

REPORT OF INVESTIGATION
Office of Professional Responsibility
RE: Donald Moten
Case Number: 0607-07-00-0276-03

██████████ became academically ineligible at the end of the first six weeks of the second semester of the school year 2005-2006 and participated in violation of UIL and TEA policy. ██████████ was ineligible on February 27, 2006 and was ineligible in all games in which he played during the remainder of the season. According to the (No-Pass/No-Play) policy of the University Interscholastic League ("UIL"), a student who receives, at the end of any grading period (after the first six weeks of the school year), a grade below 70 in any class (other than an identified advanced class) may not participate in extracurricular activities for three school weeks. ██████████ participation in playoff games after February 27, 2006 was in violation of UIL policy. It was also in violation of TEA policy.

II. FINDINGS - CAGE FIGHTING

BACKGROUND

Ashmore alleged on 2/11/08 that some members of the security staff, during school years 2003/2004 and 2004/2005, used what was referred to as "The Cage" for male students to fight one another to resolve disputes. "The Cage" was alleged to be an area in the boys' basketball locker room that was surrounded by wire mesh. (W6-1) OPR immediately initiated an investigation into this matter due to the nature of the alleged conduct.

EXTENT AND RESULTS OF INVESTIGATION

Ashmore's alleged "cage fighting" took place at SOC: Ashmore told OPR the following: Ashmore said did not personally witness students fighting in the cage. He said other students told him that fighting did take place in the locker room. (W1-6, Memo of Interview)

Ashmore said he personally witnessed security staff member DeMarcus Grace, also known as "Big Mo", get into a dispute with a student named ██████████ and wanted to fight him in "The Cage." Someone called Principal Moten. Moten showed up and stopped the fighting. Moten was reported to have said, "I don't want any of that shit...I've killed with my bare hands." This is alleged to have taken place in school year 2003-2004 or 2004-2005. (W1-6, para. 12)

Student ██████████ told Ashmore that he was "gonna be in the cage" over a dispute with a student named ██████████. Ashmore told the student he did not need to be doing that and the student went home and did not fight in the cage. Moten later told Ashmore he had put a stop to the "cage fighting." (W1-6, para. 14)

Ashmore also stated he had overheard a conversation between Moten and Grace wherein they discussed two students who had a continuing dispute over several days. Ashmore said Moten told Grace words to the effect that he should, "put'em in the cage and let'em duke it out." (W1-7, Memorandum of Telephone Call on March 5, 2008)

Hammond alleged "cage fighting" took place at SOC: Frank Hammond, former counselor at SOC, reported to OPR that he learned from a student named ██████████ and from other students that the security staff at SOC was using what was referred to as "The Cage" for students to settle their disputes by fighting. Hammond did not personally witness any fights, but it was common knowledge among the coaching staff that the fights involved members of the football team. Many of these students were "at risk" and the staff knew their parents would not

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complain. Hammond believes these fights took place in school year 2004-2005, because Moten put a stop to the "cage fighting" during school year 2005-2006. (W4-4, para. 1-3)

Hammond specifically remembers a conversation where DeMarcus Grace talked with Moten about two students who were involved in a personal conflict, "We gonna take'em down to the cage." Principal Moten's response was, "Ya'll settle that shit." It was not uncommon to hear DeMarcus Grace say, "We took'em down to the cage." Hammond reported that the other members of the security staff involved were Reno Savala and one call "Dibo or Blbo." (W4-4, para. 4)

When questioned why he did not turn in the fighting, Hammond said he knew nothing would be done; that Joe Brew was area superintendent and a former coach and that Moten was "in tight" with Brew. (W4-1, para. 5)

Anthony Daniels, former Assistant Principal at SOC, recalls hearing about "The Cage." He described it as a place down in the basement where the security staff took students who were fighting. Daniels never witnessed any fights in "The Cage" and never saw any students with injuries as a result of any fights there. Daniels inquired about "The Cage," but could never confirm any fights down there. Ashmore told Daniels that security staff member, DeMarcus Grace, once invited a student to come to "The Cage" to fight him. (W9-1, para. 8)

SOC staff confirmed cage fighting took place:

Reno Savala, Para-Professional Advisor and Hall Monitor at SOC signed an Administrative Statement on February 28, 2008. During his interview and subsequent affidavit, Savala stated the following **(W7-1, Affidavit and W7-2, Memorandum of Interview)**:

Savala witnessed on one occasion, two students fighting in a locker room equipment cage inside the boys' locker room. The equipment cage they were fighting in was an enclosed welded steel cage with lockers on the inside surrounding the cage on each side. There was one door into the cage. Savala knew one of the students fighting. His name was [REDACTED]. He doesn't recall the name of the other student.

