

TO: Elizabeth Barton, General Counsel

FROM: Sarah Bakker
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RE: Investigation of Leaks of Confidential Information from the Board of
Education of the City of Chicago

The Chicago Board of Education engaged Salvatore Prescott Porter & Porter PLLC in November 2025 to conduct an investigation into whether members of the Board of Education of the City of Chicago engaged in leaks to the media regarding the Superintendent/CEO search, and in doing so, potentially violated their fiduciary duty.¹ In January 2026, the scope of the investigation expanded to include additional leaks to the media in December 2025. For the reasons detailed below, there is insufficient evidence to reach a conclusion as to the source of the leaks with the investigative tools available to us.

I. Background

The Chicago Board of Education consists of 21 members.² It is a hybrid body, with 11 members appointed by the Mayor of Chicago and 10 elected members. In early 2025, the Board began the process of searching for an interim Superintendent/CEO, and eventually selected Dr. Macqueline King as the interim Superintendent/CEO.

¹ Fiduciary duty is defined as “a duty of utmost good faith, trust, confidence, and candor owed by a fiduciary” (such as an agent, officer, or trustee) “to the beneficiary” (such as the agent’s principal or the beneficiaries of the trust). DUTY, Black’s Law Dictionary (12th ed. 2024). *See also* CPS Code of Ethics, Sec. 503.1 at II.N (adopted Aug. 24, 2023) (defining “fiduciary duty” as a duty “to act in the best interests of the Board and the public by avoiding conflicts of interest and acting in good faith.”).

² During the events at issue, Olga Bautista was a member of and Vice President of the Board. After her interview with SPPP but prior to the conclusion of this investigation, Bautista resigned from the Board.



The Board then began a comprehensive search for the next permanent Superintendent/CEO. It engaged Alma Advisory Group (which had a pre-existing contract with CPS) as the search firm in charge of recruitment in or around March 2025. Alma was responsible for working with the Board to facilitate the search process, including building out the position description, designing the interview materials, coordinating community engagement, and working directly with the candidates for the position. Alma emphasized repeatedly to the Board the importance of confidentiality in the search process to solicit the most attractive candidates for the position. The entire Board, as well as members of the Board staff, signed nondisclosure agreements acknowledging their agreement to keep information related to the Superintendent/CEO search confidential. All Board members with whom we talked acknowledged the importance of keeping the process confidential.

The Board created a transition team consisting of four Board members to work closely with Alma on the search, and to bring materials and information back to the full Board. The four-member transition team consisted of two elected members—Jessica Biggs and Dr. Che Smith—and two appointed members—Debby Pope and Norma Rios-Sierra. Jessica Biggs reported that she was the “chair” of the transition team.

Alma conducted the first-round screenings of resumes submitted for the Superintendent/CEO position in or around August and September of 2025. Alma narrowed the pool of candidates and presented a slate of initial candidates to the Board. At the Board’s request, all of the resumes were made available to the Board, and a transition team member reviewed all of the resumes to confirm Alma’s selection. In small groups, the Board virtually interviewed each candidate in October 2025. The interviews were recorded and made available to each Board member to review prior to the Board’s group debriefing on the interviews.

The Board narrowed the initial pool of candidates down to a smaller pool for second round interviews. In the second round of Board interviews at the end of October 2025, each Board member interviewed each candidate in a small group organized by interview topics. The interviews were again recorded and made available for each Board member to view before the Board met in early November 2025 to debrief and, again, narrow the candidate pool.

At its early November Board meeting, the Board narrowed the pool of candidates down to two finalists. At this point, it was leaked to the media that interim Superintendent/CEO Dr. King was no longer under consideration as a candidate for the permanent position. The names of the two candidates that the Board had decided to move forward—Meisha Ross Porter and Alex Marrero—were also leaked in news



stories. Within days, Alex Marrero withdrew as a candidate, and the search process temporarily stalled.

* * *

Unrelated to the Superintendent/CEO search, the Board Chief of Staff, Fae Rabin, emailed the Board on December 23, 2025 to notify the Board of a special meeting set for December 29, 2025. A screenshot of Rabin's email was posted to Fox News reporter Paris Schutz's X account on December 23, 2025, the day before the special meeting was publicly announced. Over the next week, Schutz continued to post screen shots of internal Board communications, namely communications from Board President Sean Harden concerning this investigation. As part of the preexisting investigation into the November leaks regarding the Superintendent/CEO search process, the scope of this investigation was enlarged to include these December leaks of Board communications to Schutz.

II. Investigation Scope

As part of our investigation, SPPP spoke to nearly two dozen witnesses. SPPP requested to interview every member of the Board. Nineteen Board members cooperated with the investigation and sat for interviews with SPPP. Four of those 19 Board members brought counsel with them to their interviews—Jessica Biggs, Therese Boyle, Jennifer Custer, and Carlos Rivas. Two Board members refused to cooperate with the investigation and did not respond to multiple requests for interviews—the noncooperating Board members are Ellen Rosenfeld and Dr. Che Smith.

