline. Mr. Cottrell also misrepresented the number of kisses he shared with [REDACTED] before she graduated: while Mr. Cottrell maintained that it was somewhere between 1 through 7 at the most, [REDACTED] credibly said [REDACTED]. Finally, Mr. Cottrell misrepresented the number of times he was off campus with [REDACTED] prior to her graduation. He said three, but [REDACTED] indicated that [REDACTED]
[REDACTED]
[REDACTED]

Mr. Cottrell knew that he needed to exercise self-control, and utterly failed to do so. He persistently and intentionally acted contrary to [REDACTED] parents' requests, against [REDACTED] best interests, and against the directives of his superiors.

Although Mr. Cottrell apologized profusely at the time of his interview, it should be noted that during the 2008-2009 school year he apologized on multiple occasions to [REDACTED] parents, and to school staff, concerning overstepping appropriate student/teacher boundaries. He told them all that he would not act inappropriately with [REDACTED] anymore. But he did anyways. So although Mr. Cottrell has said he is sorry once again, it is difficult to believe that the latest apology is any more meaningful than the ones that were, in hindsight, mere tokens. Mr. Cottrell's credibility based upon what he had previously promised [REDACTED] parents and the Westview administrators, and as evidenced throughout this investigation, is suspect at best.

Based upon all of the above, it is recommended that Mr. Cottrell be subject to disciplinary proceedings, up to and including termination.

VII. SUMMARIES OF WITNESS INTERVIEWS

A. Joshua Cottrell

The investigator's office arranged for the interview of Mr. Cottrell through Mr. Cottrell's counsel, Michael Baranic. The interview occurred on December 23, 2010, and Mr. Cottrell's interview was recorded by Peterson Reporting. The transcript is attached as an exhibit to this Report.

At the beginning of the interview, the investigator gave a *Lybarger* warning to the witness. Mr. Baranic then informed the witness of his obligation to answer questions truthfully, and the witness affirmed that he was prepared to do that. The witness replied in the negative to the investigator's question of whether there was any reason that the witness could not provide his best memory of events on that day.

When asked by the investigator for a thumbnail sketch of his educational background, the witness said that he went to Poway High School (graduated in '93 or '94), and then college at Point Loma Nazarene in San Diego (graduated in '98). He received a bachelor's degree in philosophy and minored in literature (Continental) from Point Loma. He later took six months of classes at the Goethe Institute in Murnau, Germany, studying the German language, sometime in 1999/2000. The witness agreed with records showing that he received his teaching credential and masters degree from National University in San Diego in 2004. The witness said he has not had further education since graduating from National.

The witness said that when he did student teaching at Westview, and his first full year was the first year that Westview had its first senior class. The witness agreed with records showing that he began his employment on August 20, 2004. The witness indicated that when he did his student teaching, it was under the supervision of Kathy Dow.

The witness explained that Westview is on a "term system," in that Westview runs on quarters, and that Quarter One and Quarter Two comprise Term One, and Quarter Three and Quarter Four comprise Term Two, and that a term is 18 weeks.

The witness said that when he began his full-time position at Westview, his evaluations were done by Sally Flournoy, and that Dawn Kastner also did some, and also Robin Robinson (who, according to the witness, was an "area administrator" (AP) at the time during the initial phases of his supervision). The witness said his last evaluator was Sally Flournoy. The witness also noted that Charlotte Kutzner was his PPAP supervisor (Poway Professional Assistance Program).

When asked about the subject he was teaching when he started at Westview, the witness said that he taught Freshman Honors English his very first year. The witness said that his credential is in English, and that he mainly taught English. The witness said that he also teaches Philosophy and that he "wrote a class" which he taught in the 2009-2010 school year and the first term in the 2010-2011 school year. This class he wrote had not been previously offered by the District, according to the witness. When asked by the investigator about how the class came to be, the witness explained that he had always seen elements of philosophy woven through other subjects, and he thought that students might be interested in learning more about it, so he chose to create a class that is "basically sort of an introduction to philosophy." The course's actual name is "Critical Thinking Philosophy and Literature." When asked by the investigator how the class was approved for the curriculum, the witness explained that he had to present a proposed curriculum and textbook to the District's board, and also had to present the class materials to the UC Board of Approval and then also present the class to other high schools in the District and have someone from the Social Science Department approve it. The witness added that once the class obtained Board and UC approval, it was then placed "on the books" as an elective course, and that students can take the course for credit. During the 2009-2010 school year, the witness said that he taught one section in the first term and one section in the second term (which were popular classes), and the remainder of his day he taught English-related classes.

The witness said that he knew [REDACTED] [REDACTED]. When asked when he first met [REDACTED] the witness said that she was enrolled in his [REDACTED] class in the first term of her sophomore year, and the term ran from the end of August to the middle of January. The witness said that he did not have [REDACTED] in his class in her junior year, and that she [REDACTED] in the second term of the 2009-2010 school year. A [REDACTED]

[REDACTED] When asked if he had a personal emotional relationship with [REDACTED] he replied yes, and that it was romantic in nature, as the term "romantic" is commonly used. The investigator asked when the romantic relationship with [REDACTED] began, and the witness said that he "began to have romantic feelings for her in the second term of her senior year" when she [REDACTED]. When asked how the relationship moved from a teacher-student relationship to a more romantic relationship, the witness said that [REDACTED] was one of a number of students who spent time in his classroom during lunch and before school, and that she was consistently there, and they talked a lot about her struggles at home, and he became a "sort of a mentor." This mentor relationship began

midway through her junior year, according to the witness. The witness described this mentoring as discussions during her junior year which were initially based in arts, literature, music, [REDACTED]. According to the witness, [REDACTED] at that time, was also talking about her family – she didn't go into great detail – but would talk about [REDACTED].

When asked if [REDACTED] parents ever asked him not to speak with her about non-school related discussions, the witness said that [REDACTED] had expressed concern in regards to texting that had taken place, and she asked him not to do it anymore. The witness said that he also received an e-mail from [REDACTED] during the Christmas break of her junior year and he responded and there were a few correspondences. The witness explained that he then received an e-mail from [REDACTED] saying that his wife had asked him to stop, and the witness then wrote an e-mail to [REDACTED] apologizing and stopped e-mailing. When asked if he ever started texting or e-mailing with [REDACTED] after that, the witness said that he began just texting with [REDACTED] the second semester of her senior year. It was through his own personal cell phone, as the school did not provide him with a cell phone. The witness said that he texted her "very, very few times" between the time that her father asked him to stop and the time that [REDACTED] graduated. The witness said that he did not use his school e-mail account after her father asked him not to e-mail her. The witness admitted, however, that he used a non-school e-mail account to communicate with [REDACTED] close to the time she graduated in mid-June, 2010 – the witness then clarified that he only began e-mailing her again after she graduated. The witness said that he sent non-school account e-mails using school computers from August 2010 through November 2010. The witness said that it was a Gmail account that he accessed from his school computer, and that he also video conferenced with her using the Skype program. The witness explained that another teacher named Martin Coughlin set it up for him on his school computer and he used it to speak with her "three times, maybe." The witness acknowledged that [REDACTED] had moved to college in [REDACTED] in August, 2010.

The witness acknowledged that he communicated with [REDACTED] in person during her senior year, but denied communicating with [REDACTED] outside of school hours while she was still a senior. The witness then said that there may have been a few phone calls during her senior year, but that he didn't recall if they were outside of school hours.

When asked at what point during [REDACTED] senior year he began having romantic feelings for her, the witness said that he could not pinpoint a time, but a rough estimate would be February/March. When asked if he kissed [REDACTED] the witness said that he did. The witness was asked when the first time the two of them kissed, and the witness said his best estimate was March 2010, and that "by no means was this a regular pattern of behavior, either." The witness explained that it was not like a husband and wife who might kiss regularly before they leave the house and go to work, like a regular pattern of affection. The witness said there was not a pattern because "I knew I was doing something inappropriate" and "it was uncomfortable." When asked to estimate how many times he and [REDACTED] kissed before the time that she graduated, the witness said "hovering between one and six, maybe one and seven." The witness said that he did not have sexual

intercourse with [REDACTED] while she was a student. He further denied touching her on her breasts, buttocks, or genitals prior to [REDACTED] graduation, but then clarified that there may have been a time when he may have hugged her and touched her buttocks. The witness acknowledged that he kissed [REDACTED] tongue-to-tongue a few times before graduation, describing these as "horribly uncomfortable moments." When asked where they kissed, the witness said in his classroom and at Point Loma Nazarene College (both prior to [REDACTED] graduation). The witness said that he drove [REDACTED] in his car to the college on a weekday during graduation week, and he did not tell anyone that he was going there. The witness said that he spent about an hour on the campus with her, and he kissed her for about ten seconds while there. When questioned why he was "uncomfortable" as he put it concerning his first kiss with [REDACTED] the witness said that it was because he was married and that it was inappropriate with respect to both job and marriage, and that he was uncomfortable with later kisses also for the same reasons.

When asked if he had any knowledge of any Poway USD employee who knew they were kissing, the witness said no. When asked if he had knowledge of any staff member suspecting that he and [REDACTED] had romantic feelings for each other, the witness said that Dawn Kastner was concerned, and that Tina Ziegler (AP) may also have been concerned, but the witness did not tell them what was going on between him and [REDACTED]

When asked if he had been involved in a Philosophy Conference in San Francisco, the witness acknowledged that he had been at the end of March/beginning of April 2010. When asked if [REDACTED] was in San Francisco at the same time as he was, the witness said no. The witness said that to his knowledge, [REDACTED] went up to San Francisco shortly after he returned. When asked if he ever wrote letters to [REDACTED] the witness said no. When asked if [REDACTED] ever wrote him letters, the witness said that he had received a letter from her, and that there may have been one letter written before graduation.

When asked about the Philosophy Conference in San Francisco and how it came about, the witness said that he was contacted by a member of a philosophy association who asked him to come up and speak about teaching philosophy to high school students. The witness said he traveled to San Francisco with his wife, [REDACTED], and he also took a student named [REDACTED] (male) [REDACTED]. The witness said that he spoke one day at the conference in a panel discussion on a Thursday, and that he was home by that Sunday for Easter, and that his flight came home on Saturday.

The witness was shown the cleaner transcription of the document provided by Mr. [REDACTED] (Exh. 13, PUSD131-133.) The witness acknowledged that he had written these three pages. When asked by the investigator when he wrote them, the witness said sometime after he returned from San Francisco, during the second term, and he wrote the words on a computer. The witness did not remember if he ever gave these writings to [REDACTED]. When asked how he would characterize the document, the witness agreed with the term "journal" and "thoughts." The witness did not consider the document to be a "letter" written to [REDACTED] because when he wrote it, it was not with the intent of showing her, but instead started like a journal "as though I were speaking to a person." The

witness acknowledged that ultimately the document ended up in [REDACTED] possession, and that he may have given it to her at one point. But the witness said he didn't remember when he gave it to her.

On pages PUSD131-132, the witness believed that the writings made on Wednesday were written one day after the writings made on Tuesday. The witness said that it was written soon after returning from San Francisco (end of March, beginning of April). The witness said that the "you" in the document meant [REDACTED]. When asked if he regularly called [REDACTED] her second term of her senior year, the witness replied "No, I did not." The witness thought he remembered calling her from San Francisco to see how things were going in his classroom [REDACTED] [REDACTED] [REDACTED] [REDACTED]). The witness acknowledged that the second paragraph is a stream of consciousness fantasy about walking the streets of San Francisco. Similarly, the passage about seeing [REDACTED] in the airport was also fantasy. The fourth paragraph on the first page (PUSD131) says "Monday night after we spoke" – and when asked if it was usual for him to call [REDACTED] at night during that time, the witness said "I never talked with her" and that the passage reads "Monday night after we spoke I had a dream" and he meant that he spoke with [REDACTED] during the day, and that the dream occurred at night. The document referenced that "It's getting harder and harder to accept," by which the witness meant that [REDACTED] was moving on in her life, and that it was difficult. When asked if it would be fair to say that he was both sad to see her go and at the same time knew she needed to move on with her life, the witness agreed.

