



ADAMS SILVA & McNALLY LLP

# CONFIDENTIAL INVESTIGATION REPORT

Complaint by SSG

Against Trustee Slatic

Prepared for: Lozano Smith  
and  
Fresno Unified School District

By: Kerrie McNally

Date: April 8, 2019

## **I. Introduction**

Adams Silva & McNally LLP was retained by Lozano Smith and Fresno Unified School District (“District”) to investigate a complaint filed by Staff Sergeant (“SSG”) [REDACTED], received by the District on January 28, 2019, against Board Trustee Terry Slatic (“Complaint”). This is a confidential report of our findings. It contains a summary of the evidence reviewed, witness interview summaries, factual findings, and analysis related to potential violations of Board Policies and alleged racial discrimination.

## **II. Summary of Complaint**

In the Complaint, SSG [REDACTED] alleges that Trustee Slatic treated him in an unprofessional and discourteous manner on January 7, 2019, while at Bullard High School (“Bullard”) performing his recruiting duties for the United States Army. SSG [REDACTED] alleges that Trustee Slatic attempted to intimidate and demean him, cut him off when he attempted to speak, used threatening and intimidating language and tone, and used inappropriate language in a conversation initiated by Trustee Slatic. Additionally, SSG [REDACTED] alleges that Trustee Slatic demanded to speak with his supervisor and when he did, using SSG [REDACTED]’s cellular telephone, SSG [REDACTED] alleges that Trustee Slatic was unprofessional and rude to his supervisor and that Trustee Slatic threw SSG [REDACTED]’s telephone on the counter at the end of the call. Finally, SSG [REDACTED] alleges that Trustee Slatic told him that he was “banned” from Bullard until Trustee Slatic determined SSG [REDACTED] could return to campus. (Exhibit 1).

## **III. Issues Presented**

In the Complaint, SSG [REDACTED] alleges that Trustee Slatic was disrespectful, demeaning, intimidating, and unprofessional in his interaction with SSG [REDACTED]. SSG [REDACTED] alleges that the following specific factual events occurred during their encounter:

- Trustee Slatic approached SSG [REDACTED] in the office at Bullard, looked at him with a look of disgust, and requested to speak with him outside.
- Trustee Slatic failed to introduce himself to SSG [REDACTED].
- Trustee Slatic asked SSG [REDACTED] what he was doing at Bullard.
- Trustee Slatic repeatedly asked SSG [REDACTED] words to the effect of, “What is your purpose?”
- Trustee Slatic was dissatisfied with the response SSG [REDACTED] provided in response to Trustee Slatic’s inquiry.
- Trustee Slatic repeatedly cut-off SSG [REDACTED] when he attempted to speak.
- SSG [REDACTED] requested respect and professionalism in the conversation.
- Trustee Slatic repeatedly told SSG [REDACTED] to “shut [his] mouth.”
- Trustee Slatic threatened to “ban” SSG [REDACTED] from Bullard.
- Trustee Slatic threatened to “ban” all Army Recruiters from Bullard.
- Trustee Slatic demanded the contact information of SSG [REDACTED]’s supervisor.
- Trustee Slatic was rude and unprofessional to SSG [REDACTED]’s supervisor on the telephone.
- Trustee Slatic told SSG [REDACTED]’s supervisor that SSG [REDACTED] and all Army recruiters were banned from Bullard.

- Trustee Slatic threw the telephone onto the office reception counter and at SSG [REDACTED] when the call with SSG [REDACTED]'s supervisor concluded.
- Trustee Slatic told SSG [REDACTED] that he could not return to Bullard until Trustee Slatic approved his return.

#### **IV. Investigation Procedures**

##### **A. General Procedures**

The District coordinated interviews with SSG [REDACTED], Captain [REDACTED] ("Captain"), Trustee Slatic, and Bullard Principal, [REDACTED] ("Principal"). The District also provided documents and surveillance video recorded in the Bullard front office on January 7, 2019.

During the interviews, the investigator informed each witness that she was an investigator retained on behalf of the District. The interviews with SSG [REDACTED] and the Captain were not recorded. At the request of Trustee Slatic, his interview was recorded. Both Trustee Slatic and the investigator maintain a copy of the recording.

##### **B. Documents Reviewed**

During the investigation, the investigator reviewed the following documents:

- Complaint, dated January 28, 2019. (Exhibit 1)
- Letter to Trustee Slatic Regarding Limits of Board Member Authority, dated January 15, 2019. (Exhibit 2)
- Request to Speak to the School Board, by SSG [REDACTED], dated January 16, 2019 (Exhibit 3).
- Draft Notice of Investigation and Complaint Procedures to SSG [REDACTED] and Trustee Slatic, dated February 22, 2019. (Exhibit 4)
- Fresno Unified School District Board Orientation Handbook, School Year 2018-2019. (Exhibit 5)
- Board Policy 9000, Role of the Board (Powers and Responsibilities). (Exhibit 6)
- Board Policy 9001, Management Oversight. (Exhibit 7)
- Board Policy 9005, Governance Standard. (Exhibit 8)
- Board Policy 9200, Limits of Board Member Authority. (Exhibit 9)
- Board Policy 9323.2, Actions by the Board. (Exhibit 10)

Additionally, the District reviewed a surveillance video showing events inside and immediately outside the Bullard front office on January 7, 2019.

##### **C. Witness Interviews**

In person interviews were conducted on February 27 and March 1, 2019 with SSG [REDACTED], the Captain, and Trustee Slatic. On March 6, 2019, a telephonic interview was conducted with the Principal. Finally, on March 12, 2019, a second interview with SSG [REDACTED] was conducted.

Below is a summary of the investigative interviews and the investigator's credibility determinations.

1. SSG [REDACTED]

SSG [REDACTED] was interviewed on February 27, 2019 at the Fresno offices of Lozano Smith. The investigator requested a follow-up interview by email on March 6 and March 8, 2019 and by telephone on March 8, 2019. On March 12, 2019, SSG [REDACTED] participated in a follow-up interview by telephone.