The students were inside the cage fighting when Savala arrived. The students were fighting bare-fisted with no head or eye protection. The fight might have lasted five minutes. DeMarcus Grace was standing at the door of the cage. Savala told Grace to stop the fight and let them out, which he did. Savala recalls seeing Thompson "clean his face" at a sink but doesn't know if Thompson was injured or not. Savala doesn't recall seeing any blood.

Savala didn't turn the matter in because he didn't think anything would be done about it. Moten hired DeMarcus Grace. Grace was a "rowdy kind of guy" known as "Big Mo." Grace was not Savala's "cup of tea" and he didn't work with him, but he was "in tight" with Moten. Savala thinks Grace was the worst hire Moten ever made. Grace was always selling cokes, honey buns out of bags during the change of class period. Grace was very unprofessional and used a lot of "street" language. Grace was eventually terminated for selling counterfeit tickets to a Battle of the Bands concert.

Savala heard about other incidents involving fighting in the cage, but he doesn't recall any specifics, and he didn't witness any more himself. Savala believes Grace is the only person at South Oak Cliff who would have allowed students to fight in this manner.

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SOC Hall Monitor Gary King confirmed the fighting took place. He stated the following: (W11-1, Affidavit and Administrative Statement):

1. During school year 2003-2004, while at his post on the first floor he received a "Code 22," which meant a fight. He and another hall monitor, Robert, took the two students to the Youth Action Office.
2. Derek Battie, Head of Campus Security, and Big Mo were in the office. King told Battie the students were about to fight. King walked out of the office and heard loud yelling coming from the office.
3. King walked to the offices of the coaches in the boy's locker room area and used the restroom. When he came out, Battie told him that he was going to let the two students "get it on." Battie walked out and he and Big Mo put the students in "The Cage." The fight lasted about 20 seconds. He walked out in front of the students and he and Big Mo returned to their posts.
4. King did not report this incident because this was his first year and he did not know the policy and procedures. He never discussed what had happened with anyone.

OPR searched district records and determined there were no reports made to Child Protective Services of the alleged conduct of Battie, Grace, King and Savala. Nor was there any current or old CPS case or administrative case mentioning "cage fighting" at SOC. King confirmed the location of "The Cage" and OPR photographed it. (W12-1 and 2, Photographs) The cage is as witnesses described it; a welded steel cage with lockers around it on all sides and with only one way in or out. The interior is not visible except through the one entry door.

EXPLANATIONS AND DEFENSES OFFERED- CAGE FIGHTING

OPR has referred the information about the "cage fighting" to the Dallas ISD Police and Security Department for criminal investigation. Moten will be interviewed regarding the "cage fighting" after the Dallas ISD Police & Security Dept. has completed its investigation.

RELEVANT POLICIES, PROCEDURES, AND STATUTES

The Texas Education Code Section 37.015 Report to Local Law Enforcement; Liability requires the principal, or his designate, of a private or public primary or secondary school report to the school district police department or municipal police department or other law enforcement entity if the principal has reasonable grounds to believe that an activity occurred on school property that may be (1) deadly conduct under Section 22.05 of the Texas Penal Code or (2) a terroristic threat under Section 22.07 of the Texas Penal Code. This section also requires the principal to notify each instructional or support employee of the school who has regular contact with a student whose conduct is the subject of the notice.

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Section 22.05 of the Penal Code states, "A person commits an offense if he recklessly engages in conduct that places another in imminent danger of serious bodily injury."

Section 22.07 of the Penal Code states, "A person commits an offense if he threatens to commit any offense involving violence to any person or property with intent to (2) place any person in fear of imminent serious bodily injury."

The assault section of the Texas Penal Code, Section 22.01 may also apply to these incidents.

Dallas ISD Policy DF (Local) states that grounds for termination may be (2) Any act or conduct while at school, whether in or out of a classroom, which is indecent, obscene, illegal, cruel, abusive, or is otherwise contrary to and inconsistent with the ordinary standards set by the performance and conduct of the other professional public employees of the District. (5) Immorality, public lewdness or other act of moral turpitude, including unlawful practices. (24) Conduct or behavior not otherwise expressly referred to in this policy, either during or off working hours, that could cause the public, students, or employees to lose confidence in the administration and integrity of the District. (34) Failure to timely report suspected child abuse.