When asked at the time of writing PUSD131-133, whether he had really deep feelings for [REDACTED] (based upon an objective view of the writing), the witness said that for the sake of this writing, he "embellished" but that is not to take away the feelings he had for [REDACTED]. The witness acknowledged that he had serious romantic feelings for [REDACTED] but at the time of the writing, he would not have characterized [REDACTED] as his "lover." When asked about the passage in the document concerning a reference to the word "lover," the witness said that he was plagiarizing Maya Angelou, the poet/novelist, who has a passage similar to what he wrote in a book called "I Know Why the Caged Bird Sings." The witness added that he would definitely not characterize [REDACTED] as a "lover" and that this writing was a "catharsis."

In further discussion of the document, the witness indicated that the "absence" of [REDACTED] related to their separation over spring break and the conference. The witness further indicated that the document referred to his romantic feelings for [REDACTED]. When asked if the feelings were reciprocal, the witness said that they were. When asked if he and [REDACTED] had "interweaved" their bodies prior to [REDACTED] graduation as suggested by the writing, the witness only stated that they "hugged." The witness further acknowledged that there were some hugs that were not in the nature of a student-teacher relationship, but denied that they ever hugged while naked. The reference in the document about "being separated by reality" concerned the fact that [REDACTED] was a student, and the witness a teacher, and that he was married. The witness said that he probably wrote the document when he returned to school from spring break. The witness said that he didn't recall how many journal entries there were, and that he didn't remember saving any of them, but that he estimated

more than five entries (and more than ten would be just speculation). These entries were written on his classroom computer, according to the witness.

The witness was asked if he told any Poway employee about his relationship with [REDACTED] prior to her graduation, and the witness replied no. After graduation, he spoke with a Spanish teacher at Westview HS named Christian Michel, and spoke to him shortly before Halloween 2010. The conversation came about, according to the witness, because the witness' wife wanted the witness to deal with the texting going on between him and [REDACTED] and she wanted him to talk to someone about it, but the witness did not discuss specific texts with Mr. Michel. The witness indicated he had also spoken with Mr. Michel about the boundary setting that the witness had begun this past year concerning student relationships, and that with the exception of the clubs which meet in his classroom, he doesn't permit students to hang out anymore and keeps the classroom door locked. The witness indicated that before he made this change, his door would be open and kids would come in until he locked the door in the evening. When asked if he had spoken to any other Poway employees besides Mr. Michel since he had been out on leave, the witness replied that he had not.

The investigator showed the witness a series of e-mails between July 2008 and January 2009 (Exhs. 2 - 6, pp. PUSD012-088) and the witness acknowledged that they were e-mails to and from his school account.

In looking at the e-mails, the witness acknowledged that [REDACTED] had babysat for his children, and that the first time it happened was between [REDACTED] sophomore and junior year, when she and two of [REDACTED] friends (who were WHS students) watched his children [REDACTED], which is a private social club in Rancho Bernardo. According to the witness, the three asked him, "Cottrell, can we babysit your kids?" (The witness acknowledged that as students become more familiar with him, they tend to refer to him as Cottrell without the "Mister.") The witness said that [REDACTED] babysat at his home on one occasion, but he didn't remember if it was the same summer or the one after.

According to the witness, when [REDACTED] was in his [REDACTED] class her sophomore year, he saw her every day at school, and once that class ended, she would come into his classroom for lunch with her friends [REDACTED]. The witness further indicated there were other students in the classroom during lunchtime, but those three girls were "regulars" who would come in, have lunch, and hang out, although the witness didn't speak with them much during that time.

With respect to when e-mail communications between the witness and [REDACTED] began, the witness said that he first e-mailed her in regard to a [REDACTED] class assignment, and that after that he didn't remember having e-mail correspondence with [REDACTED] during her sophomore year, nor did he text with her that year. The witness said that he texted with her during the summer after her sophomore year, and emailing also. The witness did not remember who e-mailed who first that summer, but that [REDACTED] initiated the texting.

The witness was shown an e-mail dated August 18, 2008 from [REDACTED] to him (Exh. 3, p. PUSD044). The witness acknowledged that he was not aware that [REDACTED] was monitoring his electronic communications with [REDACTED] before that date. The witness acknowledged that he was surprised to receive this email (Exh. 3, p. PUSD044) from [REDACTED]. The witness agreed that he had stepped over the boundaries of acceptable student-teacher communications in terms of "frequency." The witness explained that in retrospect, "there needs to be a very clear line drawn as to what constitutes acceptable communication" particularly when the teacher and student are of the opposite sex. The witness said that he was beginning to understand that principle in August 2008, but "may not have fully grasped it." The witness acknowledged that at the time of the August 18, 2008 e-mail, he was accepting responsibility for crossing the boundaries with [REDACTED].

The witness then endeavored to stop electronic communication with [REDACTED] concerning non-school issues, until it resurfaced later. The witness acknowledged e-mailing [REDACTED] the next month, in September, 2008. What prompted the next e-mail communication was that [REDACTED] where the witness was being honored for galvanizing staff during budget cuts. The witness acknowledged that the kind of back-and-forth communications he had with [REDACTED] during her junior year he had only with "slightly more than a handful" of other students. The witness said that he regularly e-mailed other students about academic and "superficial" personal matters.

In reviewing the e-mails (Exh. 4, PUSD059-084), the witness acknowledged that he had been e-mailing with [REDACTED] through January, 2009, and that he knew that [REDACTED] parents did not want him to be doing so. When asked if he had grasped by January 2009 that he had crossed a boundary with a student, the witness said that "I think I grasped it when I received the e-mail from her father" on page PUSD085 (Exh. 6). The witness said that he never spoke directly with Mr. [REDACTED] and only communicated with him by e-mail.

When asked if driving with [REDACTED] to Point Loma Nazarene before graduation was the only time he had been off-campus on non-school related matter, the witness said that besides the one time babysitting, the witness and [REDACTED] went on a walk outside of campus near Torrey Pines High School, and visited Mt. Soledad [in La Jolla]; these were the only three occasions prior to [REDACTED] graduation he was off campus with her on non-school related matter, according to the witness. The witness denied that [REDACTED] had ever visited him in the Big Bear area.

When asked if the November 2008 through January 2009 e-mails crossed the boundary of a teacher being professional with a student, the witness answered "in two ways": (1) any level of communication like that in the e-mails between male teacher and female student is inappropriate in terms of frequency, and content secondarily; but (2) that the witness felt that he tried to steer the conversations to school-related topics. The witness reviewed the e-mails, and did not see any inappropriate topics, and said that he would talk about a student in person about these subjects. The witness said that communicating in person with a student is different because there often are other students around, and one is more "conscientious" of what one is saying.

The witness agreed that in January 2009, Mr. [REDACTED] asked him to stop having e-mail, text, phone calls or personal meetings with [REDACTED] not concerning school functions, including riding in his car or non-school related visits (Exh. 6, p. PUSD087), and that he responded that he would completely comply with Mr. [REDACTED] wishes (Exh. 6, p. PUSD088). The witness acknowledged that he was the one who created and perpetuated the situation with [REDACTED] at that point in time. The witness also meant it when he wrote that if [REDACTED] attempted to make contact with him, he would not respond, as indicated on Exhibit 6, p. PUSD088.

The witness said that the next time he had outside communications with [REDACTED] was during her senior year. The witness indicated that during [REDACTED] junior year, that she would still come into his classroom during lunch and in the morning also. The witness indicated that he did not believe that he communicated with [REDACTED] over the summer between her junior and senior year. The witness indicated that when school resumed for [REDACTED] senior year, she continued to visit his classroom during lunch and in the morning. The witness explained that during her senior year, [REDACTED] had graduated, and now [REDACTED] would visit with [REDACTED] and that there were other students in the room too, as his classroom was a popular place.

When asked if during the times that he kissed [REDACTED] in his classroom his doors were open, the witness replied "yes." The witness further acknowledged that he was "very much" worried that someone would see them. The witness, however, had no knowledge that someone actually saw them kissing.

The witness said that the [REDACTED]

When asked if he ever bought [REDACTED] a gift, the witness said that he bought her a "Barrel of Monkeys" game for her birthday. The witness said that he doesn't normally buy students gifts, but has done in the past a couple of times, he believed. The witness said that the nature of the game had no significance, and was just an "innocent gift." The witness indicated that they exchanged no other gifts prior to [REDACTED] graduation.

When asked about the times of the day when he and [REDACTED] would be alone, the witness said sometimes it would be during his fourth period prep. The witness acknowledged that students normally come in during this time for tutoring. The witness said that some kids have an "off roll" during that period when they don't have a class, and that [REDACTED] only had a class sometimes during that period, and that she sometimes came to visit during her off roll time. When asked by the

investigator how often during the second term of her senior year would [REDACTED] visit him during fourth period, the witness responded "very infrequently."

The witness confirmed that he and [REDACTED] first kissed in the Feb/Mar. timeframe of her senior year. When asked what was his best recollection of the circumstances and words which led up to the first kiss, the witness said the conversation may have started about vague terms about some of the feelings they had over the course of time, and that the first kiss "probably was a result of a hug that may have lasted too long." The witness did not recall why they were hugging. The witness was not sure of the timing of this kiss vis-a-vis the intensity of the issues that [REDACTED] was having with her family problems, which were ongoing.

When asked if he had spoken with any school administrators after he had received [REDACTED] e-mail in January 2009, the witness said that he had. The witness said that he spoke with Principal Dawn Kastner in her office for about 20 minutes the same day that [REDACTED] parents went to meet with Kastner about the witness. The witness said that Kastner told him that the parents did not like the frequency of his communications with [REDACTED] and she "asked him to be careful" The witness said that he told Kastner that he agreed that she was right, and he told her that he "would not have any more outside contact with [REDACTED] and that he "would be very cautious in regards to my interactions with her on campus." The witness said that he meant what he said at the time. The witness did not think he had any further communications with Ms. Kastner thereafter about [REDACTED]

With respect to [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The witness said that he also spoke with Tina Ziegler, a Westview Assistant Principal, in her office for about 10-15 minutes around the same time of year that he spoke with Ms. Kastner. When asked what they discussed at this meeting, the witness said that it had to do with texting [REDACTED] and student contact via e-mails or texts. The witness said that he thought he sought her out, and she talked to him "as a parent." The witness remembered that the meeting ended positively, and that he said "I'm sorry for having put you in this position." Ms. Zielger told the witness at that time to be careful and watch his level of interaction with students.

The witness explained that [REDACTED] Shannon Parker had also approached him with her concerns during that same 2008-2009 school year about how [REDACTED] [REDACTED] saying that she liked spending time in his room and talking with him. The witness acknowledged e-mailing with Shannon Parker in February 2008 (Exh. 16, pp. PUSD140-142). The witness said that he wrote to Shannon regarding some concerns he was having with [REDACTED] and the witness thought that Shannon would be a good resource, since Shannon was close with [REDACTED]. The witness indicated that these e-mails (Exh. 16, pp. PUSD140-142) preceded an in-person discussion he later had with Shannon. The witness was also shown e-mails between him and Shannon Parker on March 10-11 of 2008 (Exh. 16, pp. PUSD143-144), and

acknowledged them to be communications he had. The witness acknowledged that [REDACTED] had taken an "obvious" liking to him as of March 2008, and it became obvious around the same time that she started to join other students in his classroom in the second term of her sophomore year.

When asked if he ever spoke with [REDACTED] about setting boundaries, the witness said that near the end of her junior year, they had a brief discussion about that, and that they may have talked about the frequency of how often she was in his room, and how that may be perceived by others. The witness said that there was not a "plan of action" but that he told her that "we needed to be careful, that perception can be powerful."

When asked if he revisited this topic after they first kissed, the witness said that they might have talked about it within a few days of their first kiss. They discussed the "awkwardness of the situation." When asked if he told [REDACTED] that it was inappropriate and they shouldn't do it anymore, the witness said "I don't think I said that exactly, no." The witness explained that he addressed with [REDACTED] "the fact that something like that could spiral out of control." The witness indicated that he had made some "poor decisions" at that point, and the decisions were "starting to snowball" which eventually lead to additional poor decisions as had been discussed earlier in the interview.