Generally, SSG [REDACTED] presented as a credible witness. He appeared to clearly recall the facts of the event and was forthcoming when he was unclear about his recollection. SSG [REDACTED] was slightly nervous at the beginning of the interview, but his nerves calmed as he recounted the events that occurred with Trustee Slatik. SSG [REDACTED] stated that his motivation for bringing forward the Complaint was because he was concerned that Trustee Slatik may treat students in a similar manner.

SSG [REDACTED] reported that he has served as a U.S. Army recruiter for two years. Bullard is one of the high schools at which he conducts recruiting efforts. SSG [REDACTED] reported that he typically engaged in recruiting efforts at Bullard one time each week. Generally, SSG [REDACTED] described that when he reported to Bullard, he talked to staff about giving presentations, gave presentations, mentored students, spoke with students in the library and at lunch, and worked with the librarian to facilitate meetings with staff and students.

Prior to January 7, 2019, SSG [REDACTED] reported that he never met Trustee Slatik. He also stated that other than seeing Trustee Slatik's campaign signs, he did not know Trustee Slatik.

On January 7, 2019, SSG [REDACTED] was in the front office at Bullard. SSG [REDACTED] saw Trustee Slatik in the office and believed he was there to speak to someone at the school. SSG [REDACTED] reported that Trustee Slatik was wearing casual Marine gear and his District name badge that had his picture on it which identified him as "Trustee." SSG [REDACTED] reported that while in the office, Trustee Slatik gave SSG [REDACTED] a head to toe inspection and requested to speak with him outside.

Once outside of the front office, Trustee Slatik asked SSG [REDACTED] what was his purpose at Bullard. SSG [REDACTED] was surprised because he did not know Trustee Slatik. SSG [REDACTED] reported that Trustee Slatik did not initially introduce himself.

In response, SSG [REDACTED] informed Trustee Slatik that he was an Army recruiter and that he was on campus to provide information about the Army to students. Trustee Slatik was not satisfied with the response and told SSG [REDACTED] that he wanted to know his purpose.

SSG [REDACTED] again informed Trustee Slatik that he was on campus to recruit students for the Army and gave some general examples of the activities he carried out on campus. SSG [REDACTED] specifically recalled informing Trustee Slatik that he distributed pamphlets of information known

as RPI (Recruiting Publicity Items). Trustee Slatic became upset/frustrated with the response provided.

Due to Trustee Slatic's response, SSG [REDACTED] asked Trustee Slatic who he was and asked about the purpose of the conversation. SSG [REDACTED] reported that he believes Trustee Slatic was offended by this question because Trustee Slatic became more agitated and abruptly informed SSG [REDACTED] that he was a "Trustee" for Bullard. Trustee Slatic informed SSG [REDACTED] that his status as "Trustee" was all SSG [REDACTED] needed to know. At this point, SSG [REDACTED] noticed that Trustee Slatic was wearing a name badge that identified Trustee Slatic as a "Trustee." However, SSG [REDACTED] did not understand the title "Trustee." He did not know that it was the equivalent to "Board member."

SSG [REDACTED] reported that Trustee Slatic never said the following, or anything similar to the following, to him during their conversation:

- Name is Slatic. I am elected as a school board member. I represent Bullard High School and in that capacity I get to go around ask people questions.
- I am here because I am a school board member and it is within my responsibility to go to school campuses to talk to people and see what is going on.

Further, SSG [REDACTED] reported that Trustee Slatic did not explain that he wanted to understand what SSG [REDACTED] did at Bullard at a granular level. SSG [REDACTED] reported that the only two questions Trustee Slatic asked were: "Why are you here" and "What is your purpose?"

After Trustee Slatic asked SSG [REDACTED] his purpose a third time, SSG [REDACTED] told Trustee Slatic that he was a recruiter, informed Trustee Slatic that when he is on campus he meets with students and teachers, and attempted to excuse himself. SSG [REDACTED] informed Trustee Slatic that he had somewhere he needed to go.

In response, SSG [REDACTED] reported that Trustee Slatic stated, "No, you are not going until you answer my questions. Shut your mouth." SSG [REDACTED] reported that this comment was the climax of the conversation. At this point, according to SSG [REDACTED] Trustee Slatic was yelling at SSG [REDACTED]. In response, SSG [REDACTED] reported that he tried again to respond to Trustee Slatic's inquiry, however, Trustee Slatic repeatedly interrupted him and on two more occasions told SSG [REDACTED] to "shut [his] mouth."

Trustee Slatic then asked SSG [REDACTED] to write his supervisor's telephone number on a piece of paper. In response, SSG [REDACTED] offered to contact his supervisor, SSG [REDACTED] ("Supervising SSG") for Trustee Slatic. SSG [REDACTED] and Trustee Slatic reentered the main office.

SSG [REDACTED] called the Supervising SSG on his cell phone. When the Supervising SSG answered, Trustee Slatic demanded that SSG [REDACTED] give him the phone, stating, "Give me the phone. Do you hear me?" At which point, SSG [REDACTED] handed Trustee Slatic the phone.

Upon receipt of the phone, SSG [REDACTED] reported that Trustee Slatic demanded to know with whom he was speaking. SSG [REDACTED] reported that Trustee Slatic told the Supervising SSG that he was "someone important" and did not identify himself as a Board member. SSG [REDACTED]

reported that Trustee Slatc told the Supervising SSG that SSG [REDACTED] was “really showing his ass” and asked the Supervising SSG to call him back. SSG [REDACTED] reported that when Trustee Slatc hung up the phone, he tossed the phone onto the counter and slid it in the direction of SSG [REDACTED].

After concluding the telephone call, Trustee Slatc went to speak to the Principal and SSG [REDACTED] went to his car. Upon arriving to his car, SSG [REDACTED] called the Supervising SSG, who directed SSG [REDACTED] to return to campus and speak with the Principal after calming down. SSG [REDACTED] waited approximately five minutes and then returned to the office to speak with the Principal. During his conversation with Principal, SSG [REDACTED] was told that although Trustee Slatc said that SSG [REDACTED] should be banned from Bullard, he was not banned. The Principal told SSG [REDACTED] that so long as SSG [REDACTED] followed the rules and signs in, he is welcome on campus.