Dallas ISD Policy FFG (Local) states that in accordance with requirements of Family Code 21.101, all cases of identified or suspected child abuse or neglect shall be reported. The failure to report is punishable by law as a Class B misdemeanor offense. The failure to immediately report suspected or identified child abuse or neglect by school personnel shall be considered good cause for termination of employment.

CONCLUSIONS

Two instances of "cage fighting" in 2003/2004 and 2004/2005 have been documented. The conduct was against district policy and may constitute a criminal violation. The practice stopped in 2005/2006. Moten knew of the practice, allowed it to go on for a time, and failed to report it. District employees Grace, King, Savala, and others knew of the activity, should have reported it, and did not.

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Memorandum of Interview

Date: 2/28/08

Time: 10:00 a.m. - 11:15 a.m.

Place: 2909 N. Buckner Blvd., Suite #804, Dallas, TX

Present: Reno Savala, Para-Professional Advisor
South Oak Cliff High School & Hall Monitor
Rex Stewart
Inspector, OPR
Frank McCammon,
Inspector, OPR

Subject: Donald Moten

Savala signed an Administrative Statement form. Savala then provided the following information and made the following statements in response to questions asked of him:

Savala has been employed at South Oak Cliff since 1999. In his capacity of Para-Professional Advisor and Hall Monitor, he acts as a mediator, breaks up fights, and is involved in Youth Action. Savala coaches wrestling and football, and handles equipment.

Savala was like an emcee for the pep rallies during the years they were held. Each year prior to school year 05/06 there were 2 to 3 pep rallies held. During 05/06 he believes there was only one pep rally held. Someone would get on the public address system and announce the pep rally. Savala ran the program in the auditorium. He was in charge of "crowd control" and getting the kids into and out of the auditorium.

Savala never took up any money and never sold any tickets or ribbons to the pep rallies. He was aware that ribbons were sold, but he doesn't know anything about the tickets. Savala believes that the tickets and ribbons were sold during the lunch hour in the cafeteria for \$1.00 each. Lindsey Perkins was "kinda like" the person who called around and got people for the pep rallies, such as musicians.

Savala witnessed on one occasion, two students fighting in a locker room equipment cage inside the boys' locker room. The equipment cage they were fighting in was an enclosed welded steel cage with lockers on the inside surrounding the cage on each side. There was one door into the cage. Savala knew one of the students fighting. His name was [REDACTED]. He doesn't recall the name of the other student.

The students were inside the cage fighting when Savala arrived. The students were fighting bare-fisted with no head or eye protection. The fight might have lasted five

Michael Hinojosa, Ed.D.
Superintendent of Schools



Dallas Independent School District

minutes. DeMarcus Grace was standing at the door of the cage. Savala told Grace to stop the fight and let them out, which he did. Savala recalls seeing [REDACTED] "clean his face" at a sink but doesn't know if [REDACTED] was injured or not. Savala doesn't recall seeing any blood.

Savala didn't turn the matter in because he didn't think anything would be done about it. Moten hired DeMarcus Grace. Grace was a "rowdy kind of guy" known as "Big Mo." Grace was not Savala's "cup of tea" and he didn't work with him, but he was "in tight" with Moten. Savala thinks Grace was the worst hire Moten ever made. Grace was always selling cokes, honey buns out of bags during the change of class period. Grace was very unprofessional and used a lot of "street" language. Grace was eventually terminated for selling counterfeit tickets to a Battle of the Bands concert.

Savala heard about other incidents involving fighting in the cage, but he doesn't recall any specifics, and he didn't witness any more himself. Savala believes Grace is the only person at South Oak Cliff who would have allowed students to fight in this manner.

Savala was with James Mays in the gymnasium during a basketball practice in 2005/2006 when Donald Moten came in and told Mays that [REDACTED] had failed a class. Savala recalls that Mays said something like, "I told him he shoulda taken care of his business." Moten left and then showed up 30 minutes later and told Mays it was "all taken care of" and that [REDACTED] could continue to play basketball. Savala recalls that Mays' response was something like, "That's y'alls stuff" and "I ain't got nothin' to do with it."

Savala wrote an affidavit and signed it in the presence of Peter Nielsen, who is a notary.

I hereby state that the above memorandum represents accurately the information provided and the statements made by Reno Savala on 2/28/08. This memorandum was prepared from notes made during the interview and from the affidavit written and signed by Savala.

3/4/08
Frank McCarron
Inspector
Dallas ISD
Office of Professional Responsibility

Rex Stewart
Inspector
Dallas ISD
Office of Professional Responsibility