



June 20, 2023

**Via Email PDF**

The Lamy Family  
c/o Stuart Baggish  
Law Office of Stuart Baggish  
12400 West Highway 71, Suite 350-248  
Austin, Texas 78738

Re: Level Two Response—Eanes ISD Board Policy FNG (Local)

Dear Lamy Family:

On May 22, 2023, you filed a complaint under Eanes ISD Board Policy FNG (Local). I was appointed as the Level Two hearing officer, and we met to hear your complaint on June 6, 2023, *via Zoom*. In accordance with the requirements of Eanes ISD Board Policy FNG (Local), this correspondence constitutes my decision at Level Two.

**Summary of Factual Allegations**

The following summarizes the factual allegations as presented in your May 22, 2023, complaint form:

Your concerns arise from the “May Madness” event, which occurred on Friday, May 12, 2023, at Bridge Point Elementary School (BPE). Camille Lamy’s team chose black as their team color, even though Camille voted for grey. The May Madness event typically involves face painting, and no one advised Camille or her family that choosing black as the team color would present any concerns.

Camille’s homeroom teacher for the 2022-2023 school year was Mollie McAllister, but the class had a substitute teacher, Katelyn Schueller, on the day of the May Madness event. One of Camille’s team members had athletic “Eye Black,” and members of the black team began applying the Eye Black liberally on their faces and other parts of their bodies. For example, Camille used the Eye Black stick to draw a monkey on her leg because she thought it was cute.

Ms. Schueller, upon seeing that Camille covered her entire face in Eye Black, told Camille that she could not have the Eye Black covering her face the way she did. It is alleged that Ms. Schueller told Camille and another student whose face was similarly covered, “I know your intent was not to be racist, but what you did was



racist.” Camille and her teammate then tried to remove the Eye Black with toilet paper, but this was unsuccessful and caused Camille skin irritation.

Then, Camille was taken to Rachael Sherman’s office, who is the BPE counselor and is African American. Camille felt ashamed but did not know how to address the situation with Ms. Sherman. Camille did not intend any racism with her use of the Eye Black but felt as though she was being punished.

Camille then went to BPE Principal Sheri Bryant’s office, where it is alleged that Ms. Bryant said, “I know your intent wasn’t to be racist, but you were being racist. You could have offended other adults in the building. What you did is called Black-face. That’s offensive. You need to wipe your face off.” Ms. Bryant provided Camille with moistened wipes to clean her face, which was already inflamed, and red. Ms. Bryant told Camille that she needed to apologize to Ms. Schueller and coached her to apologize “for being racist.” Camille was not taken to the nurse for treatment of her irritated facial skin.

On Tuesday, May 16, 2023, Camille returned to school to find Ms. McAllister was back in the homeroom classroom. Ms. McAllister mentioned “students’ misbehavior” to the whole class and looked at Camille and the other student who covered his face with Eye Black when she made this comment. Students approached Camille at lunchtime to tell her that they believed Ms. McAllister directed that comment toward her.

The next day, Wednesday, May 17, 2023, Ms. McAllister reprimanded the entire class for purportedly upsetting and offending Ms. Schueller. Ms. McAllister required each student to write an apology to Ms. Schueller. Ms. McAllister singled out Camille, took her iPad from her desk, and handed paper to the students to write the compulsory apology. Students again approached Camille to find out what was happening. Camille’s parents requested a copy of Camille’s apology letter, but Ms. McAllister failed or refused to provide the letter upon request.

You contend that the above-summarized allegations demonstrate violations Texas Education Code Sections 28.0022(4)(A)(ii) (prohibiting indoctrination to the effect that “an individual by virtue of the individual’s race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously”) and 28.0022(4)(A)(v) (prohibiting indoctrination to the effect that “an individual, by virtue of the individual’s race or sex, bears responsibility, blame, or guilt for actions



committed by other members of the same race or sex”). Further, you contend that the above-summarized allegations consequently violate 19 Texas Administrative Code Section 247.2(1)(G), as adopted in Eanes ISD Board Policy DH (Exhibit) (Educators’ Code of Ethics Standard 1.7), which provides, “The educator shall comply with state regulations, written local school board policies, and other state and federal laws.”).

During the Level Two grievance conference on June 6, 2023, your attorney stated your intention was to stand on the allegations from the written grievance submission rather than providing additional information during the conference. Your attorney did take the opportunity to detail the basis for the complaint, but no additional information was provided beyond what is stated in the Student and Parent Complaint form dated May 22, 2023.