SSG [REDACTED] reported that the exchange with Trustee Slatc lasted approximately thirty minutes.

SSG [REDACTED] completed a Board comment card to speak to the Governing Board at the January 16, 2019 Board meeting. SSG [REDACTED] did not speak during public comment time because he had to step away from the meeting to attend a student event. When he returned, public comment time was over.

SSG [REDACTED] reported feeling belittled by Trustee Slatc. SSG [REDACTED] reported that students were in the vicinity of the conversation with Trustee Slatc and could likely hear the conversation. SSG [REDACTED] was upset that his authority was questioned in the presence of students.

SSG [REDACTED] reported that during the exchange outside of the office, Trustee Slatc was aggressive and it appeared/felt like Trustee Slatc was attempting to act like a ranking officer. SSG [REDACTED] felt like Trustee Slatc was talking to him like a child. He felt belittled and as though Trustee Slatc was attempting to intimidate/threaten him. SSG [REDACTED] acknowledged that Trustee Slatc is taller than him and reported that it felt as though Trustee Slatc was attempting to dominate him and the conversation. SSG [REDACTED] reported while outside, Trustee Slatc invaded SSG [REDACTED]’s personal space.

SSG [REDACTED] alleged during the interview that he believed race was a motivating factor for Trustee Slatc’s treatment of him. SSG [REDACTED] identified the number of times that Trustee Slatc told him to “shut [his] mouth” and his comment that he was “really showing [his] ass” as evidence of Trustee Slatc’s racial motivation. SSG [REDACTED] also reported that the manner in which Trustee Slatc spoke to him, in a belittling manner, as a basis for his belief that Trustee Slatc was profiling him on the basis of race. However, SSG [REDACTED] also asserted that Trustee Slatc’s tone and conduct could have been motivated by the fact SSG [REDACTED] is in the Army and Trustee Slatc was in the Marines.

2. Captain [REDACTED] ("Captain")

The Captain was interviewed on February 27, 2019 at the Fresno offices of Lozano Smith. The Captain is the officer responsible for the Army's recruiting efforts in the Central Valley, including the District and Bullard.

At the outset of his interview, the Captain was careful to inform the investigator that his participation in the interview did not represent the participation of the U.S. Army. During his interview, the Captain was credible and forthcoming.

On January 7, 2019, the Captain was in the office when the Supervising SSG took the telephone call from SSG [REDACTED] and when the Supervising SSG spoke to Trustee Slatic. The Captain overheard and understood that Trustee Slatic was asking for an explanation of what SSG [REDACTED] was doing at Bullard. The Captain reported that he overheard Trustee Slatic use profanity in his call with the Supervising SSG, but could not recall the exact word(s). The Captain recalled overhearing that Trustee Slatic was going to ban SSG [REDACTED] from Bullard.

On January 8, 2019, the Captain contacted Trustee Slatic to discuss the events of January 7. The Captain reported that the conversation did not start well because he did not refer to Trustee Slatic as "District Board Trustee Slatic." The Captain asserted that Trustee Slatic became belligerent and loud. The Captain asserted that Trustee Slatic called him a "mother fucker" and threatened he would ban all recruiters from all District high schools if the Captain did not meet with Trustee Slatic in the following week. The Captain attempted to set an appointment, but Trustee Slatic was too emotional and upset to do so. The Captain requested that Trustee Slatic contact him when he had calmed down. Trustee Slatic never returned the call. The Captain asserted that the telephone call lasted approximately two to three minutes.

The Captain reported that SSG [REDACTED] had been a recruiter at Bullard for over three years and never had any complaints lodged against him. The Captain reported that prior to this issue, SSG [REDACTED] was scheduled to take a new assignment within the recruiting department and has since started in the new position.

3. [REDACTED] ("Principal")

The Principal was interviewed by telephone on March 6, 2019. The Principal was open and willing to discuss the current complaint as well as other issues/concerns that he experienced with Trustee Slatic.

The Principal has served as the Bullard Principal for three years. The Principal reported that he has never had any concerns with any of the military recruiters who were assigned to Bullard. The Principal asserted that during his first year as principal, Trustee Slatic raised general concerns regarding the integrity of the Marine recruiters at Bullard. However, at the time, there were no active Marine recruiters assigned to Bullard.

The Principal reported that on January 7, 2019, he held a scheduled meeting with Trustee Slatic immediately before the incident with SSG [REDACTED]. After the incident with SSG [REDACTED], Trustee

Slatc returned to the Principal's office and informed him that he had a concern that the Army recruiter had been disrespectful toward him. The Principal reported that Trustee Slatc did not understand why SSG [REDACTED] failed to follow his directives to inform him who he was and why he was at Bullard. Trustee Slatc asserted that he showed SSG [REDACTED] his District identification and that SSG [REDACTED] persisted in his refusal to answer his questions. The Principal reported that Trustee Slatc told him (the Principal) that he (Trustee Slatc) repeatedly asked SSG [REDACTED] why he was at Bullard.

The Principal reported that he did not obtain specific information about the conversation from Trustee Slatc on January 7, 2019. The Principal did not recall Trustee Slatc telling him that Trustee Slatc could not get "responsible" answers from SSG [REDACTED]. The Principal denied informing or otherwise agreeing with Trustee Slatc that if he could not obtain specific answers to his questions it would be "troubling." Rather, the Principal recalled telling Trustee Slatc that a confrontation at Bullard between SSG [REDACTED] and Trustee Slatc would be concerning. The Principal also denied telling Trustee Slatc that he would keep SSG [REDACTED] off campus. Rather, the Principal recalled telling Trustee Slatc that he would investigate his concern.