From the point of the first kissing, to the time of graduation, the witness acknowledged that he did not tell [REDACTED] that they should stop seeing each other or communicating. The witness said that although it was unspoken, he and [REDACTED] knew not to tell others about their relationship because "if someone found out, it would be pretty bad."

When asked to describe [REDACTED] personality in general, the witness described her as "very introspective, contained, fairly stoic." The witness acknowledged that [REDACTED] was not the type of student who would go telling her friends if she kissed a teacher and the witness said that "she kept everything to herself."

When asked about if he had any other discussions with Shannon Parker, the witness said that one time [REDACTED] came to him about her father [REDACTED], and she cried a bit, and he went to Shannon about his concern about how [REDACTED] would affect her and to fill her in on the subject. The witness said that at that time, he tried to deflect [REDACTED] emotions so that [REDACTED] would talk with Shannon or somebody else. The witness reflected that he may have spoken to Ms. Ziegler about having [REDACTED] speak with a counselor, and that they agreed that she wouldn't be the type to open up to a counselor.

The witness was shown Exhibit 10, pages PUSD98-100, which were e-mails between the witness and [REDACTED] regarding the witness writing a letter of recommendation for [REDACTED] application for [REDACTED], and the witness said that he did receive the request and wrote a recommendation for [REDACTED]. The witness also acknowledged sending an e-mail to [REDACTED] to obtain the contact information for one of [REDACTED] friends for whom he was also writing a letter of recommendation. (Exh. 10, p. PUSD099.) The witness stated that as of 12/28/09, he was trying to

abide by what [REDACTED] parents had requested concerning his communications with her. The witness said that as of that date, he had not yet recommenced texting or e-mailing with [REDACTED]

When asked about the Gmail account used by him when he communicated with [REDACTED] the witness acknowledged that he used [REDACTED] and he made up the "[REDACTED] [REDACTED] prefix. When asked if it was because he was waiting for winter to see [REDACTED] the witness said "I think at the time it may have been." The witness said that [REDACTED] also had a Gmail account with the prefix [REDACTED]." The witness said that he and [REDACTED] played with words together to make it, but that it didn't have a significant meaning to the witness. In terms of District-owned communications after [REDACTED] left for college in August 2010, the witness said that he used the school computer to access his Gmail account, and they would talk over District telephone lines. The witness said that over the school line, he and [REDACTED] spoke almost every day at first, and then maybe every other day.

When asked if he spoke to Mr. Chiment in October, 2010, the witness said that he met with Mr. Chiment and that Mr. Chiment told him not to have any further communications with [REDACTED]. The witness said that he has abided by that directive. When asked if [REDACTED] has tried to communicate with him since the directive was issued, the witness said that he did not know.

The investigator then read an e-mail into the record [Exh. 26, pp. PUSD219-221, provided by ESI International's forensic examination of Mr. Cottrell's school computer] that Mr. Cottrell acknowledged was written by him, and he believed it was after [REDACTED] left for college. The investigator asked who the "[REDACTED]" mentioned in the e-mail was, and the witness said that [REDACTED] was [REDACTED] boyfriend at that time, and that [REDACTED] had gotten involved with him before she left for college. The witness added that [REDACTED]s sister [REDACTED] [REDACTED] [REDACTED]. The witness agreed with the investigator's statement that it would be fair to state that as of the date of the interview, he has no relationship with [REDACTED]

The witness was shown documents at Exhibit 25, pp. PUSD193-218, and the witness acknowledged that he had seen the documents before.

When asked if [REDACTED] ever told him that she loved him, before the time of graduation, the witness said that he didn't ever recall hearing those words. The witness was asked if he ever told [REDACTED] if he loved her before she graduated, and he said "I don't think so, no."

The witness said that he had no other documents in his possession from the time she was a student at Westview. When asked when he began texting [REDACTED] again after the Principal meeting, the witness said that it was while he was away in San Francisco during her senior year, and he asked how things were going in his absence. The witness further indicated that there were hardly any texts between them before the end of the year.

When asked about his understanding as of January 2010 about District rules regarding teachers having romantic relationships with students, the witness replied, "My understanding is that

that was forbidden." The witness said that he conveyed to [REDACTED] that the feelings they had for one another were inappropriate. When asked about who asked who in terms of [REDACTED] [REDACTED] the witness said that he asked her since she was working during first period in the hallway anyways. The witness denied that he asked her [REDACTED] so that he could have a romantic relationship with her. The witness elaborated that in terms of having romantic feelings, "I think that she became aware of them after, and I became more aware of them after" [REDACTED]. The witness admitted, however that he was concerned that something romantic would occur between them if she [REDACTED]. When asked if he did anything to keep that from occurring, the witness said, "I guess not enough."

When discussing the topic of the witness exercising on campus, the witness acknowledged that he worked out in the "fitness lab" and that he exercised while [REDACTED] was occurring where [REDACTED] was in the class, since he exercised sometimes during his fourth period prep time, when [REDACTED] had class.

The investigator asked the witness about extracurricular duties at Westview, and the witness said that he was the JV soccer coach for two years and then in 2009-2010 he was the varsity assistant coach for soccer. The witness said that he was also the advisor for the Philosophy Club for 2009-2010 and for 2010-2011. The witness said that he also sat on a "School Site Council" from 2004-2006. He was also involved in organizing Westview campus bands to play on campus and organized two set-drummer competitions. When asked if he had received any awards as a teacher, the witness said that he was nominated for teacher-student appreciation night, and that he was elected Department Chair of the Humanities/Social Science Department in 2009-2010 for a two-year position.

Following the investigator's interview, the witness asked if he could just "go through a couple of things." The witness then read a lengthy prepared statement into the record apologizing for his actions and that he has taken measures to ensure they never happen again if he is permitted to return to teaching.

B. [REDACTED] [REDACTED]

The investigator arranged to interview [REDACTED] [REDACTED] with the permission of her mother, [REDACTED] [REDACTED]. The investigator's office contacted [REDACTED] directly and asked if she would be willing to be interviewed concerning a District employee. [REDACTED] said that she would be willing to do so. The interview occurred at the District Office on January 12, 2011. Ms. Hogarth was present for the interview.

When the interview began, the investigator introduced himself and explained the investigation process. The investigator told the witness that the interview concerned a Poway USD employee, and asked the witness if she knew which employee would be discussed. The witness said that she thought it was about her [REDACTED] job for the County of San Diego. The investigator explained that it was not about that, but was about Mr. Cottrell. The witness said that she had him

as a teacher, and that it would be okay for her to talk about him. The investigator explained that the investigation concerned the witness' relationship with Mr. Cottrell. The investigator further explained that information provided by the witness would be confidential, except that it would be shared with interested parties, such as Mr. Chiment. The investigator told the witness that the investigator had interviewed other witnesses, including Mr. Cottrell, and that the witness was the first student that the investigator had interviewed. The witness was asked to be candid, and the witness said that she would. The investigator said that it would be hard, but that she could take a break at any time.

When asked by the investigator when the last time she had spoken with Mr. Cottrell, the witness said [REDACTED]

[REDACTED] When asked by the investigator why the witness thought that the stoppage had occurred, the witness said [REDACTED]

[REDACTED] When asked if she had communicated with Mr. Cottrell regularly when she went off to college, the witness said [REDACTED]

When asked by the investigator if her relationship with Mr. Cottrell was a personal, romantic one, the witness responded that [REDACTED]

[REDACTED]. However, initially, when asked about how it was a personal relationship, the witness said [REDACTED]

[REDACTED] When asked by the investigator if Mr. Cottrell was a good listener, the witness replied [REDACTED] When asked by the investigator if she discussed her relationship with her parents with Mr. Cottrell, the witness replied [REDACTED].

When asked by the investigator when she first met Mr. Cottrell, the witness explained [REDACTED]

[REDACTED] When asked by the investigator if the witness saw Mr. Cottrell every day during her sophomore year, the witness responded [REDACTED]. When asked by the investigator if she ever hung out in his classroom before school, the witness [REDACTED]

When asked what the students do while in Mr. Cottrell's classroom during lunch, the witness said [REDACTED]

[REDACTED]
[REDACTED]
When asked by the investigator about babysitting for Mr. Cottrell during her sophomore year, the witness said [REDACTED]
[REDACTED]
[REDACTED]

When asked by the investigator if she babysat Mr. Cottrell's children alone, the witness said [REDACTED]
[REDACTED]

[REDACTED] When asked how babysitting for Mr. Cottrell came about, the witness said [REDACTED]
[REDACTED]

When asked by the investigator who her closest friends were in high school, the witness said [REDACTED]. When asked if she still keeps in contact with her high school friends, the witness said [REDACTED].

When asked by the investigator what high school was like for her, the witness said [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] When asked by the investigator about the various activities she did, the witness said [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] When asked by the investigator if [REDACTED] the witness said that [REDACTED]
[REDACTED]
[REDACTED]

When asked [REDACTED] the witness said [REDACTED]
[REDACTED]

[REDACTED] When asked [REDACTED]
[REDACTED] the witness said [REDACTED]
[REDACTED]

[REDACTED] When asked by the investigator [REDACTED], the witness said [REDACTED]

The witness added [REDACTED]
[REDACTED]
[REDACTED]

When asked if she was involved in other clubs, the witness said that [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

When asked if she [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The witness explained that [REDACTED]. When asked by the investigator why she decided to continue after high school, the witness said that [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] When asked if she enjoyed college, the witness said [REDACTED].

When asked by the investigator when she left for college, the witness responded that [REDACTED]
[REDACTED] When asked about her college, the witness said [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

When asked by the investigator about her other close friends, the witness [REDACTED]
[REDACTED] When asked where they are, the witness said [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

When asked about [REDACTED],
the witness said [REDACTED]. When asked by the investigator if her parents

approved of her speaking with Mr. Cottrell about non-school things, the witness said [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. When asked if she developed a crush on Mr. Cottrell during that time, the witness said [REDACTED]
[REDACTED]
[REDACTED] When asked by the investigator what she talked about with Mr. Cottrell, if it was how she felt daily, she [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] When asked by the investigator if, in her opinion, she and Mr. Cottrell had gotten too close, the witness said [REDACTED]
When asked if it was because [REDACTED], and the witness [REDACTED]
[REDACTED]
[REDACTED]. When asked by the investigator if at some point her relationship became too close, the witness said [REDACTED]
[REDACTED]
[REDACTED]. When asked by the investigator if there was a line between student and teacher that could be crossed if the relationship got too personal, the witness [REDACTED].

The investigator asked if communications with Mr. Cottrell stopped after the parents' meeting with the principal, the witness [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] When asked by the investigator when she and Mr. Cottrell started to get close again, the witness said [REDACTED]
[REDACTED] When asked if she continued visiting Mr. Cottrell's classroom after the Principal meeting, the witness [REDACTED]

When asked how else she communicated with Mr. Cottrell after the Principal meeting, the witness said [REDACTED]
[REDACTED]

[REDACTED]. When asked how she communicated before the Principal meeting, the witness said [REDACTED]

[REDACTED]. When asked if she e-mailed with her other teachers, the witness said [REDACTED]

[REDACTED]. When asked about how often she would e-mail with Mr. Cottrell, the witness said [REDACTED]. When asked what they e-mailed about prior to the Principal meeting with her parents, the witness said [REDACTED]

[REDACTED]. When asked at what point she was not permitted to e-mail with Mr. Cottrell, the witness said [REDACTED]

[REDACTED]. When asked if the witness used different e-mail accounts to e-mail during her senior year, the witness said [REDACTED]. When the witness was asked by the investigator if she had ever gone on trips outside of San Diego with Mr. Cottrell, the witness said [REDACTED].