#### Investigative Findings

In addition to carefully reviewing the allegations in your May 22, 2023, written complaint form and considering the explanation provided during the grievance conference, I separately interviewed Ms. Schueller, Ms. McAllister, and Ms. Bryant regarding your allegations. My interviews with these witnesses are summarized as follows:

##### Ms. Schueller

Ms. Schueller was a substitute for Eanes ISD for several years, but this was her first time substituting for Ms. McAllister’s fifth grade class. Ms. Schueller was unfamiliar with the students in Ms. McAllister’s class, including Camille. Ms. Schueller reported that the students were unruly on May 12, 2023, likely owing to having a substitute teacher for the day in conjunction with the excitement of the May Madness event.

Students began preparing for May Madness, which included applying face paint. Ms. Schueller saw that Camille and another student had liberally applied Eye Black to cover their faces. This concerned Ms. Schueller because of the race-based implications of blackface, but she did not believe that either of the students had any racist intent in covering their faces with black paint. Ms. Schueller took the opportunity to explain to the students that it can be seen as offensive to people of color when non-black people paint their entire faces black. Ms. Schueller denies calling either student “racist,” and she was adamant that she did not, at any point,



believe the students acted with a racist intent. Ms. Schueller saw this moment as a learning opportunity rather than a disciplinary situation.

Ms. Schueller asked the students to wash the Eye Black off their faces, but the oil-based paint would not scrub off in the restroom with just water and soap.

Ms. Schueller asked Camille and the other student to visit the school counselor about the situation because, as she explained, this was not a disciplinary situation in her mind. Ms. Schueller had no further interactions with Camille about the Eye Black situation once Ms. Sherman became involved.

Ms. Schueller informed me during our interview that she was moving away from the Eanes ISD area and that she would no longer be a substitute teacher for the District in the upcoming school year.

#### Ms. Bryant

When Camille was with Ms. Sherman, Ms. Bryant intercepted them and said that she would handle the situation from there. Ms. Bryant spoke with Camille about how it could be seen as offensive when a person who is not black paints his or her face black, and she knew that Camille did not want or mean to hurt anyone's feelings. Ms. Bryant denies calling Camille or any other student "racist," and she told me emphatically that she did not believe that Camille painted her face black with any racist intent. In her opinion, Camille was simply overzealous with the application of the face paint without realizing that painting one's face black could be perceived as carrying with it the history of blackface.

Regarding the allegation that Ms. Bryant coached Camille to apologize to Ms. Schueller for "being racist," Ms. Bryant denies coaching Camille or any other student in such a manner. Ms. Bryant, instead, explained that she spoke to Camille about the situation as a learning opportunity (*i.e.*, school is a safe place to learn) and that she perceived Camille to be embarrassed that she may have hurt Ms. Schueller's feelings. Ms. Bryant understood that Camille did not intentionally act to offend Ms. Schueller or anyone else.

Ms. Bryant also explained to me that Camille and the other student who painted his face black were not the only students who were overzealous in painting their faces and bodies. In fact, at lunch time, Ms. Bryant put moisturized wipes on each lunch table and instructed the entire student body present to wipe the paint off their arms, legs, and body parts other than their faces. Ms. Bryant also addressed all the



students in the lunchroom about calming down because students were generally acting out and were unusually excitable on this date.

Ms. McAllister

After Ms. McAllister returned to BPE the following week, she spoke to Ms. Schueller about her experience substituting for her the previous Friday. Ms. Schueller told Ms. McAllister that the class, as a whole, was unruly and seemed to take advantage of having a substitute teacher on the day of the May Madness event. For example, Ms. McAllister learned students claimed they did not have to finish assigned work and were walking around in the classroom. Ms. Schueller did inform Ms. McAllister that students went overboard with face and body paint and did inform her that some students had painted their entire faces black. Ms. Schueller did not tell Ms. McAllister that she thought any students were being racist; rather, she reported that the students were just overly excited about the May Day event and having a substitute teacher coupled with the day's fun distraction led to an unruly day overall. Ms. Schueller reported that she thought she handled the face-paint situation and that with Ms. Bryant's intervention, there was no further action required on Ms. McAllister's part.

Upon returning to the classroom, Ms. McAllister addressed her class and mentioned that she heard that her class acted poorly for Ms. Schueller and took advantage of Ms. McAllister's absence—including by over-applying face paint on their faces and bodies. Ms. McAllister informed me that she addressed the whole class at this time and that she neither directed her comments to any particular student nor addressed any race-based topic.

Over the course of the day, Ms. McAllister heard reports from other BPE staff about her classes' unruly behavior the previous Friday. Ms. McAllister, therefore, asked Ms. Schueller if she wanted apologies from her students, but Ms. Schueller declined the opportunity.

That said, Ms. McAllister has at times in the past asked her class to write apology letters after incidents of misconduct as a reflection exercise. Based on the reports of her classes' misbehavior leading up to the May Madness event, Ms. McAllister asked her class to write apology letters to Ms. Schueller to give them an opportunity to reflect on their behaviors. Ms. McAllister told her class that Ms. Schueller was an adult, and she expected students in her class to respect adults. Also, she told the class that Ms. Schueller was their guest, and she knew that her students did not want



to make guests feel unwelcome. Ms. McAllister did not instruct the students on the contents of their apology letters other than to say that if the student did not feel like he or she had anything to personally apologize for, he or she could apologize on behalf of the entire class.