The Principal also reported that shortly after his meeting with Trustee Slatc regarding the incident, SSG [REDACTED] visited his office. SSG [REDACTED] was upset and expressed concern that Trustee Slatc confronted him while he was in uniform. The Principal reported that SSG [REDACTED] alleged that Trustee Slatc was demeaning and that SSG [REDACTED] did not know Trustee Slatc's District role. SSG [REDACTED] asserted that it was his understanding that he was responsible to report/respond to the Principal, the career center staff, and the librarian. The Principal reported that SSG [REDACTED] informed him that Trustee Slatc repeatedly told him to "shut up" and "listen to [him]." The Principal reported that SSG [REDACTED] alleged that he believed Trustee Slatc's conduct was related to his race. SSG [REDACTED] informed the Principal that he felt harassed by Trustee Slatc.

The Principal informed SSG [REDACTED] that he was permitted to be on campus so long as he checks in with the front office and follows procedures as he had in the past.

During the interview, the Principal described that it was not the first time he has heard of or experienced this type of behavior from Trustee Slatc. The Principal reported that it is not uncommon or out of character for Trustee Slatc to challenge authority and raise his voice. The Principal described a conversation that he had with Trustee Slatc in the fall at the final football game, before Trustee Slatc took office. Specifically, The Principal reported that when he was on the football field, Trustee Slatc confronted him and stated words to the effect of, "Oh, you are going to be fun to deal with..." The Principal reported that he questioned Trustee Slatc's comment and Trustee Slatc said, words to the effect of, "And I'm a racist too!" The Principal reported that Trustee Slatc was angry when he made these comments and became so confrontational with the Principal that Trustee Slatc's wife pulled him away from the Principal.

#### 4. Trustee Slatc

The interview with Trustee Slatc occurred on March 1, 2019 at the District main office in Fresno. Trustee Slatc refused to meet with the investigator at the offices of Lozano Smith. At the



beginning of the meeting, Trustee Slatc expressed significant disagreement with the investigator regarding procedural matters and the scope of the interview. Trustee Slatc's comments were abrupt and he was assertive in his position. He was confrontational and repeatedly cut off the investigator. Trustee Slatc threatened to walk-out of the interview if the investigator did not concede to limiting the scope of the interview.

Before beginning the interview, the investigator asked Trustee Slatc if he was opposed to her taking notes on the computer. Trustee Slatc responded that he would only allow notes to be taken if he received a copy of the notes or if the interview was recorded. An agreement was reached that the interview would be recorded.

Trustee Slatc was not credible throughout during the interview. At times, Trustee Slatc was confrontational and abrupt. He answered the factual questions related to the complaint lodged by SSG [REDACTED]. Trustee Slatc recounted a very high degree of detail of the conversation with SSG [REDACTED]. However, the details appeared to be designed to prove to the investigator that he was calm during the incident and that he had the right to ask SSG [REDACTED] the questions presented during their conversation.

Trustee Slatc is a retired Major of the Marines. He retired in August of 2013. He has four sons who attended (or currently attend) Bullard.

Trustee Slatc was elected to the District Governing Board in November of 2018. Trustee Slatc reports that he ran for the Board because he believes that there is a lack of safety, transparency, and accountability in the District.

Upon election to the Board, Trustee Slatc received training regarding his role as a Board member. He attended the annual CSBA conference, including the new school board member training in December, 2018. He also attended a District training and received a copy of the Board Handbook. Trustee Slatc reports that he reviewed the handbook and is familiar with the District's Board Bylaws contained in the 9000 series of the Board Policies. When questioned about the specific documents that he received and reviewed as part of the trainings he received and the Board Bylaws, Trustee Slatc refused to review the materials presented by the investigator.

Trustee Slatc recalled the incident between he and SSG [REDACTED] at Bullard. Trustee Slatc acknowledged that prior to his conversation with SSG [REDACTED] he did not discuss his intention to do so with any District Administrator.

Trustee Slatc reported that he initiated contact with SSG [REDACTED] in the main office by asking if he could speak with SSG [REDACTED]. Trustee Slatc asserted that while in the main office, he introduced himself by name, informed SSG [REDACTED] that he was an elected school board member, and informed SSG [REDACTED] that in his elected role, he has the ability to go around and ask people questions. Trustee Slatc also asserted that he was wearing his District name badge. Shortly after the initial introductions, they went outside. He asserted that they moved outside because there were fewer students outside than inside the office.

Once outside, Trustee Slatik asked SSG [REDACTED] if he could ask him some questions. SSG [REDACTED] responded that he could ask questions. Trustee Slatik reported being vaguely aware that students were in the vicinity during his conversation with SSG [REDACTED], but their presence did not concern Trustee Slatik.

Trustee Slatik reported that he asked SSG [REDACTED] to provide him a detailed description of what SSG [REDACTED] does on campus. Trustee Slatik reported that he specifically requested that SSG [REDACTED] provide information about what he did, where he went, and who he spoke to when on campus. Trustee Slatik reported that SSG [REDACTED] informed him that he signed in and gave a vague response and made reference to an acronym with which Trustee Slatik was unfamiliar.

Consequently, Trustee Slatik requested that SSG [REDACTED] explain the acronym and SSG [REDACTED] did not comply with the request. Rather, Trustee Slatik reported that SSG [REDACTED] asked Trustee Slatik why he was asking the questions.

In response, Trustee Slatik reported that he informed SSG [REDACTED] that he was a Board member and that it is within his responsibility to go to school campuses and talk to people to find out what is going on at the school. Trustee Slatik reported that in response, SSG [REDACTED] asked him why he wanted to know the requested information. Again, Trustee Slatik informed SSG [REDACTED] that he was a Board member and that it is within his responsibility to go to school campuses and talk to people to find out what is going on at the school. Trustee Slatik asserted that he made it “crystal clear” that he understood that SSG [REDACTED] was on campus to recruit students for the Army, but that he wanted to know exactly what SSG [REDACTED] did while he was on campus.

Trustee Slatik acknowledged that he cut off SSG [REDACTED] when he was speaking “innumerable times” during the conversation. Trustee Slatik reported that he cut off SSG [REDACTED] because SSG [REDACTED] cut him off.