When asked if she told her mom and dad that she was texting and e-mailing Mr. Cottrell, the witness said [REDACTED]

[REDACTED]. When asked when she moved in, the witness said [REDACTED]. When asked how the arrangement came about, the witness said [REDACTED]

When asked by the investigator how the witness communicated with Mr. Cottrell after she left for college, the witness said [REDACTED]. When asked about what e-mail accounts were used, the witness said [REDACTED]

[REDACTED]. When asked if she had her own G-mail account, the witness said [REDACTED]

When asked if the address was a literary reference, the witness said [REDACTED]. When asked by the investigator if the witness communicated using this e-mail address over the summer before college, the witness [REDACTED]. When asked if she was hoping during the summer that she would see Mr. Cottrell at the winter college break, the witness [REDACTED]. When asked if she has tried to contact him while she is currently on winter break, the witness said [REDACTED]. When asked what the e-mail address was for his G-mail account, the witness said [REDACTED]

When asked to confirm that she never had a "crush" on Mr. Cottrell, the witness said

The investigator asked the witness about

When asked if she had "senioritis" at all during her senior year, the witness said

. When asked if during the 2nd semester of her senior year she saw Mr. Cottrell more than just first period, the witness said

When asked if she hung out with Mr. Cottrell any other place off campus, the witness said . When asked where they drove to, the witness

When asked how often that happened, the witness said

When asked how many times they went driving together off campus, the witness said

When asked if she ever drove with Mr. Cottrell to Point Loma Nazarene, the witness said

When asked by the investigator if she fell in love with Mr. Cottrell, the witness responded . When asked if she told him that she loved him, the witness replied . When asked how her relationship with Mr. Cottrell had gone from a friend or mentor to a more romantic relationship, the witness said

The investigator asked if at some point she and Mr. Cottrell kissed, and the witness

When asked when it happened, the witness

, and when asked if it was in the beginning of January, the witness said

When asked what their relationship was like from the beginning of senior year

[REDACTED]. When asked what they talked about, the witness said [REDACTED]

When asked where she and Mr. Cottrell [REDACTED]. When asked if anyone else was there, the witness [REDACTED]. When asked if they kissed more than once, the witness said [REDACTED]. The witness also said they kissed [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

When asked by the investigator if she told anyone that she was in this relationship with Mr. Cottrell, the witness said [REDACTED]. When asked if she thought anyone knew, the witness said [REDACTED]

[REDACTED] When asked if Mr. Cottrell ever told her that he was uncomfortable with [REDACTED]

[REDACTED]

When asked by the investigator if the witness and Mr. Cottrell tried to hide their relationship from others, the witness [REDACTED]. When asked if they had ever done anything where the witness thought that they might get caught, the witness said [REDACTED]. When asked if it was unusual for Mr. Cottrell to [REDACTED]

[REDACTED] When asked if Mr. Cottrell shut his door to be alone with the witness, the witness said [REDACTED]

[REDACTED] When asked if other staff should have suspected something, the witness said [REDACTED]

[REDACTED]

When asked if she had spoken to Mr. Cottrell about the investigation, the witness said [REDACTED]

[REDACTED]

[REDACTED] When asked if she continued her relationship with Mr. Cottrell through the summer after she graduated, the witness [REDACTED]. When asked if she continued long-distance communications with Mr. Cottrell at college, the witness said [REDACTED]

[REDACTED]

When asked if she saw Mr. Cottrell sometimes over the summer before college, the witness said [REDACTED]

[REDACTED]

When asked what she did that summer, the witness said [REDACTED]. When asked if she saw him about one or two times per week in the summer, the witness [REDACTED]. When the witness was asked if the witness believed that Mr. Cottrell's wife knew about their relationship, the witness [REDACTED]. When asked why she believed that, the witness [REDACTED]

[REDACTED]

[REDACTED] When asked if Mr. Cottrell had stopped texting her, the witness [REDACTED]. When asked

if she went on drives with Mr. Cottrell while still at Westview, the witness said [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]. When asked if Mr. Cottrell was in San Francisco at the time
[REDACTED]
[REDACTED]

When asked if any of her friends knew about her relationship with Mr. Cottrell, the witness

[REDACTED] When asked if she told anybody, she [REDACTED] When asked if her parents knew, the witness

[REDACTED] The witness said that [REDACTED]
[REDACTED]
[REDACTED]

When asked if she and Mr. Cottrell went further than kissing while she was a student, the witness [REDACTED]. When asked if Mr. Cottrell touched her breasts or buttocks before she graduated, the witness [REDACTED]. When asked if they were just "making out" (if she understood that) between January of her senior year and graduation, the witness said [REDACTED]. When asked if there was a discussion of physical boundaries where they wouldn't go past a certain point, and how that worked, the witness said [REDACTED]

[REDACTED] Later in the interview, the witness was told by the investigator that Mr. Cottrell said during his interview that he may have touched her buttocks on one occasion when they hugged when she was a student, but the witness said [REDACTED]
[REDACTED]

When asked if it was hard for her to leave for college, the witness said [REDACTED]
[REDACTED]

When asked if it was difficult in October when she said that communications stopped, the witness said [REDACTED]. When asked if she was seeing any other boys now that she is in college, the witness said [REDACTED]

[REDACTED] When asked if she had moved on from Mr. Cottrell or if they were still in a relationship, the witness said that [REDACTED]
[REDACTED]

When asked about a boy named [REDACTED] that Mr. Cottrell discussed during his interview, the witness said [REDACTED]
[REDACTED]

[REDACTED]. When asked if she was having a relationship with both [REDACTED] and Mr. Cottrell at the same time, the witness [REDACTED]. The witness was asked where [REDACTED] went to school, and the witness replied [REDACTED]. When asked how she met [REDACTED] the witness said [REDACTED]
[REDACTED]
[REDACTED]

When asked if she had ever broken up with Mr. Cottrell, the witness said [REDACTED]

When asked if she had seen [REDACTED] while in college, the witness said [REDACTED]

When asked if Mr. Cottrell had given her any gifts while she was a student, the witness replied [REDACTED]

When asked if the type of gift had any significance, the witness replied [REDACTED]

The investigator asked the witness to confirm that from the time of the Principal's meeting to the time she graduated, she did not have sex with Mr. Cottrell, and the witness [REDACTED]. When the investigator asked the witness why she would think that, the witness said [REDACTED]."

When asked if their relationship [REDACTED]

[REDACTED] When asked to elaborate on what she and Mr. Cottrell talked about with respect to their relationship, the witness said [REDACTED]

When asked if being in love was their justification for having their relationship while in school, the witness said [REDACTED].

When asked if she ever told Mr. Cottrell that she loved him, the witness [REDACTED]

When asked how that came about, the witness said [REDACTED]

[REDACTED] The witness acknowledged that [REDACTED]

When asked if it was hard for them to have a close relationship, the witness [REDACTED]

The witness was asked about her [REDACTED]
[REDACTED]
[REDACTED]

When asked if she spoke with her mother about the interview, the witness said that [REDACTED]
[REDACTED]

C. Dawn Kastner

The interview was set up by the investigator's office working in conjunction with the District's office. The interview occurred on November 18, 2010, and present at the interview was Ms. Hogarth. It was explained to the witness that the investigator is not acting as the District's attorney, but as a neutral fact finder. The investigator further explained that the information provided may be provided to the other parties involved. The witness said she understood and gave her permission to be interviewed. The witness was dressed professionally, was friendly and spoke openly and honestly, in the investigator's opinion.

The investigator asked the witness about her employment background with the District. The witness said that she was an assistant principal at RBHS for the 2004-2005 school year and she worked the next year as an assistant principal at Westview HS. Beginning in the 2006-2007 school year, she became the principal at Westview HS, and has remained so through the time of the interview.⁴

The investigator asked the witness to give her impressions of Mr. Cottrell, and the witness responded that Mr. Cottrell is "one of the best teachers I've ever worked with" describing him as "bright, reflective, and passionate." The witness added that he is the most popular teacher at Westview in her opinion, and that he's "cool" and excited about the stuff that he does. The witness further described Mr. Cottrell as a "highly skilled communicator" who is "very funny and very fast." The witness said that he has "spiky" hair, and has been involved with the "Battle of the Bands" at Westview. The witness said that there's "always a lot of kids in his classroom" and "both boys and girls like him." The witness said that a lot of "philosophy and soccer kids" hang out with him. The witness also noted that "he tends to be pretty tough on himself," and that he is an "emotional guy" with no real ego ("he's not a narcissist"). The witness said that the damage to her school with Mr. Cottrell being out on leave is "profound." The damage, according to the witness is to the "kids at school who love him more than any other teacher" and that it would be "devastating to the school" if he were to leave permanently.

⁴ Prior to the submission of this Report, the investigator was informed by Ms. Hogarth that Ms. Kastner had become the Principal of Mt. Carmel HS as of early January 2011 for reasons completely unrelated to this investigation, and that Mr. Todd Cassen had assumed the role of Principal at Westview HS.

When asked if she was aware of any past problems involving Mr. Cottrell, the witness said that she had none except for the issue with the [REDACTED]

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

[illegible]

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"apparently Shannon told Tina that she was concerned about the [REDACTED] and didn't know what to do." The witness said she couldn't remember if she called the [REDACTED] or if Shannon told them to call the witness. The witness said that in any event, "we took it seriously and I met with the [REDACTED] within a week."

The investigator showed the witness two pages of handwritten notes (Exh. 9, pp. PUSD094-095) which the witness identified as written by her during the meeting with the [REDACTED]. The witness said that the meeting was 30 minutes to an hour long, and the parents came in and shared some concerns about Mr. Cottrell with her. The witness said that she would speak to Mr. Cottrell and get back to them. The witness recalled that Mr. [REDACTED] had noticed that e-mails were going on with Mr. Cottrell, [REDACTED] and her friend [REDACTED] and it started with the two girls babysitting. The witness recalled that the dad had contacted Mr. Cottrell. The witness opined that the e-mails were such that would be "typical" of students and teachers these days, where there are lot of teachers engaging with students by text and email and other media. The witness said that she has now spoken with staff about the use of the new media, and that such media should only be used for curriculum in terms of speaking with students. The witness opined that "when kids feel connected, however, they feel safer." The witness said that Mr. [REDACTED] had told Josh to stop sending e-mails, and the e-mails did stop. Mr. [REDACTED] also said that he had told Mr. Cottrell about keeping proper boundaries with students, and Mr. Cottrell had agreed.

According to the witness, the parents relayed that [REDACTED] was going into Mr. Cottrell's classroom a lot during non-class time, and both parents felt like there wasn't an inappropriate relationship, but they were concerned she had a crush on him, and that it could lead to more problems. The witness said that she told the parents that when she has been in Mr. Cottrell's classroom before lunch, there is always a lot of kids, and that she was going to pop into the room during lunch and see who was there. The witness said that soon thereafter she did stop in more than once, and there were a number of students in there, and there were boys present, and that [REDACTED] was only in there on one occasion that she stopped by.

The witness said that some of the discussion during the meeting was [REDACTED] recalling a conversation she'd had with Shannon Parker, and what Shannon was telling [REDACTED]. The witness said that she spoke with Shannon later, and Shannon said that there was a misunderstanding in that Shannon told [REDACTED] parents of an e-mail concerning "sexual banter" after a football game relating to [REDACTED]. The misunderstanding, according to the witness, was that Shannon explained that it was Mr. Cottrell saying [REDACTED] needed to "clean it up a bit" when near teen boys.

When asked about the reference to "St. Tropez" in her handwritten notes, the witness said that it was a little outdoor café, but she didn't remember the reference. The witness thinks it had to do with [REDACTED] babysitting and not paying [REDACTED] and so Mr. Cottrell met [REDACTED] at the café and gave her money (and he had his kids with him). When asked by the investigator if it is appropriate for students to babysit the children of teachers, the witness said that in her opinion it is not inappropriate for students to do so. The witness was also explained that in her notes was a

reference that Shannon Parker had relayed to her that [REDACTED] had said something in the past something to the effect of "I love Mr. Cottrell." The witness didn't remember more, and said that Ms. Parker might know more. The witness said that she spoke with Shannon Parker, and told Shannon that, in the future, if she feels there is an inappropriate relationship, she should go to the witness first, not the parents. In this set of circumstances, it was the witness' impression from the meeting, that the [REDACTED] seemed to be more concerned with the volume of e-mail rather than the actual content.