Once the students drafted and turned in their apology letters, Ms. McAllister read and recycled them. The apology letters were not shared with any other person. The exercise was only meant to be an opportunity for reflection and was not a graded assignment. Ms. McAllister did not speak to any student, including Camille, about the substance of his or her apology letter.

#### Conclusion and Response to Requested Remedies

Based on my review of the May 22, 2023, grievance submission, the information shared during the June 6, 2023, grievance conference, and my investigation, I do not find that any Eanes ISD employee violated the Texas Education Code or the Educators' Code of Ethics Standard 1.7. Ms. Schueller and Ms. Bryant were clear in their recollections that they did not call Camille or any other student "racist" and were adamant that they did not believe that Camille or any other student painted their faces black to mock or shame people of color. Instead, Ms. Schueller and Ms. Bryant intended to explain to Camille that a non-black person painting his or her face black could be seen as offensive to people of color, which is why they asked Camille and the other student to wash the Eye Black of their faces. Their intent was not to label Camille as "racist" or to make Camille believe that she is inherently racist because she is white, as would be prohibited under the Education Code. Instead, I find that Ms. Schueller and Ms. Bryant acted appropriately to teach Camille that covering one's face entirely in black paint can be perceived as offensive based on the historical context of blackface minstrelsy, and both Ms. Schueller and Ms. Bryant informed me that they knew Camille did not paint her face black with any intention to cause offense to any other person.

Regarding Ms. McAllister, I find that she did not directly address Camille or any other student about the racial implications of blackface. Ms. McAllister, instead, addressed the entire homeroom class about their misbehavior generally when Ms. Schueller substituted, and upon receiving more reports of her classes' misbehavior leading up to the May Madness event, she took the opportunity to have the entire class reflect on their behavior by having them write apologies to Ms. Schueller. Ms. McAllister engaged in this reflection activity before when other situations merited student contemplation. Ms. McAllister utilized this technique in this circumstance to have the students in her class understand that treating adults with respect and making guests feel welcome are important values in furtherance of the good citizenship expected of Eanes ISD students. This exercise was not targeted at Camille or even toward the issue of black face paint;





instead, the reflection activity arose from consistent reports that Ms. McAllister's class, as a whole, was unruly when Ms. Schueller substituted during her absence.

In consideration of the findings above, I make the following decisions regarding your requested remedies:

- A. Removal of any and all reference(s) in minor student Camille Lamy's Eanes ISD permanent student record(s) in any way related to her purportedly being racist, purportedly acting in a racist manner, and/or purportedly engaging in conduct connected with or constituting racism.

**Granted.** There is no reference in Camille's permanent student record related to racism or the circumstances surrounding the May Madness event. Further, because no disciplinary action arose from this incident, there is no disciplinary record that would be subject to Part 7 of the "Local Schedule SD: Records of Public School Districts, 3rd Edition" (13 Texas Administrative Code Section 7.125(a)(6)). Please note, however, that pursuant to 13 Texas Administrative Code Section 7.125(a)(1), entitled "Local Schedule GR: Records Common to All Local Governments, Revised 5th Edition," Eanes ISD must maintain a copy of your May 22, 2023, grievance submission, this response, and any document generated in any subsequent appeal in this matter for two years from the date of the complaint's resolution. Documents arising from this grievance proceeding, however, are not considered permanent academic achievement records for purposes of Retention Schedule SD3200-01 in 13 Texas Administrative Code Section 7.125(a)(6).

- B. McAllister must provide either a face-to-face or written apology to minor student Camille Lamy for the impression, express and/or implied, that her actions were racist, and for compelling her to write an apology to Schueller against her will.

**Denied.** Ms. McAllister did not direct Camille, either expressly or impliedly, to apologize to Ms. Schueller for being racist. Ms. McAllister required her entire class to write apologies to Ms. Schueller because of the numerous reports she received of students' misbehavior on May 12, 2023.



- C. Bryant must provide either a face-to-face or written apology to minor student Camille Lamy for the impression, express and/or implied, that her actions were racist, and for compelling her to write an apology to Schueller against her will.

**Partially Granted.** Although Ms. Bryant denies that she either expressly or impliedly told Camille that her actions were racist and denies that she compelled Camille to write an apology to Ms. Schueller, it was not Ms. Bryant's intent to make Camille feel badly about painting her face black for May Madness. Ms. Bryant does not believe Camille to be racist or to have acted with racist intent in covering her face with Eye Black; rather, she spoke with Camille so that she would understand that others could perceive covering her face with black paint to be offensive. You may either accept this grievance response as an apology on behalf of Ms. Bryant for unintentionally making Camille feel as though she was being labelled as racist, or I can schedule a time for you and Camille to meet with Ms. Bryant and me for a conversation to achieve resolution of this matter.