Trustee Slatik reported that he told SSG [REDACTED] that if he did not understand what SSG [REDACTED] did on campus, he would ask the principal not to allow him on campus until he obtained such an understanding. Trustee Slatik reported that he may have told SSG [REDACTED] that he would be banned from campus. When the investigator asked Trustee Slatik if he asked anyone at the District or the school site if he could ban the Army Recruiter from campus, Trustee Slatik asserted that the question was an unreasonable question and refused to answer.

Trustee Slatik reported that because he was unable to obtain the information he needed from SSG [REDACTED], Trustee Slatik requested to speak with SSG [REDACTED]’s Non-Commissioned Officer In Charge (“NCOIC”). Trustee Slatik reported that SSG [REDACTED] was confused about his request to speak to the NCOIC. But after some further discussion, SSG [REDACTED] called his NCOIC.

The call with the NCOIC occurred in the office. Trustee Slatik asserted that he informed the NCOIC that SSG [REDACTED] was not responsive to his questions and that he was a school board member. Trustee Slatik reported that the NCOIC informed him that he was not in a position to speak about the issue. Trustee Slatik requested that he or his supervisor call him later that day. Trustee Slatik then hung up the phone and set it on the counter for SSG [REDACTED]. He had no further conversation with SSG [REDACTED].

During the interview, Trustee Slatic did not recall asking SSG [REDACTED] what his purpose was for being on campus. Trustee Slatic did not recall telling SSG [REDACTED] that he was “really showing [his] ass.” Further, Trustee Slatic did not recall raising his voice with SSG [REDACTED]. Trustee Slatic asserted that he was not aware that he entered SSG [REDACTED]’s personal space and believed that he stayed approximately three feet away from SSG [REDACTED] during their conversation.

Trustee Slatic denied telling SSG [REDACTED] to shut his mouth. He also denied using curse words during with his conversation with SSG [REDACTED] and the NCOIC.

After the exchange with SSG [REDACTED] and his NCOIC, Trustee Slatic reported to the principal’s office to inform him of the events that had transpired. Trustee Slatic asserted that he told the Principal that he was not able to obtain “responsible answers” from SSG [REDACTED] and that it troubled him. Trustee Slatic reported that the Principal agreed that if SSG [REDACTED] refused to provide answers to Trustee Slatic’s questions, it would be troubling. Trustee Slatic reported that he informed the Principal that it would be a good idea to keep SSG [REDACTED] off campus until he could appropriately respond to questions. Trustee Slatic asserted that the Principal agreed.

Trustee Slatic acknowledged that on January 8, 2019, he received a call from the Captain, the supervisor of SSG [REDACTED]’s NCOIC. Trustee Slatic reported that the Captain initially informed him that SSG [REDACTED] asserted that Trustee Slatic was hassling him on campus. In response, Trustee Slatic asked the Captain if SSG [REDACTED] informed him that he (Trustee Slatic) was an elected trustee. The Captain informed Trustee Slatic that SSG [REDACTED] did not inform him that he was a trustee. In response, Trustee Slatic told the Captain that SSG [REDACTED] set him up for failure. Trustee Slatic also reported that he informed the Captain that he needed to comfortable that SSG [REDACTED] could respond to a parent’s inquiry about his daily activities at Bullard. Trustee Slatic asserted that the Captain informed him that there were prior problems with SSG [REDACTED] becoming defensive when asked questions and that he was no longer going to be a recruiter.

Trustee Slatic denied that he used curse words when speaking to the Captain. He also denied threatening to ban the Army from Bullard. Trustee Slatic did not recall threatening to ban SSG [REDACTED] from Bullard.

## **V. Factual Findings**

The evidence was reviewed to determine whether the specific factual allegations raised in the Complaint occurred. The factual findings regarding the January 7, 2019 incident between SSG [REDACTED] and Trustee Slatic and the telephone call between the Captain and Trustee Slatic on January 8, 2019 are described below.

On January 7, 2019, Trustee Slatic approached SSG [REDACTED] in the main office at Bullard and requested to speak with SSG [REDACTED] outside. Prior to January 7, 2019, SSG [REDACTED] had never met Trustee Slatic and did not know or recognize Trustee Slatic.

Trustee Slatic was wearing his District name badge and introduced himself as a Trustee. SSG [REDACTED] did not know that the title of Trustee is the equivalent to Board member.

When outside, Trustee Slatic asked SSG [REDACTED] what his purpose was on campus. SSG [REDACTED] generally informed Trustee Slatic that he was on campus to recruit students to the Army. In response, Trustee Slatic acknowledged that SSG [REDACTED] was on campus for recruiting purposes but reiterated, words to the effect of, “what is your purpose.” Trustee Slatic apparently desired for SSG [REDACTED] to provide granular details regarding his recruiting efforts and activities at Bullard. However, Trustee Slatic did not clearly articulate this to SSG [REDACTED].

In response to Trustee Slatic’s second request for information, SSG [REDACTED] provided additional, more specific information. For instance, SSG [REDACTED] told Trustee Slatic that he distributed RPI to students. Trustee Slatic did not recognize this acronym.

In response to SSG [REDACTED]’s additional information, Trustee Slatic repeated his question, “what is your purpose?” In response to this third request, SSG [REDACTED] asked Trustee Slatic who he was and why he was asking him questions. Trustee Slatic was upset by this response. Trustee Slatic again told SSG [REDACTED] that he was a Trustee and asserted that SSG [REDACTED] did not need to know more.

SSG [REDACTED] again attempted to explain what he did on campus generally. However, Trustee Slatic was frustrated at the response and repeatedly cut off SSG [REDACTED]. Trustee Slatic also told SSG [REDACTED] to “shut his mouth” more than once when SSG [REDACTED] attempted to explain his activities at Bullard.

During the exchange, Trustee Slatic threatened to ban SSG [REDACTED] from Bullard unless he answered his questions. SSG [REDACTED] asked Trustee Slatic to act professionally and to treat him with respect. SSG [REDACTED] asked Trustee Slatic why he was belittling him. Trustee Slatic denied belittling SSG [REDACTED].