When asked by the investigator how the meeting ended, the witness said that she told the [REDACTED] that she would check out Mr. Cottrell's classroom, and that she would talk with Josh and Shannon about the situation and that she would call [REDACTED] back within a few days (by 3/20/09)

The witness said that she did speak with Shannon Parker by having Ms. Parker come into the witness' office and meet with her. The witness said that she told Ms. Parker that the [REDACTED] had shared that [REDACTED] was going to G112 (Mr. Cottrell's room) and that Ms. Parker was concerned. The witness said that Shannon told her that she thought that the e-mails between Mr. Cottrell and [REDACTED] were still going on even after Ms. Parker had spoken with Mrs. [REDACTED]. The witness also said that during their meeting, Ms. Parker said that as Mr. Cottrell walked to soccer practice, he walked by [REDACTED]. The witness said she wasn't sure what she meant about a note she had written about speaking to Mr. Cottrell "as a father." The witness surmised that she intended to speak with him or have someone else speak with Mr. Cottrell, as a father himself.

When asked if she followed up on what she told [REDACTED] parents she would do, the witness said that after meeting with the parents, she spoke with Sally Flourney, who was the Assistant Principal for Mr. Cottrell's "hub" and asked her to speak with Mr. Cottrell. The witness said that she asked Ms. Flourney to speak with Mr. Cottrell "because she had relationship with Josh." The witness added that Ms. Flourney "wanted to speak with him and she did speak with him."

The witness also said that she personally spoke with Mr. Cottrell. The witness says that she knew that Ms. Flourney had already spoken with Mr. Cottrell, and so she didn't speak too long with Mr. Cottrell because she "didn't want to pile on." When asked by the investigator what she and Mr. Cottrell spoke about, the witness said that she told him about having clear boundaries and he agreed the boundaries should be in place. The witness said that Mr. Cottrell was "apologetic — along the lines of 'I get it' this was really stupid."

When asked what happened next by the investigator following the meeting with Mr. Cottrell, the witness stated that she thought that was the end of it. She believed that there was nothing going on between Mr. Cottrell and [REDACTED]. She did not know about any kind of relationship between them until very recently when contacted by the District.

The investigator showed the witness the e-mail from [REDACTED] to Mr. Cottrell dated August 18, 2008 with the subject line: "FW: [REDACTED] mom and dad." (Exh. 3, p. PUSD043.) The witness reviewed the document and said she has not seen it before. The investigator then showed

the witness the e-mail from [REDACTED] [REDACTED] to Mr. Cottrell dated January 21, 2009 with the subject line: your e-mails to [REDACTED] (Exh. 6, p. PUSD085.) The witness reviewed the document and said that she had seen it, but didn't remember when, and she thinks that Mr. [REDACTED] forwarded it to her.

When asked about the climate on campus since Mr. Cottrell has been on leave, the witness said that for Mr. Cottrell to be gone (where there is a substitute teacher now) has started kids and teachers talking about why he is gone. The rumors she has heard from students are that his mother has cancer (which is true) and that a friend committed suicide (which the witness believes is also true.) The witness added that the students know that Mr. Cottrell is an emotional guy. According to the witness, the teachers apparently found out that Mr. Chiment was in Mr. Cottrell's classroom late after school one day, and they have speculated that Mr. Cottrell has had either pornography on his computer or had an inappropriate relationship with a student. The witness also offered that apparently someone knew that Mr. Cottrell's computer had been taken out of his room, and that could be where the rumors among the teachers about pornography started. The witness does not know how anybody found out, because she spoke with Mr. Cassen, and the computer was removed at 6:30 in the morning.

The witness was asked when graduation day was for Westview in 2010, and the witness said June 8, 2010.

The witness was asked if she knew if Mr. Cottrell had ever visited San Francisco for school matters. The witness said that he had visited San Francisco last school year. The witness further explained that because of Mr. Cottrell's "Critical Thinking Class," some friends were excited and asked him to speak in San Francisco at a philosophy conference. The witness' recollection is that Mr. Cottrell and a male student [REDACTED] went to San Francisco for the conference. The witness said it was her understanding that [REDACTED] and his parents stayed in one room, and Mr. Cottrell in another room.

The witness was asked if she knew if [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

When asked by the investigator what she had heard about [REDACTED] and Mr. Cottrell following the meeting with her parents, the witness said that she hadn't heard anything for a long time, and that the next thing that happened was this year (2010), when there was computer crash, and she didn't get e-mails for four days, and all the e-mails were gone. The witness said later on she received an e-mail dated October 11, 2010 from [REDACTED] [REDACTED] (Exh. 21, p. PUSD155.) The witness said that she received this e-mail well after October 11, which she said is consistent with Mr. [REDACTED] note at the bottom concerning that the e-mail was sent "many days ago" and that the IT Department confirmed that e-mail was down. The witness was most concerned about Mr. [REDACTED] allegations of an affair between Mr. Cottrell and [REDACTED] and that according to Mr. [REDACTED] e-mail, it appeared that she was under age when this started. The witness said that she obtained the letters from [REDACTED] suitcase

from the [REDACTED] and spoke with [REDACTED]. The witness said that [REDACTED] but the parents want the relationship to stop, and they believe it is ongoing.

The witness said that when she received the e-mail dated October 11, 2010 (Exh. 21, PUSD155), she called Bill Chiment and had a short conversation with him about it, and he asked the witness to collect evidence and speak with the parents. The witness said that she told Mr. Chiment that she would call [REDACTED] and the witness then called [REDACTED] first, left a voice message, and then called home and [REDACTED] answered. The witness believes she had two conversations with [REDACTED] over the matter, and that she e-mailed Mr. Chiment with the details of the conversations. The witness was shown page PUSD159 of Exhibit 21, and the witness confirmed that this was the e-mail she sent to Mr. Chiment on October 22, 2010 after speaking with [REDACTED] on those occasions. The witness also identified e-mails between her and [REDACTED] concerning the letters in the suitcase. (Exh. 21, pp. PUSD156-158.)

When asked to elaborate on her thoughts when she looked at the "suitcase" writings, the witness said "I don't see anything that would lead me to believe that they had a relationship for sure before graduation." The witness added that she didn't know what "our place" in the document means. The witness opined that "a lot of this could be fantasy or in his imagination," "it is hard to tell what is fantasy and what is real," and further opined that there is little to indicate to the witness when it was written.

The witness said that the District administration has taken the lead since then. It was the witness' understanding that Mr. Chiment met with Mr. Cottrell and told Mr. Cottrell not to contact anyone at the school and placed him on administrative leave. The witness added that the Assistant Principal (now Principal as of 2011), Todd Cassen, is Mr. Cottrell's conduit for communications. The witness said that Mr. Cassen obtained some e-mails from Josh's computer and was clearing Mr. Cottrell's voice messages on the school phone. The witness said that Mr. Cassen does that to ensure that the parents are being responded to. The witness offered that at some point, Todd was checking phone messages which he transcribed and gave to Mr. Chiment. According to the witness, one phone call message was a very quite female voice in hushed tones saying "please call me." There was a second phone call, according to the witness, and then a third phone call with the same voice saying "please, please call me." The witness said that Mr. Cassen transcribed these and they have the transcription. The witness opined that the messages were left by [REDACTED] and that based upon the substance of the messages, they hadn't spoken in a while.

The witness opined that she believed that Mr. Cottrell and [REDACTED] set up an alternate communication system that did not involve the use of the school e-mail system. The witness is not aware of Mr. Cottrell ever using Skype in the past, but knows that Skype was used by a teacher named Scott (an ASB director) a while back. The witness said that Mr. Cottrell never had a chance to go back to his computer after meeting with Mr. Chiment and Ms. Hogarth. The witness said that Mr. Cottrell returned to campus and was walked by Mr. Cassen back to his classroom.

When asked by the investigator about how a student [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] The counselor would have been
Cudmore for [REDACTED]

When asked by the investigator if teachers normally close their classroom blinds, the witness said that most teachers will close the blinds on windows as it is more conducive for learning, and the witness added that Mr. Cottrell probably closed his blinds too.

When asked by the investigator if she is surprised about the allegations raised by the parents, the witness responded that she "had absolutely no idea" and that "he is a very professional teacher." The witness believed that were the investigator to ask Mr. Cassen the same question, that Mr. Cassen would say the same thing. The witness offered that if Mr. Cottrell remains out, "the impact will be profound on our campus" on both the students and teachers due to rumors and the fact that there are teachers who don't like Mr. Cottrell.

The investigator showed the witness the handwritten letter from [REDACTED] to Mr. Cottrell. (Exh. 25, pp. PUSD211-212). The witness reviewed the document and noted that [REDACTED] addressed Mr. Cottrell as "Joshua" in this letter, where as before in her e-mails she used to address him as "Cottrell." The witness was shown the envelope, and asked if the receptionist would have read the contents, and the witness responded that the envelope would not have been opened by the receptionist. The witness added after reviewing the letter that "there is an emotional fragility as to both Josh and [REDACTED] and that "Josh said something long ago to me about the fact that he tends to obsess about things" and how he addresses life generally.

The witness was asked about the investigator about [REDACTED] friends and what she knows about them. The witness said that [REDACTED] was a girl she didn't know personally, but that [REDACTED] graduated last year. The witness said that as to [REDACTED], she knows the name, but not much about her. The witness said that [REDACTED] is still a student, and that [REDACTED] is a theater student with a terrific voice.

D. Sally Flournoy

The investigator conducted a telephone interview with Sally Flournoy on February 8, 2011, which was arranged by the investigator's office and Ms. Hogarth. The interview was conducted from the investigator's office, and Ms. Hogarth was present on the telephone call in the same room with the witness. The witness gave the investigator permission to speak to her and said that she understood that the information she was to provide may be provided to necessary parties. The

witness was very forthcoming about what she remembered and did not evade any questions asked of her by the investigator.

When asked about her current job title, the witness said that she is currently the Assistant Director of Learning Support Services. The witness stated that she used to be the Assistant Principal at Westview High School up until the 2010-2011 school year.

The investigator asked the witness if she had ever communicated with Mr. Cottrell concerning [REDACTED] and the witness said that she had. The witness offered that she spoke with Mr. Cottrell soon after a time in 2009 where Principal Kastner had a conversation with the witness following Ms. Kastner's meeting with the [REDACTED] parents. The witness indicated that Ms. Kastner had met with [REDACTED] parents over their concerns about an inappropriate relationship possibly developing between Mr. Cottrell and their daughter [REDACTED] when students were not present, and when there was no adult supervision. It was the witness' understanding through Ms. Kastner that [REDACTED] parents believed that [REDACTED] viewed Mr. Cottrell as a kind of confidant or mentor, but they felt that there were inappropriate e-mail exchanges between the two.

From Ms. Kastner, the witness learned that [REDACTED] parents had requested that Mr. Cottrell no longer have any private interactions with [REDACTED] and had further requested that Mr. Cottrell not communicate with [REDACTED] via e-mail or texting. Furthermore, Ms. Kastner and the witness agreed that they should speak with Mr. Cottrell because the situation might be putting Mr. Cottrell into a potentially compromising position. The witness said that Ms. Kastner asked the witness to speak with Mr. Cottrell. Ms. Kastner relayed the conversation Ms. Kastner had with [REDACTED] parents, and that they both were uncomfortable about the situation. Ms. Kastner and the parents believed that for Mr. Cottrell's sake, as well as [REDACTED] Mr. Cottrell should avoid private communications.

Ms. Kastner asked the witness to speak with Mr. Cottrell. When asked by the investigator why Ms. Kastner asked her to do that, the witness said she could not recall specifically, but surmised that the witness was the administrator who oversaw the English Department, and it was Ms. Kastner's custom and habit to have the assistant principal speak first to the teacher if there was a problem.

The witness said that she followed Ms. Kastner's instructions to speak with Mr. Cottrell. The witness said that she and Mr. Cottrell talked specifically about [REDACTED] because her parents had instructed that he have no further private interactions with her. The witness said that they then spoke more about proper student interactions generally and the "appearance of impropriety." For example, according to the witness, she told Mr. Cottrell that it is not a good idea to be inside the classroom with a student when blinds and doors are not open, and that it is not a good idea to meet alone with members of the opposite sex. The witness said that this was the "gist of our conversation without being able to recall specifics."

The witness offered that she wanted to explain the tone of the conversation with Mr. Cottrell, which she called more "conversational." The witness explained that she and Mr. Cottrell had been

colleagues and that she supervised the English Department, and thought of him as one of the finest teachers she had ever seen. The witness added that she "turned to him as a leader in helping teachers develop pedagogy and develop relationships with students to get to higher levels of rigor through student interest" and "that is the work we were doing at the time." The witness explained that her conversation with Mr. Cottrell about [REDACTED] revolved around those notions, and that the teacher and student should remain professionally separated, like the distance between a parent and child.