- D. Irrespective of whether she continues teaching in Eanes ISD on a full-time or substitute basis, Schueller must provide a letter of apology to minor student Camille Lamy for Schueller's grotesque misrepresentation of minor student Camille Lamy's actions, which constitutes abuse of a student under prevailing Texas education law.

**Denied as Moot.** Ms. Schueller is no longer an Eanes ISD employee, and the District cannot compel her to write a letter of apology to Camille. In addition, as explained above, my investigation did not corroborate the allegation that Ms. Schueller made any "grotesque misrepresentation" about Camille's actions. Ms. Schueller did not believe Camille to have acted with racist intent, and my investigation did not substantiate that she told anyone at BPE that Camille exhibited racism.

- E. A representative of Eanes ISD must acknowledge to minor student Camille Lamy the sickening aspects of genuine racism and must also acknowledge that the conduct of Bridge Point Elementary staff was "gas lighting" that dilutes legitimate and good faith efforts to correct and prevent genuine racism.

**Partially Granted.** By virtue of this grievance response, and as a representative of Eanes ISD, I am acknowledging that racism is, indeed, sickening and is not





tolerated in this District. Eanes ISD Board Policy FFH (Local) “prohibits discrimination, including harassment, against any student,” based on race, color, or any other characteristic protected by law.

Regarding the allegation that BPE staff engaged in “gaslighting,” my investigation did not reveal that any Eanes ISD employee engaged in this, or any form, of psychological manipulation.<sup>1</sup> Instead, Ms. Schueller and Ms. Bryant attempted to explain the reason they asked Camille to remove the black paint from her face was to prevent others at BPE from taking offense based on a misperception that students were wearing blackface. I do not find that either adult intended or even attempted to manipulate Camille, and I do not find that their efforts to aid Camille’s understanding as to the reason it was advisable to remove the black paint from her face was done for purposes of manipulation or to achieve some sort of personal advantage.

- F. A representative of Eanes ISD must acknowledge in writing that the Lamy family has made significant contributions, including time, effort, skills and funds aggregating more than a hundred thousand dollars to organizations that promote people of color and/or are led by person(s) of color.

**Granted.** Although I do not have personal knowledge of your family’s contributions to organizations promoting people of color or that are led by people of color, I also have no reason to dispute the Lamy family’s generosity and efforts in this regard. Therefore, as a representative of Eanes ISD, I am acknowledging the Lamy family’s support and contributions to organizations promoting and led by people of color based on your family’s contention in this grievance.

- G. The Lamy family was considering donating land and/or funds to Eanes ISD, and that matter is currently off-the-table pending the district’s resolution of this complaint.

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<sup>1</sup> Merriam-Webster provides two definitions for “gaslighting”:

- (1) psychological manipulation of a person usually over an extended period of time that causes the victim to question the validity of their own thoughts, perception of reality, or memories and typically leads to confusion, loss of confidence and self-esteem, uncertainty of one’s emotional or mental stability, and a dependency on the perpetrator; and
- (2) the act or practice of grossly misleading someone especially for one’s own advantage.

<https://www.merriam-webster.com/dictionary/gaslighting>



**Neither Granted nor Denied.** As presented, this statement does not request a remedy. My hope is that you are satisfied with this response to your grievance, but my response is not motivated in any way by your intent (or lack thereof) to donate land or funds to Eanes ISD. The District is always grateful for the generosity and support of its parents, alumni, and community members, and your decision whether or not to donate land or funds to Eanes ISD in the future will be respected irrespective of the trajectory of this matter.

To the extent that any remedy requested in the May 22, 2023, grievance submission is not explicitly addressed in this response, such request is denied.

In sum, I thank you for bringing your concerns to Eanes ISD's attention, and I want to take this opportunity to state that all feedback I received in investigating this complaint demonstrates that Camille had no intent to cause offense to anyone on the date of the May Madness event. No Eanes ISD employee involved in this matter believes that Camille is racist or that she knowingly acted in a racist matter. I also acknowledge that Camille's feelings about what happened that day and in its aftermath are important and valid, and I remain open to assisting you and your family in any way that I can to achieve closure should this response not suffice. Regardless, I hope Camille has a wonderful summer break and a successful transition to middle school, and I wish you and your family well.

To appeal this response, you must file a written notice of appeal with the appropriate administrator within the time limits set in FNG (Local). The necessary forms are available on the Eanes ISD website.

Sincerely,

Molly T. May  
Assistant Superintendent of Curriculum, Instruction & Assessment  
Eanes ISD  
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