SSG [REDACTED] contacted the Supervising SSG, SSG [REDACTED]’s direct supervisor, at the request of Trustee Slatic. During the conversation, Trustee Slatic told the Supervising SSG that SSG [REDACTED] was “showing his ass,” (acting unprofessionally). At the conclusion of the conversation, Trustee Slatic placed the cell phone on the reception desk counter.

The exchange between SSG [REDACTED] and Trustee Slatic, including the telephone call with the Supervising SSG lasted approximately seven minutes.

After the call with the Supervising SSG, SSG [REDACTED] left the office. Trustee Slatic went to the Principal’s office where he reported his conversation. The Principal was concerned about the potential confrontation on campus and told Trustee Slatic that if a confrontation occurred on campus, he would be concerned. The Principal did not tell Trustee Slatic that he found SSG [REDACTED]’s conduct concerning.

After finishing his conversation with Trustee Slatic, SSG [REDACTED] returned to the office and spoke with the Principal. The Principal informed SSG [REDACTED] that he was welcome on campus as long as he signed into the front office and followed school protocols.

## **VI. Legal Conclusions**

### **1. Did Trustee Slatic Violate District Board Policy During his Interactions with SSG [REDACTED]?**

The District maintains several Board Policies related to the conduct of Governing Board members. Specifically, the District maintains the following Board Policies related to this investigation:

- Board Policy 9000, Role of the Board (Powers and Responsibilities), affirms that the Board is elected to provide leadership and oversight of the District's schools. (Exhibit 6.)
- Board Policy 9001, Management Oversight, states that in the Board's oversight function, "the Board will not manage the day-to-day operations of the district." Rather, the Board will "require the Superintendent to provide data and other information necessary to document effective execution and results. The Board may also decide to call for external reviews of systems integrity and performance." (Exhibit 7.)
- Board Policy 9005, Governance Standards, requires Board members to "act with dignity and understand the implications of demeanor and behavior;" "understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff;" and, "understand that authority rests with the Board as a whole and not with individuals." (Exhibit 8.)
- Board Policy 9200, Limits of Board Member Authority, states that the Board "recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority." It further provides that "unless agrees to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent or designee." Further, pursuant to Board Policy 9200, Board members do not have authority to resolve complaints. (Exhibit 9.)

The evidence shows that Trustee Slatic violated Board Policies 9001, 9005, 9200. Specifically, the evidence shows that on January 7, 2019, Trustee Slatic was confrontational and aggressive with SSG [REDACTED] in his pursuit of information regarding SSG [REDACTED]'s activities at Bullard. By his own admission, Trustee Slatic believes that as a Board member, he has the responsibility and authority to make inquiries of individuals for the purpose of determining whether the District is operated and managed appropriately. Trustee Slatic believes that he has the authority to question individuals regarding their functions and roles at the District. Prior to January 7, 2019, Trustee Slatic did not request that the Superintendent (or any other District administrator) provide information regarding SSG [REDACTED]'s purpose, conduct, or activities at Bullard.

## **2. Did Trustee Slatic Discriminate Against SSG [REDACTED]?**

Harassment based on race is a form of discrimination. (*Thompson v. City of Monrovia* (2010) 186 Cal.App.4th 860, 876.) To establish a prima facie case of a racially hostile work environment, the plaintiff must show that “(1) he was a member of a protected class; (2) he was subjected to unwelcome racial harassment; (3) the harassment was based on race; (4) the harassment unreasonably interfered with his work performance by creating an intimidating, hostile, or offensive work environment; and (5) the employer is liable for the harassment.” (*Id.*)

Here, the evidence does not show that SSG [REDACTED] was subject to racially based harassment. First, if SSG [REDACTED] files a lawsuit, it is unlikely that SSG [REDACTED] will be able to establish that he was harassed as a result of his race. SSG [REDACTED] acknowledged that Trustee Slatic’s conduct may have been motivated by the fact that SSG [REDACTED] is a member of the Army, whereas Trustee Slatic was a Marine. Further, Trustee Slatic never made any racially based comments.

Second, given that the alleged harassment occurred during only one conversation which lasted less than ten minutes, it is unlikely that SSG [REDACTED] will be able to establish that the event of January 7, 2019 created an intimidating, hostile, or offensive work environment. Further, SSG [REDACTED] transferred to a new division of the recruiting department of the Army. This transfer was scheduled to occur prior to the interaction with Trustee Slatic. During his interview, SSG [REDACTED] acknowledged that the transfer was a promotion.

Finally, if SSG [REDACTED] were to pursue litigation, it is unlikely that he would be able to prove that the District was responsible for the harassment. Although Trustee Slatic is a Board member, he acted on January 7, 2019 as an individual without the authority of the Board or any District administrator. Trustee Slatic was not acting on behalf of the Board or District.

Therefore, it is unlikely that SSG [REDACTED] could establish a cause of action against the District for racial discrimination based on the events of January 7, 2019 if he filed such as lawsuit.

## **VII. Conclusion**

In sum, the evidence shows that, generally, the events of January 7, 2019 occurred as alleged by SSG [REDACTED]. Consequently, Trustee Slatic’s conduct on January 7, 2019 violates several Board Policies as described herein. However, we do not believe that Trustee Slatic’s conduct constitutes unlawful racial harassment.

We hope you find this information helpful. If you have any questions, please do not hesitate to contact us.

# EXHIBIT 1

Constituent Services  
Complaints Concerning School Personnel

E 1312.1(a) &  
E 1265(a)

Complaints Concerning School Personnel Form

Please complete all information. If you need help filling out the form, please call 457-3736.