When asked by the investigator if she gave Mr. Cottrell any specific instructions with respect to [REDACTED] the witness said yes, she had. The witness said that she instructed Mr. Cottrell that he "cannot be alone with [REDACTED] and that he "shouldn't be alone with other students either" but that "meeting with groups of students was okay." The witness noted that the parents were not concerned about [REDACTED] group interactions with Mr. Cottrell at lunch or other times. The witness added that she and Mr. Cottrell also specifically discussed that outside of an academic setting (group discussion or class), [REDACTED] parents did not want him communicating with [REDACTED] via e-mail or texting, and the witness told him not to do that. When asked if Mr. Cottrell agreed not to do those things, the witness said that he agreed not to.

When asked by the investigator about the length of her meeting with Mr. Cottrell, the witness said that the meeting lasted "not more than 15 minutes; more like 10." The witness explained that "when I went to talk with him, we already had a relationship established concerning his work with students, and so part of the conversation was him saying that I have a good relationship with all my students, and the conversation was along that vein." The witness said that Mr. Cottrell indicated that he understood the professional setting and he was to keep the arm's length distance between all students.

When asked by the investigator if the witness saw anything after that conversation that would lead her to believe that there was an inappropriate relationship between [REDACTED] and Mr. Cottrell, the witness responded that there was not anything that she saw. The witness explained that she "did walk around campus and would see students in his room, including [REDACTED] but that was not something that the parents wanted to stop." When asked if she ever saw Mr. Cottrell's doors and blinds closed in the middle of the school day, the witness said that she had not. The witness described that Mr. Cottrell's classroom has windows and a door to an inside corridor, and that she would walk through periodically, but never saw closure. When asked by the investigator if the witness ever spoke with Mr. Cottrell regarding [REDACTED], the witness said that they did not have a conversation concerning that.

When asked by the investigator whether then Asst. Principal Tina Ziegler ever, to her knowledge, spoke to Josh about the same things as the witness did in her conversation with Mr. Cottrell, the witness said that she had a vague recollection about an issue with [REDACTED], and that she thought Tina had spoken with Mr. Cottrell after that. When asked by the investigator if she had spoken with either [REDACTED] or [REDACTED] the witness said that she hadn't. The witness offered that from her perspective from speaking with Ms. Kastner, the parents were worried that [REDACTED]. The witness noted that it was her

recollection that neither Dawn nor the witness thought that an inappropriate relationship was occurring between Mr. Cottrell and [REDACTED]. It was more that Mr. Cottrell's communications were not at a professional distance.

E. Shannon Parker

The investigator's office set up the interview with Ms. Parker, and the interview occurred on November 29, 2010 at the District Office. Ms. Parker was informed before arriving at the District Office that the interview concerned Mr. Cottrell, and that if she had any documents concerning him, she should bring them. Ms. Hogarth was present for the interview. Ms. Parker dressed appropriately for the interview. The investigator explained that the investigation concerned Mr. Cottrell, and Ms. Parker agreed to be interviewed. Ms. Parker was forthcoming with responses, and did not refuse to answer any questions. She said she understood that the information she intended to provide may not be wholly confidential.

When asked by the investigator about her employment background, the witness explained that she was first employed by the District in 2002 as a two-thirds employee teaching dance at Westview High School. The witness said that her background centered on dance and "planning/leadership."

When asked by the investigator if she knew [REDACTED] [REDACTED] the witness said she did, and first met [REDACTED] during the 2006-2007 school year, which would have been [REDACTED] freshman year. The witness said that she first met [REDACTED] when [REDACTED]

When asked by the investigator about how she could best be described, the witness said that

[REDACTED]

When asked by the investigator about whether [REDACTED] had friends [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

When asked about other friends she believed [REDACTED] was close to, the witness identified several girls, but explained that she "never saw [REDACTED] influenced by her social sphere." When asked by the investigator about whether [REDACTED] was the kind of student to use texting and other social technologies, the witness said that [REDACTED] was not such a student. The witness said that [REDACTED] talked about technology ruining the human condition, and that when [REDACTED] would not type out a project, she would explain to the witness that "handwritten is more humane." The witness identified [REDACTED] as a longtime friend, and that [REDACTED] [REDACTED] followed each other from Middle School. The witness also identified [REDACTED] as a close friend. The witness noted that for [REDACTED] and more important than other studies. The witness identified another friend, named [REDACTED]. The witness believed that [REDACTED] was attracted to [REDACTED]. The witness also identified [REDACTED] as a friend. The witness said that [REDACTED] [REDACTED] were "typical friends."

When asked by the investigator about which of these friends, in the witness' opinion, was someone whom [REDACTED] would confide in if having an unconventional relationship with a teacher, the witness identified [REDACTED], in that [REDACTED]. The witness also believed "maybe [REDACTED]" was someone whom [REDACTED] could confide in. When asked by the investigator how she is aware of these relationships, the witness explained that a lot of students would hang out in her room.

When asked by the investigator if [REDACTED] had [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The witness provided to the investigator a three-page written "Timeline of Events" during the interview. (Exh. 15, pp. PUSD137-PUSD139). The witness said that she wrote the Timeline document. In addition, the witness provided e-mail printouts of e-mail exchanges in 2008. (Exh. 16, pp. PUSD140-144.)

In terms of the witness' knowledge of the relationship between Mr. Cottrell and [REDACTED] the witness said that the first she was aware of it was during [REDACTED] sophomore year, in February 2008. According to the witness, Mr. Cottrell approached the witness via e-mail, saying that [REDACTED] had come crying to him and that she was in tears. The witness then identified a particular e-mail dated February 6, 2008 from Mr. Cottrell to the witness. (Exh. 16, pp. PUSD141-142.) The e-mail seeks advice because [REDACTED] and her friends have spent lunch time in his classroom, and that she had recently showed up one morning "stressed" and "to the point of tears." The e-mail relates that Mr. Cottrell had not spoken to [REDACTED] on a personal level, but that [REDACTED] [REDACTED] [REDACTED] The e-mail seeks Ms. Parker's help to "keep an eye out for her." The witness then explained that she and Mr. Cottrell e-mailed each other back and forth about "how best to deal with [REDACTED]" (Exh. 16, pp. PUSD140-141.) The witness offered that she "didn't have the same relationship with [REDACTED] in terms of on a personal level, and that the witness' relationship with [REDACTED] "was more business like."

The witness said that in March, 2008, she was having a discussion [REDACTED] [REDACTED] who at some point said to the witness "if you really knew me you would know I'm in love with Mr. Cottrell." The witness said that it was her "thought to put it out in the open" and "that it was just a teenage thing." She spoke with Mr. Cottrell soon thereafter about what [REDACTED] had said about him. Mr. Cottrell then sent the witness an e-mail regarding their conversation. (Exh. 16, pp. PUSD143-144.) In the e-mail, Mr. Cottrell explained that he was aware that she had taken a liking to him, but wanted to know from the witness whether [REDACTED] "attachment" was more than just a "crush." The witness e-mailed back that "I think it is nothing more than a crush that will soon fade over time - [REDACTED] is quite grounded"

According to the witness, the next contact she had with Mr. Cottrell concerning [REDACTED] was May 2008, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

When asked by the investigator about the next event she could recall between Mr. Cottrell and [REDACTED] the witness said that at the end of June 2008, [REDACTED] [REDACTED] and that she saw Mr. Cottrell having lunch with [REDACTED] and three other students. She and [REDACTED] thought it was "odd."

The witness further explained that later in the Summer 2008, in the July/August timeframe when school was not in session, and [REDACTED], Mr. Cottrell

walked through the gym from the fitness lab to the weight room [REDACTED]
[REDACTED] was in the car of [REDACTED]
[REDACTED] and [REDACTED] told the witness that [REDACTED] was talking to Mr. Cottrell on her cell phone "the whole way up" to [REDACTED]. When Ms. [REDACTED] asked if she should report it, the witness told [REDACTED] that it was her choice.

When asked about the next event in the written timeline provided by the witness, the witness said that on September 5, 2008, [REDACTED]

[REDACTED], Mr. Cottrell sent an e-mail to three [REDACTED]
(but not [REDACTED] that he was [REDACTED])
[REDACTED] According to the witness, [REDACTED] found the e-mail and brought it to the witness' attention because [REDACTED] was disturbed and because [REDACTED] husband wants to "punch his [Cottrell's] lights out." The witness explained that the e-mail was about [REDACTED]

The witness said that she took the e-mail to the administration — Assistant Principal Tina Ziegler in particular, who was the witness' "hub administrator" and that Ms. Ziegler thought the whole e-mail was bizarre and asked the witness to speak with Mr. Cottrell as a colleague. The witness explained that "I felt like I could talk to him colleague to colleague, but it was still awkward." The witness emailed Mr. Cottrell to meet, and they met on back to school night, and at that time the witness told Mr. Cottrell about the e-mail and that [REDACTED] were upset about it. The witness said that Mr. Cottrell replied "Oh my god, that was a complete joke" and he apologized and asked the witness about how he could "make this right." During the same conversation, the witness shared with Mr. Cottrell about [REDACTED] concerns about line-crossing with students, especially given that [REDACTED] had overheard [REDACTED] conversation. Mr. Cottrell told the witness that at first he didn't see his behavior as inappropriate, but, according to the witness, once Mr. Cottrell saw things from parents' perspective, he understood and was embarrassed. The witness said that she told Mr. Cottrell that his e-mail concerning [REDACTED] went to the to the administration. The witness summed up the situation, by noting that the [REDACTED] e-mail was a joke to Josh, but not to parents. The witness said that Mr. Cottrell followed up with an e-mail the next morning apologizing again.

During the same conversation on back-to-school night, the witness said that she and Mr. Cottrell spoke about [REDACTED] Mr. Cottrell told the witness that [REDACTED] looks at him as a "father figure." The witness said that she told Mr. Cottrell that in her opinion, [REDACTED] was trying to pull in Mr. Cottrell emotionally by crying and sharing her personal difficulties. Mr. Cottrell appeared squeamish about the conversation and covered his ears, at which point the witness removed his hands from his ears and told Mr. Cottrell that [REDACTED] is "in love with you" and to be careful.

Ms. Ziegler also asked the witness during that time to speak with [REDACTED] to remind the students that Mr. Cottrell was a teacher on campus and that their relationship with him needed to reflect this. [REDACTED] was in this group of five girls. [REDACTED] and [REDACTED] became defensive about

this advice and said to the witness during the meeting that the witness and administration should "leave him alone," meaning Mr. Cottrell.

When asked what happened next by the investigator, the witness said that things quieted down, and she did not know of any problems until February 2009. At that time, during [REDACTED] junior year, [REDACTED] mother, [REDACTED] [REDACTED] came to meet with the witness. The witness said that apparently [REDACTED] had found numerous e-mail communications between Mr. Cottrell and [REDACTED] and wanted to speak to someone about them, and also that there were other things that made [REDACTED] feel uncomfortable. For example, [REDACTED] relayed that Mr. Cottrell had driven by the [REDACTED] home to bring [REDACTED] money for babysitting when the parents were not at home. The two of them discussed the situation, and the witness said that [REDACTED] said she was upset to find e-mails after Mr. Cottrell said that he would stop talking with her via e-mail. The witness said that the reason [REDACTED] gave for coming to speak to the witness was because she had recently learned about the e-mail from September 2008 (concerning [REDACTED]) from another parent. The witness said that she explained to [REDACTED] what happened and told [REDACTED] that between all of these e-mails, that I am alarmed. The witness said that she told [REDACTED] that she sees [REDACTED] and Mr. Cottrell walking to class (with [REDACTED] around too), and that [REDACTED] frequented Mr. Cottrell's classroom, and that [REDACTED] talks about Mr. Cottrell a lot. According to the witness, during their conversation, [REDACTED] asked the witness' opinion, and the witness told [REDACTED] that the witness had spoken to Mr. Cottrell the past September, and that even though [REDACTED] [REDACTED] and she had spoken with him, the witness' gut reaction was she was a little alarmed now, and she told that to [REDACTED]. The witness said that her understanding from that conversation was that [REDACTED] then wanted to seek Administration support.