SPPP also interviewed a representative of Alma, a member of the Board staff, and interim Superintendent/CEO Dr. King. Additionally, SPPP requested to interview the reporters who published the leaked information—Sarah Karp of WBEZ and Paris Schutz of Fox News. On the advice of their legal counsel, both declined to talk with investigators.

Additionally, SPPP collected documents and emails as part of the investigation. SPPP keyword searched and reviewed over 9000 documents. These included emails from the 21 Board members' @cps.edu email addresses, as well as emails of additional CPS Board staff members who had access to confidential information related to the Superintendent/CEO search. The email search did not uncover any evidence indicating any individual shared confidential information related to Board business with the media via their @cps.edu email account.



In their interviews with SPPP, every Board member acknowledged that they communicated about Board business on their personal cell phone. SPPP asked whether each Board member would submit to a search of their personal cell phone. The following Board members consented to SPPP searching their personal cell phones:

Olga Bautista, Michilla Blaise, Jitu Brown, Ebony DeBerry, Emma Lozano, Debby Pope, Anusha Thotakura, Cydney Wallace

The following Board members declined to submit to a search of their personal cell phones:

Jessica Biggs, Jennier Custer, Carlos Rivas

The following Board members neither consented nor declined, but demurred that they would want to seek legal counsel or additional information prior to deciding whether to provide their personal cell phones:

Ed Bannon, Therese Boyle, Angel Gutierrez, Sean Harden, Yesenia Lopez, Angel Valez, Karen Zaccor

For the two Board members who refused to participate in the investigation—Ellen Rosenfeld and Dr. Che Smith—SPPP deems their refusal to participate as refusal to consent to a search of their personal cell phones.

SPPP considered taking the investigatory step of searching Board members' cell phones because it is likely that if someone leaked information to the media, they did so via communication on their personal phone. However, it was determined that this step would have limited evidentiary value: the majority of Board members confirmed to SPPP that they have spoken to Sarah Karp on their personal phones about CPS matters at one time or another. And many Board members recall Sarah Karp reaching out to them on their personal phones around the time the information was leaked in November 2025. Thus, a search of their phones to confirm what they already admitted to would have little probative value. Moreover, if the conversations were verbal as opposed to in writing, a forensic review of the phones would not shed insight into whether any confidential information was conveyed in the communications. Additionally, as this investigation has been known to the Board members since shortly after the leaks, it is possible (and perhaps likely) that even if a Board member's phone once contained probative evidence regarding leaks of confidential information to the media, the individual could have taken steps to delete any such evidence upon notice of the investigation. And this is a voluntary investigation; without subpoena power, SPPP could not force the 12 Board members



who did not consent to a phone search to cooperate, so the review would be of less than half of the Board members' phones. As such, it was determined that with the limited evidentiary value, this step was not worth the significant expense of forensically duplicating and searching Board members' phones.

II. Analysis and Findings

Superintendent/CEO Search Leaks

Despite a thorough document review and more than 20 witness interviews, there is insufficient evidence to substantiate a conclusion as to the source of the leaks of confidential information in November and December 2025. SPPP asked every witness their opinion of the search process, whether they felt they had sufficient opportunity to voice any concerns with the process or candidates, their opinion of the finalist candidates in November 2025, whether they communicated with reporters generally about CPS business and specifically whether they communicated with Sarah Karp and/or Paris Schutz. Each witness was also asked whether they were the source of the leaked information in November or December 2025. No witness admitted to sharing confidential information with the media, and we uncovered no other evidence to identify any particular individual as the source of the leaked information.

However, a number of themes and potential motivations emerged through our interviews. Some witnesses reported concerns that the Superintendent/CEO search process was moving too fast, while others felt it was a long, drawn-out process. Some witnesses wanted to pause the search in hopes of finding a third candidate before moving forward with the two finalists while others reported that consensus existed for the two finalists to proceed. But Board members uniformly reported that they felt the search process was robust and thorough and that they had an opportunity to voice their opinions throughout the process.

Witnesses reflected on various potential motivations to leak the candidates' names to the press. One theme was currying favor with reporters. As the Board is heading into a new phase where all members will need to run for election, witnesses suggested that every Board member has motivation to ingratiate themselves with the media, to provide the "inside scoop" so that the reporter has incentive to come back to that individual again, or to repay the favor via positive coverage during the upcoming Board elections. This is an incentive that all Board members who are seeking re-election next year share, regardless of whether they are currently an appointed or elected member.



Another motivation floated by multiple witnesses was to force a suspension of the search process. Every witness agreed that it was made clear to them throughout the process the importance of confidentiality to the applicants. Witnesses also agreed that Board members were instructed that, for some applicants, if their names were made public, they would withdraw from the process. So, if someone did not want the process to continue moving forward with Dr. Porter or Dr. Marrero as the finalists, leaking the names could result in the candidates' withdrawal and a temporary pause in the search while additional candidates were recruited. Indeed, that is exactly what happened after the names were reported in the news in November.