1/28/2019  
Date  
[REDACTED]  
Name of Complainant  
BHS  
School  
[REDACTED]  
Address  
[REDACTED]  
Phone (Day)  
[REDACTED]  
Phone (Evening)

Name of Parent if not Complainant

I am filing a complaint against the following District employee. The employee's name is:

Terry Slatic and he/she works at Fresno Board of Education

**DESCRIBE YOUR COMPLAINT:** Please be as factual and specific as possible. If you fail to do so, your complaint may not be processed. Because there is a time limitation of three months from the date the alleged misconduct occurred, you must at least indicate the approximate date of the alleged misconduct. If the alleged misconduct has occurred over a period of time, please indicate the time period in question. Provide a specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

See attached five pages  
request the distract and other board members view the video  
video on 1/7/19 at approximately 1220 hrs.  
(If you need additional space, you may attach a separate sheet of paper to this complaint form.)

**REMEDY REQUESTED:** What do you want as a result of filing this complaint?

I would like for Mr. Slatic to be removed from his position  
or be disciplined for his actions and retrained on his roles and  
responsibilities and abide by them. As well as a formal apology.

Signature of Complainant [REDACTED]

If the complaint is not resolved at the school or department, the Superintendent or designee shall complete an investigation within 20 working days of its initiation. Within 20 working days following the investigation of the complaint a written decision concerning the merits of the complaint shall be served on both the complainant and the employee. The Superintendent's or designee's decision shall be final.

File this form with, Constituent Services Office, 2309 Tulare Street, Fresno, CA 93721 or fax to (559) 457-3933.

(For Office Use Only)

Constituent Services Office
JAN 28 2019
Received

Date Received

Expected Date of Written Responses  
(40 working days)

Date Complainant was contacted  
FRESNO UNIFIED SCHOOL DISTRICT  
Fresno, California

November 2009



Constituent Services Office

JAN 28 2019

Received

To Whom It May Concern,

24 JAN 2019

The following chain of events occurred on 7 JAN 2019 during my professional visit at Bullard High School around the hours of 1200-1300. I was approached by Mr. Terry Slatc in the main office of Bullard High School after I had signed out of the location. Mr. Slatc looked at me from head to toe and back to head with a look of disgust. He then started a conversation by asking to speak to me about a matter unknown to me. I respectfully replied asking him what I could help him with and addressing him formally using the title of Sir. Mr. Slatc then proceeded to tell me that we could speak outside of the office in which he began the conversation. I followed Mr. Slatc outside the office as requested still confused as to what the purpose of the conversation was and why it had to be done outside of the office but remained respectful and professional whilst doing so. Mr Slatc then proceeded to say, "Why are you here?" I was taken by surprise with the question and the tone in his voice and I replied, "I am the recruiter for Bullard High School from the United States Army, Sir". He then responded with, "What is your purpose here on Bullard Campus?". I responded explaining to Mr. Slatc that my purpose was to educate and inform students of Bullard High School about the United States Army as well as build a rapport with faculty and staff. Mr. Slatc insisted continuing to ask me my purpose on campus was after the previous explanation as if I were not telling him what he wanted to hear. I remained calm and repeated the previous description of my purpose on Bullard High School campus in addition to telling him that I also conduct class room presentations and pass out reading material for those interested in the Armed Forces. This was the third time repeating what my purpose was at Bullard High School to Mr. Slatc. He replied with "So that's your purpose?". I was extremely taken aback by the repetitive questioning as well as the tone in Mr. Slatc's voice. I responded with "Sir, May I ask you a question?" He said yes and I continued on to ask him what the meaning of the conversation was. Mr. Slatc then replied with "Because I asked and you're going to tell me." At this point I was feeling threatened, belittled and confused as to what I did to enrage Mr. Slatc. I then said "Sir, I was just trying to get some clarification on why you wanted to speak with me." to which he replied, "Shut your mouth!" I then replied with "Sir, do not tell me to shut my mouth." He then repeated himself by saying "Shut your mouth and if you speak again you will be banned from Bullard High School Campus" I then said "So I cannot ask you a question" Mr. Slatc then threatened me and said if I were to speak back one more time myself and all other Army recruiters would be banned from Bullard High School. I replied with "Sir I really would like to know what the meaning of this conversation is and I am not cutting you off from speaking just trying to get some clarification" He then told me for the third time to "Shut My Mouth". I told Mr. Slatc that I felt he was belittling me and pointed out the students who were around. He said he wasn't belittling me and to not speak again. I then told Mr. Slatc I had somewhere else to be. He replied by telling me if I left, he would make sure I would no longer be allowed on Bullard Campus. I remained in place while still being respectful but also feeling threatened and he proceeded to take me back into the office to write down my supervisors' information. As he was demanding for me to write it down and being disrespectful, I offered to get my supervisor on the phone. I then proceeded to call my supervisor at that time. My supervisor answered the phone and I briefly told him what was going on and he ordered me

to hand the phone to Mr. Slatic. During this brief conversation between my supervisor and I Mr Slatic was demanding I hand over my cellphone to him. Mr. Slatic then spoke to my supervisor in the same demeanor by telling my supervisor that Myself and other Army recruiters are no longer allowed on the campus. He then demanded my supervisor to give him a call back when he was free by 1600/4pm. My supervisor then replied telling Mr. Slatic he would call back when he is free. At that point Mr. Slatic tossed my phone down at the counter toward me and proceeded to tell me I am no longer allowed on campus until He says that I can. He went into the principal's office and told him the same thing. I then left the campus and returned to normal daily routine feeling belittled and threatened by Mr. Slatics words and actions.

I feel as though such actions and disrespect should be rectified and should never be taken lightly. In hopes that this never happens to Myself or others again, I would appreciate if this matter be looked over and taken into consideration for the future. Thank you for your time. If needed I can be reached at [REDACTED] or [REDACTED]

Respectfully,

SSG [REDACTED]

To Whom It May Concern,

24 JAN 2019

The following list of events occurred on 7 JAN 2019 during my professional visit at Bullard High School around the hours of 1200-1300. The incident is between Mr. Terry Slatic and I, SSG [REDACTED].