When the witness was asked by the investigator if the witness knew if [REDACTED] went to the administration, the witness said that she believed [REDACTED] had done so, because soon thereafter, the witness was called into Principal Kastner's office for a meeting. Ms. Kastner told the witness during the meeting that the witness had "alarmed the parents" and the witness replied that she was alarmed herself. The witness said that she told Ms. Kastner that after hearing about all of the e-mails and other events, she was concerned. The witness said that Ms. Kastner shared that there were, in fact, e-mails between Mr. Cottrell and [REDACTED] but that they were innocuous. The meeting ended after Ms. Kastner told the witness that Ms. Kastner would deal with the issue. The witness therefore felt that the witness had done her "due diligence" on the matter, and the witness said that she was comfortable with the Principal being on top of the issue.

When asked by the investigator what happened next on her timeline, the witness explained that in April or May of 2009, Mr. Cottrell and the witness spoke in person, and he was concerned about [REDACTED] who, according to Mr. Cottrell, was dealing with [REDACTED]. When asked by the investigator how their conversation was initiated, the witness said that "he sought me out" and "was looking for me in a panic" but that she was busy right then. The witness said that Mr. Cottrell came to see her later that day, and told her that he was uncomfortable talking to [REDACTED] about her home life. The witness said that Mr. Cottrell told her that "I cannot be the person she cries to." The witness said that Mr. Cottrell tried to divert [REDACTED] into speaking with the witness. The

witness told Mr. Cottrell that she could not get involved with [REDACTED] personal problems. However, the witness said that soon thereafter, "one day I pulled her aside from class and told her what Mr. Cottrell shared and that I'm here for you." The witness also told [REDACTED] that if [REDACTED] needed resources, that the witness could help by getting [REDACTED] a counselor, etc. [REDACTED] responded "Thank you, I am fine." The witness explained that she told [REDACTED] during the conversation that the witness didn't mean to put herself in [REDACTED] personal business, but expressed concern and that the witness was there to help. The witness said that they "left it at that."

When asked by the investigator if she knew that [REDACTED] later became [REDACTED], the witness said that she was aware that she [REDACTED] only because of this situation, which [REDACTED] had told her about. The witness elaborated that [REDACTED] [REDACTED] [REDACTED] [REDACTED] witness asked [REDACTED] where [REDACTED] was, and [REDACTED] told the witness that [REDACTED] is in Mr. Cottrell's room, [REDACTED]. The witness knew that [REDACTED] was going to Mr. Cottrell's room a lot, but only because of what [REDACTED] told her, [REDACTED].

When asked if she had any other information to share on her timeline concerning Mr. Cottrell, the witness said that Mr. Cottrell was exercising in the fitness lab [REDACTED] during 4th Period one day. The witness had forgotten something in her office, and walked through the fitness lab to get there, and she saw that Mr. Cottrell's shirt was off his arms and just around his neck. In her opinion, she felt it was inappropriate because students were on the other side of the "air wall" between the rooms. The witness felt that "given the history of this I was uncomfortable."

When asked about Mr. Cottrell's reputation on the Westview campus, the witness responded that by all accounts, Mr. Cottrell is a "fantastic teacher" who is "very engaging" and "connects with kids." The witness said that she even had her husband connect with Mr. Cottrell on the subject of philosophy because her husband was also a philosophy major. The witness added that Mr. Cottrell is an "unconventional thinker" and "kids are attracted to him." The witness further described Mr. Cottrell as "hard working," and well spoken and articulate.

The witness also remembered that she had heard from others that he would show up at the [REDACTED] sometimes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

F. [REDACTED]

The witness was initially contacted by the investigator directly, because the District administration had relayed information to the investigator that the witness' [REDACTED]. Accordingly, the investigator wanted to personally contact the witness to set up an interview. The investigator spoke to the witness by cell phone on 11/19/2010, and agreed to be interviewed on 11/22/10 at the District Office. However, upon the investigator's arrival, the witness explained [REDACTED].

[REDACTED] The investigator agreed to reschedule, and proceeded to interview [REDACTED] who was also there at the time. The investigator learned the week of November 30, 2010, from Ms. Hogarth that the witness [REDACTED]. The witness was contacted by the investigator's office soon thereafter, and agreed to be interviewed on December 14, 2010, and the interview occurred on that date as scheduled.

The witness gave her permission to be interviewed and said that she felt comfortable giving the interview despite the difficult past few weeks involving [REDACTED]. The witness was dressed professionally, and appeared to be emotionally stable, despite [REDACTED]. The witness was forthcoming, and did not refuse to answer any questions.

The witness said that her daughter [REDACTED] was still at school in [REDACTED], but had come home for the Thanksgiving holiday, in part to visit with her [REDACTED]. The witness said that there were a couple of occasions while [REDACTED] was home that [REDACTED] went out on her own, and that the witness was not assured of where she was. One occasion was when [REDACTED] was going to have coffee with her friend [REDACTED] and then later called to say that she would be staying overnight at [REDACTED] house. On another occasion, [REDACTED] said she had decided to go riding her bike (without a helmet according to the witness) and the witness later learned that [REDACTED] had gotten lost in the Del Sur hills and canyons and that [REDACTED] had told the witness that she was exhausted from her journey.

When asked about whether [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The witness explained that she had reservations about the investigator questioning her daughter during the course of the investigation. The witness said that she would speak with her husband [REDACTED] about whether they felt it would be beneficial. The witness expressed that because [REDACTED], that the witness felt that the investigator probably would not learn any information not already known.

The witness brought with her two documents, both of which are e-mail trails. One concerned [REDACTED] request of Mr. Cottrell to provide [REDACTED] with a recommendation for her college application to [REDACTED] (Exh. 10, p. PUSD100.) Another concerned Mr. Cottrell's attempt to find contact information for [REDACTED]. (Exh. 10, pp. PUSD99-100.) In both of the e-mail trails, Mr. Cottrell communicates with the witness and copies the Westview HS Assistant Principal, Tina Ziegler. In both e-mails, the witness' opinion is that Mr. Cottrell was polite and appropriate in both speaking with [REDACTED] and with the witness.

The witness was asked about [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The witness said that she found it hard to believe that [REDACTED] had time to have an affair with a teacher given all her entire senior year [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

When asked by the investigator about how [REDACTED]
[REDACTED]

[REDACTED] The witness said that by that time, almost a year after she and her husband had spoken with Dawn Kastner, she felt that there was nothing untoward occurring between [REDACTED] and Mr. Cottrell, and so she felt comfortable permitting [REDACTED] to do it, and that she "didn't have a problem" with it. The witness added that she wanted [REDACTED] to have an easier time in school during her last semester of her senior year, and that she didn't foresee a problem. The witness added that, in retrospect, her decision was "stupid." [REDACTED] was not chatty about her days spent in Mr. Cottrell's classroom, and the witness did not know how things were going in the classroom one way or another.

The witness explained that there were three times that they, as parents, had asked Mr. Cottrell to not speak with their daughter outside of school. The first was in September 2008, the second was in January 2009, when [REDACTED] basically wrote to Mr. Cottrell threatening to come down to school and meet with him personally, and the third was when they went to meet with Dawn Kastner. After meeting with Ms. Kastner, the witness said that they were satisfied that Ms. Kastner had spoken with Mr. Cottrell and that further outside communication would cease. The witness said that she had no reason to believe communication did cease after that. The witness now surmises, after the fact, that [REDACTED] and Mr. Cottrell had to be communicating through text or unknown e-mail addresses. The witness said that [REDACTED] was texting one time, and thought it was a bit suspicious that [REDACTED] would not tell her who her friend was who was texting with her. But she didn't think anything of

students. The witness understood that sometimes students divulge things to teachers, but that it is inappropriate for teachers to embrace the emotional turmoil to "weave a web" to attract the student to a relationship. The witness did not really see that sort of thing happening at the time, however. Even in retrospect, the witness believes those early e-mails from 2008 were benign. The witness said that her concern was raised because her friend [REDACTED] had told her that she had overheard [REDACTED] speaking with someone on the phone [REDACTED], and that it turned out to be Mr. Cottrell. The concern was that [REDACTED] thought it was a boyfriend by the way that [REDACTED] was speaking.

The witness was asked about [REDACTED] friends, and if she would have told anyone about any possible affair she would have. The witness said that she didn't think that [REDACTED] would share such information with her friends, but if she were to speculate, she would think it would be either [REDACTED]

[REDACTED] The witness said that it would probably not be [REDACTED] (although the witness said [REDACTED] may know about their relationship during their sophomore and junior years).

G. [REDACTED]

The investigator's office arranged to interview both [REDACTED] and [REDACTED] on November 22, 2010 at the District Office. When the investigator arrived for the interview, [REDACTED] informed the investigator that [REDACTED] she could not stay. [REDACTED], however, stayed and was interviewed on that date.

The witness gave the investigator his permission to be interviewed. The investigator explained his role, and added that there could be no guarantee of confidentiality with respect to the interview. The witness said that he would be honest. The witness was forthcoming, and did not evade any questions. The witness, however, had an additional document at his home, which he was not yet prepared to share with the investigator.

The investigator asked the witness about the documents that the witness had previously provided to the District. The witness explained about how he had located a series of writings found in [REDACTED] luggage. When asked by the investigator about what led up to the witness finding the writings, [REDACTED]

The witness added that "we don't know what happened with her [REDACTED] and Cottrell this past summer" and "it wasn't on our minds that she and Cottrell would be doing this." The witness

said that he believed that Principal Kastner had stopped it, meaning their relationship outside of school.

The witness then explained about the luggage: About two weeks before [REDACTED] was to fly to [REDACTED] to attend college at [REDACTED], the witness reminded her about the weight of her luggage, because overweight luggage would cost extra per airline rules. Then when the witness took [REDACTED] to the airport later on, the airline said that the bag was significantly overweight and would cost a lot extra for her to take with her. So he told [REDACTED] that he would be visiting [REDACTED] very soon and that he would simply take the luggage back home, repack, and then bring it with him, thus sparing the extra cost. The witness said that [REDACTED] then began crying and was "upset and thinking that dad is being obstinate."

The witness said it was ultimately decided that he would take the bag home. The witness explained that [REDACTED] [REDACTED] was already in [REDACTED] and he was leaving two days later on Southwest Airlines. The witness said that he knew the bag was overweight, and that he needed to transfer material out of the bag. The witness explained that while transferring material, he found and unfolded a "series of letters" bound in a hair band. The witness said that he read the material, was disturbed by it, and intended to make a copy, but that there was no toner in the copier at home, so instead he laid out the writings on the floor, and took pictures of them with a cell phone. (Exh. 18, PUSD152.)

The investigator showed the witness the Exhibit 18, and the witness confirmed that this document was what he had found in [REDACTED] luggage. When asked by the investigator what he believed the document to be, the witness said that he believed it was Mr. Cottrell writing to [REDACTED] about his feelings for her. The witness said that he was unsure whether the portions of the writings involving San Francisco were reality or just Mr. Cottrell's fantasy, but that he knew that [REDACTED] had visited [REDACTED] near the end of her senior year. The witness suggested the investigator speak with Shannon Parker, [REDACTED] [REDACTED]. The witness also identified [REDACTED] handwriting on the bottom of the document. (Exhibit 18, p. PUSD152.) The witness said the text of the document did not enlighten him as to when the document was written.

When asked by the investigator if he was surprised when he found the document, the witness said that he was surprised, and that to his knowledge, [REDACTED] "never had a boyfriend or a date." The witness added that she [REDACTED] [REDACTED]. He also had previously spoken with Shannon Parker, [REDACTED] [REDACTED], and was unaware of any deep relationship between Mr. Cottrell and [REDACTED].

When asked by the investigator if he had a good relationship with his daughter, the witness [REDACTED] [REDACTED] [REDACTED] when he contacted Cottrell the first time (in January 2009), and that his relationship with his daughter [REDACTED].