A few witnesses hypothesized that the leaker may have hoped to do the exact opposite—to lock in the candidates by publicly naming them in November, forcing any reticent Board members to move forward with these two candidates as finalists instead of putting on the brakes in hopes of finding a third candidate. Or to lock in these names as candidates to prevent the Mayor from injecting any other candidates into the process. Considering that the witnesses reported knowing that one candidate was likely to withdraw if named publicly, this “locking in” outcome was far less likely and, thus, less likely to serve as motivation for the leak.

Multiple witnesses suspected the leaks were purely to cause chaos in hopes of reflecting poorly on the Board and, by proxy, the Mayor. Because the majority of the Board is appointed, some witnesses explained that public perception is that the Board serves as a proxy of the Mayor. Therefore, when the Board is undermined and made to look disorganized and chaotic, some witnesses felt the goal was to reflect that on the Mayor's office as well. Whatever the motivation of the leaks, all witnesses agreed that the leaks made the Board look divided and untrustworthy. Relatedly, many witnesses commented on the tension and distrust within the Board between the appointed and elected members.

All of these motivations voiced to SPPP during the investigation are possible, while some are more plausible than others. However, it is also possible that no one on the Board intentionally shared confidential information regarding the Superintendent/CEO search. It is possible that a Board member inadvertently shared something that led a reporter to investigate on her own and find out the candidates' identities. For example, Jessica Biggs was quoted in one of Sarah Karp's articles as revealing “that all finalists have big city experience.” Biggs confirmed to SPPP making that statement to Karp. Biggs explained that, in her view, such information was in no way identifying (and thus, did not violate the NDA) as there are plenty of big-city school systems in this country. Of course, a determined reporter could use such a detail about “big city experience” to ask the next question and the next question, and eventually uncover the finalists' identities. SPPP shares this example



not as an indictment on Biggs but as an example of how the information could have been shared inadvertently.

Even if the information were intentionally “leaked,” SPPP does not have confirmation that the leak came from a member of the Board of Education. It was reported by multiple witnesses that some individuals and entities outside of the Board had access to the identities of the candidates, including the Mayor’s office in Chicago, as well as individuals within the orbit of the candidates in their respective cities. Multiple witnesses reported to SPPP that they had contacts in Denver or New York who reached out and spoke to them on behalf of the candidates. One witness reported that Sarah Karp told her that Karp had a contact in the Westside Branch NAACP who shared with her confidential information related to the Superintendent/CEO search. All this to say, based on the evidence uncovered in our investigation, we cannot rule out that the information was shared with reporters by someone other than a member of the Board.

Leaks to Paris Schutz

The leaks to Paris Schutz regarding the special Board meeting and this investigation differ in multiple respects from the Superintendent/CEO search leaks. For one, the material shared with Schutz constituted screenshots of communications sent internally within the Board. So, it is reasonable to conclude that these leaks came from a member of the Board. Second, there is no allegation or concern that these leaks breached a contract or nondisclosure agreement; rather, these reflect a breach of a Board member’s fiduciary duty “to act in the best interests of the Board and the public by avoiding conflicts of interest and acting in good faith.” *See* CPS Code of Ethics, Sec. 503.1 at II.N (adopted Aug. 24, 2023) (defining “fiduciary duty”). Third, sharing a screenshot of an email about a meeting that was publicly disclosed approximately 12 hours later is different in kind than outing the name of a candidate confidentially interviewing for a position that may put their current job at risk if made known. The special meeting was publicly announced shortly after Schutz posted it, and information about this investigation is available to the public via FOIA and other means.

As with Karp, many Board members acknowledged in their interviews that they have communicated with Schutz about CPS business and have appeared on Schutz’s show. The majority of witnesses reported that Schutz has a clear political leaning which they believe aligns with many of the elected members of the Board. Of course, even if true, such alignment would not prove who shared the information with Schutz. A few Board members were publicly critical of the December special Board meeting. Dr. Che Smith, for example, was quoted in an article by Sarah Karp as stating that the December meeting “was not well publicized” and that “CPS could



alleviate leaks with a little more transparency.” Some witnesses suggested that those who voted against the property tax levy considered at the December special Board meeting had motivation to leak the email. The five Board members who voted against the property tax levy at the December special meeting were Dr. Smith, Therese Boyle, Angel Gutierrez, Carlos Rivas, and Ellen Rosenfeld.

There is no evidence that the individual who leaked the Board communications to Paris Schutz is the same individual who shared confidential information regarding the Superintendent/CEO search. It is plausible that the individual who shared screenshots with Schutz was critical of the timing and/or publicity surrounding the December special meeting and critical of this investigation. As Board members Dr. Che Smith and Ellen Rosenfeld refused to cooperate with this investigation, Smith and Rosenfeld did not confirm or deny sharing confidential Board communications with Schutz.

SPPP does not have sufficient evidence to conclude the source of the leaks of confidential Board communications to Schutz.

III. Conclusion

SPPP does not have subpoena power or other investigative tools to determine, by even a preponderance of the evidence, the source of the leaks of confidential Board information to the media in November 2025 and December 2025.