When asked by the investigator what he did with the writings (Exh. 18, PUSD152), the witness said that after taking pictures of the letters with his cell phone, he re-bound them and put them back in her luggage. The witness then spoke with his wife [REDACTED] and they decided not to tell her, since she was just leaving for college.

When asked by the investigator if he has any knowledge as to whether [REDACTED] is still in contact with Mr. Cottrell, the witness said that [REDACTED] still does communicate with Mr. Cottrell. He and his wife checked her telephone records. The witness added, however, that he has not told his daughter that he spoke with the District administration. The witness added that [REDACTED] is aware of the situation, and that [REDACTED] recently got a message from [REDACTED], and that [REDACTED] had apparently heard that the "shit hit the fan" but that the witness did not know how [REDACTED] found out about it.

When asked by the investigator if, in his opinion, [REDACTED] had any close friends with whom she could confide in, if she did have a close relationship with Mr. Cottrell, the witness said that [REDACTED] friend "[REDACTED] would probably know" and that the investigator might speak with her.

The witness then offered to tell the investigator about what the witness found while visiting his daughter in [REDACTED]. He left for [REDACTED] a couple of days after he found the letters, and when he got to [REDACTED] where [REDACTED] is going to school, the girls were moving into their dorm rooms. The witness explained that "as a dad you're helping out and lifting." The witness said that the girls brought their computers, and there were three girls in a room meant for two girls. He said that because of his expertise in computers, he set up an ethernet on the girls' computers. While setting up [REDACTED] computer, he found a letter. The witness then encapsulated the letter off to a personal G-Mail account, and the witness still has the letter. The witness said that he is not yet prepared to share the letter with the investigator. The witness said that the letter indicates that [REDACTED] and Mr. Cottrell are in love, and that they intended to do "what is socially acceptable." When asked by the investigator if he knew when the letter was sent, the witness said that he bought [REDACTED] a new computer for graduation, and that the letter came a few weeks later, so he believed that the letter was written between July and August, 2010.

When asked if he believed that [REDACTED] was aware that he knew about the fact that he and [REDACTED] had previously spoken with District administrators concerning [REDACTED] relationship with Mr. Cottrell, the witness responded that "[REDACTED] may know that we know." The witness explained, as an example, that [REDACTED] asked if it was okay with him and [REDACTED] if she asked Mr. Cottrell for a letter of recommendation, and that at the time, [REDACTED] seemed apprehensive and asked if it was okay. The witness said that this occurred in January 2010, and that Mr. Cottrell did write to colleges for her.

When asked by the investigator if he knew anything about how [REDACTED] became [REDACTED], the witness said that he found out about it later, but that his wife [REDACTED] probably knew about it. The witness added that even if he had known about it sooner, "at that point it looked

like everything had been taken care of' by Principal Kastner and he had no information about communication between [REDACTED] and Mr. Cottrell. The witness also noted that he thought that [REDACTED] believed that he would not let her do it, so [REDACTED] asked [REDACTED] instead. The witness also speculated that Mr. Cottrell could have said something to [REDACTED] so that she would not have asked the witness' permission.

When asked about what he knew about [REDACTED] communications with Mr. Cottrell after the witness had spoken with Principal Kastner in March 2009, other than the writings already discussed, the witness said that he did not know about any, and that [REDACTED] "did a good job of hiding things from him." The witness further explained that [REDACTED] attitude during the following time period was [REDACTED] but that there was "nothing that was a red flag" to the witness. [REDACTED] until the e-mail issue with Cottrell came about (in August 2008) [REDACTED]

[REDACTED] The witness also said that he and [REDACTED] "thought Cottrell was out of the picture because [REDACTED] but that appears to not be the case." The witness also stated that [REDACTED] was gone a lot, and had a busy schedule [REDACTED]

The investigator showed the witness an e-mail dated August 18, 2008 from [REDACTED] to Mr. Cottrell with the subject line; "FW: [REDACTED] mom and dad." (See Exh. 3, p. PUSD043.) When asked by the investigator if the witness knew who wrote the document, the witness replied "we both wrote this." The witness believed that Mr. Cottrell was stepping over the line between a professional teacher-student relationship into something too friendly/familiar, and that is why they wrote Mr. Cottrell this e-mail. When the witness was asked if he thought that Mr. Cottrell's response (Exh. 3, p. PUSD044) was surprising, the witness said that he was not surprised, and that he felt after reading the response, that he and Mr. Cottrell were "on the same page" at that point in time. The witness also stated that in the e-mail, Mr. Cottrell seems remorseful, and that he believed Mr. Cottrell when Mr. Cottrell said in the e-mail that all further communication will be at school. (Exh. 3, p. PUSD044.)

The investigator showed the witness an e-mail dated August 19, 2008 at 8:36 a.m. from [REDACTED] to Joshua Cottrell with a subject line of "RE: [REDACTED] mom and dad." When asked by the investigator who wrote the document, the witness said that [REDACTED] wrote it. The witness was asked by the investigator if he agreed with the position taken by [REDACTED] within the body of the e-mail, namely that it was okay for Mr. Cottrell to have a "friendly, professional relationship" with [REDACTED] and okay for her to babysit Mr. Cottrell's children, and the witness responded that "we didn't have a problem so long as there was an appropriate and professional relationship."

The witness was asked how he learned about the e-mails which had transpired over the Summer of 2008 between Mr. Cottrell and [REDACTED] and the witness responded that he and [REDACTED] had [REDACTED] e-mail password during her Sophomore and Junior years, and they checked it. When asked if he and [REDACTED] checked [REDACTED] other electronic communications, the witness said that when [REDACTED] was charging her phone, they would look at it. The witness said that there would be lots of texts, but "at some point I see a teacher texting with her." The witness added that he thinks that texting is more personal, and "what does it have to do with school?"

The witness added that he understands that teachers use electronic communications these days and that teachers will send an e-mail blast and sometimes even will e-mail students one-on-one if there is a school project, but the problem with these particular e-mails from Mr. Cottrell were that they "were personal in nature."

The investigator showed the witness an e-mail also dated August 19, 2008 from Mr. Cottrell to [REDACTED] [REDACTED] at 10:06 a.m. (Exh. 3, p. PUSD048.) In the e-mail, Mr. Cottrell says that he spoke with [REDACTED] and told her that they need to keep their relationship professional. The witness explained that this was when [REDACTED] personality changed.

When the witness was asked by the investigator if he had ever met Mr. Cottrell in person, the witness responded that Mr. Cottrell showed up one time at a car wash with Mr. Cottrell's family. The witness also explained that this was soon after he and [REDACTED] had communicated with Mr. Cottrell about his relationship, and that the witness believed that Mr. Cottrell had a family so he didn't think that Mr. Cottrell "would be doing anything with [REDACTED] The witness added that Mr. Cottrell "wouldn't look at me at the car wash." When asked by the investigator if the witness knew if [REDACTED] had ever visited Big Bear Mountain during her junior year, the witness responded [REDACTED] did not go up to Big Bear as far as he knows.

The investigator showed the witness an e-mail dated January 21, 2009 at 8:41 a.m. with the subject line of "your emails to [REDACTED] When asked who wrote the e-mail, the witness responded that he wrote it. When asked what prompted him to write it, the witness indicated that [REDACTED] had brought to his attention that [REDACTED] and Mr. Cottrell were still e-mailing each other on a regular basis. The witness said that these e-mails between [REDACTED] and Mr. Cottrell came after Mr. Cottrell said that he would stop, but that Mr. Cottrell kept going. The witness said that although the nature of the e-mails during the November 2008 through January 2009 time frame are "friendly," he and [REDACTED] "didn't think it was appropriate." The witness stated that he was not happy with Mr. Cottrell at this point in time. When asked by the investigator if he knew whether or not the texting stopped between August 2008 and January 2009, the witness said that he did not know, and that he and [REDACTED] didn't know at the time that it was even possible to look and see whose phone numbers she was texting. The witness explained that the family was on a plan from T-Mobile that they all used, including [REDACTED] until they switched on October 1, 2010. Although he and [REDACTED] had asked T-Mobile to go back and check their records to see what phone numbers [REDACTED] was texting with, T-Mobile wouldn't go back that far and look. The witness said that T-Mobile only printed out the last month. When [REDACTED] called and asked for further information, T-Mobile refused to provide it.

The witness said that [REDACTED] went to T-mobile store in Mira Mesa and the guy told her that he would only give her the last month.

The investigator showed the witness the two follow-up e-mails in the trail from the same day, January 21, 2009, one from Mr. Cottrell to the witness at 9:22 a.m. (Exh. 6, p. PUSD086) and one from the witness to Mr. Cottrell at 3:25 p.m. (Exh. 6, p. PUSD087) and a final one from Mr. Cottrell to the witness at 5:36 p.m. (Exh. 6, p. PUSD088.) The witness indicated that he wrote the two e-mails from him. The witness reviewed all of the e-mails and noted that he believed that Mr. Cottrell was worried about the witness and his wife going to the administration, because of Mr. Cottrell's comment about how the witness can be assured that Mr. Cottrell "will not again give you a reason to go any further with this matter than you already have." (Exh. 6, p. PUSD088.)

When asked by the investigator if he ever heard from anyone on campus about [REDACTED] relationship with Mr. Cottrell, the witness responded that "I know at one point Shannon Parker, [REDACTED] [REDACTED] said she saw [REDACTED] and Cottrell after school coming out from behind a building, and she thought that was weird." The witness's recollection is that it was an "out-of-the-way building.

The investigator showed the witness an e-mail from [REDACTED] [REDACTED] to Shannon Parker, dated March 16, 2009 re: "need your input." The witness said that it was this e-mail and Ms. Parker's response which "may have prompted us to go to Dawn Kastner." The witness said that the e-mail response from Mr. Cottrell "came back in January the way we wanted it" but he and his wife decided "hey, let's go to the boss." The witness said that at that point in time, he and [REDACTED] just wanted light on the situation.

When asked if he met with Principal Kastner, the witness said that he and [REDACTED] did meet with her in March of 2009. The witness explained that he felt that Ms. Kastner "had blown us off during our meeting" in that she said that "he is a popular guy." At the meeting, Ms. Kastner told he and [REDACTED] that she would speak with Mr. Cottrell and check in periodically on his classroom. The witness said that "we knew that Dawn wouldn't see anything by going to his room." The witness said that when Dawn responded to them after the meeting that she had spoken with Mr. Cottrell, he wanted to believe that Cottrell had gotten the message and that this has stopped. But the witness also said that "we felt that she [Kastner] could have been stronger with him" although he noted that [REDACTED] felt that "Dawn did okay with him."

When asked if the witness checked [REDACTED] texts following the meeting to the time she went to college in August 2010, the witness said that he did not check her texts. The witness said that he did provide the District with the call and text logs that his wife received from the T-Mobile store (Exh. 22, pp. PUSD168-169), and these were correct copies with the exception that he believed that Mr. Chiment added the color coding to the documents.

The witness was asked if he knew if his daughter had a Facebook.com page. The witness said that she does, and that he checks it periodically. The investigator showed the witness a printout

of the Facebook page (Exh. 24, pp. PUSD179-191) and asked the witness if he knew the name "[REDACTED]" which appears in the top left of page PUSD179 under the "relationship status" of [REDACTED] and he said it was probably [REDACTED] friend from school, but he wasn't sure. When asked if he knew who [REDACTED] was (as indicated on PUSD180), the witness did not know. The witness also suggested that the investigator determine whether Mr. Cottrell has a page, but that the witness himself did not know if Mr. Cottrell did have one.

When asked about how it came to be that [REDACTED]

[REDACTED]

The witness said that once when [REDACTED]

[REDACTED]

[REDACTED], the witness shared with [REDACTED] that he knew about her and Mr. Cottrell, and that [REDACTED] acted surprised. The witness said that in truth, he really didn't know anything other than the e-mails that had come up the previous year, but that now in hindsight where he has learned of their writings, he understands [REDACTED] reaction of surprise. [REDACTED]

When the witness was asked by the investigator about whether the witness believed that [REDACTED] would agree to speak to the investigator, the witness said that he did not believe that [REDACTED] would "open up" with the investigator. The witness said that [REDACTED]

[REDACTED]. The witness finished up the interview by saying that he would speak to [REDACTED] about [REDACTED] from [REDACTED] Facebook.com page.