- Mr. Slatic approached me in the office of Bullard High School as I was signing out of campus.
- Mr. Slatic looked at me from head to toe and back to head with a look of disgust.
- Mr. Slatic proceeded to ask if he could speak to me about a matter that I was unaware of.
- I responded with "What can I help you with Sir?"
- Mr. Slatic responded by asking to speak with me outside of the office.
- I was confused as to why the conversation would be better off said outside of the office but continued to be respectful and keep my professional bearing and followed Mr. Slatic into the hallway.
- Mr. Slatic then asked, "Why are you here?"
- I was taken by surprise by the question and tone of his voice.
- I responded with "I am the recruiter for Bullard High School from the United States Army Sir."
- Mr. Slatic's response was, "What is your purpose here on Bullard Campus?"
- I responded to Mr. Slatic's question stating that my purpose was to educate and inform students of Bullard High School about the United States Army as well as build a rapport with faculty and staff.
- At this time, Mr. Slatic then asked again, "What is your purpose here on Bullard Campus?"
- I gave him the same response.
- Mr. Slatic repeated the question for a third time as if I were not answering it the way he wanted me to.
- Confused, I replied again with the same response adding in that I also do classroom presentations and hand out reading material for those interested in joining the Army feeling that this response was clear enough to answer Mr. Slatic's question.
- Mr. Slatic then replied with, for the fourth time, "What is your purpose?"
- I began to be very taken aback by the repetitiveness and the tone in his voice of his question that I had answered now three times all in a respectful, and truthful manor.
- I responded asking Mr. Slatic, "Sir, May I ask you a question?"
- Mr. Slatic agreed to let me ask a question.
- I asked Mr. Slatic, with respect and professionalism, what exactly was the purpose of this conversation for my own clarity.
- Mr. Slatic's response was, "Because I asked you and you're going to tell me!"

- At this point I was feeling belittled, threatened, and confuse as to what I did to make Mr. Slatic so enraged.
- I then told Mr. Slatic that I was only trying to get some better clarification as to why he wanted to speak with me.
- To which he replied with "Shut your mouth!"
- At this point I was starting to get upset with the situation but remained professional and respectful.
- I told Mr. Slatic not to tell me to shut my mouth.
- He repeated himself saying, "Shut your mouth!" and adding, "If you speak again you will be banned from Bullard High School Campus"
- I then said, "Can I not ask you a question sir?"
- He then threatened me and said if I were to cut him off one more time myself and all other Army recruiters will be banned from Bullard High School.
- I then responded again stating, "Sir, I would really like to know the what the meaning of this conversation is, and I am not cutting you off from speaking because I am waiting for you to finish your statement before replying. I am just trying to get some clarification"
- Mr. Slatic then for the third time said, "Shut your mouth!"
- I proceeded to tell Mr. Slatic that I felt as if he were belittling me and pointed out to him that there were students around us.
- He said he wasn't belittling me and to not speak again.
- I then told Mr. Slatic I had somewhere else to be.
- He proceeded to tell me if I were to leave I and all other Army Recruiters would indeed be banned from the campus.
- I stood in place respectfully feeling threatened by Mr. Slatic.
- He then proceeded to take me back into the office. Then demanded I write down my supervisors' information.
- Whilst demanding me to write down this information I informed him that I was glad to call my supervisor on the phone and I proceeded to do so.
- I then briefly explained to my supervisor the situation and my supervisor advised me to hand the call over to Mr. Slatic.
- All the while when I'm filling my supervisor in on the conversation' that is transpiring between me and Mr. Slatic, Mr. Slatic is demanding I hand the phone over to him.
- I then handed my phone to Mr. Slatic and Mr. Slatic spoke to my supervisor in the same demeanor he was speaking to me in.
- Mr. Slatic told my supervisor Myself and all other Army recruiters are no longer allowed on Bullard Campus and instructed my supervisor to call him back before 1600 when he was free.
- My supervisor told him he would call him back when he was free.
- Mr. Slatic then threw my phone on the counter towards me.
- He then stated that I am no longer allowed on campus until he deems that I am.

- At this time Mr. Slatie entered the principal's office telling the principle the same statement.
- I then left the Bullard High School to return to my duties feeling confused, belittled, disrespected, and threatened by Mr. Slatie's words and actions.

I feel as though such actions and disrespect should be rectified and should never be taken lightly. In hopes that this never happens to Myself or others again, I would appreciate if this matter be looked over and taken into consideration for the future. Thank you for your time. If needed I can be reached at [REDACTED] or [REDACTED].

Respectfully,

[REDACTED]

SSG [REDACTED]

# EXHIBIT 2



*Preparing Career Ready Graduates*

## BOARD OF EDUCATION

Claudia Cazares, President

Carol Mills, J.D., Clerk

Valerie F. Davis

Genoveva Islas

Elizabeth Jonasson Rosas

Major Terry Slatc USMC (Retired)

Keshia Thomas

## SUPERINTENDENT

Robert G. Nelson, Ed.D.

January 15, 2019

Trustee Major Terrence Slatc USMC (Retired)  
Fresno Unified School District  
2309 Tulare Street  
Fresno, CA, 93721

### **Re: Limits of Board Member Authority**

Dear Trustee Major Slatc:

I am writing to advise you that the purpose behind the special meeting this evening is to give the Board an opportunity to evaluate the facts and circumstances surrounding your interaction with a student at Bullard High School on Friday January 11, 2019. As you must know, that incident raises a serious risk of liability for the District.

In addition to the specific incident that occurred last Friday, I will also share with the Board my deep concern relating your conduct as a Board member. Your actions over the last month, as reflected in recent media reports and as conveyed to me by staff, exceed your lawful authority as a Board member and violate applicable Board Bylaws.

Board Bylaw 9200 specifically states that "a Board member has no individual authority." Board Bylaw 9200 further states as follows:

Individually, [a] Board member may not commit the district to any policy, act or expenditure. . . . [I]ndividual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent or designee.

Board members have an obligation to conform their conduct to the bylaws. Board Bylaw 9005 states that, among other things, Board members must "[u]nderstand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent." Furthermore, Board members must also "[a]ct with dignity, and understand the implications of demeanor and behavior." Failure to abide by these bylaws creates liability for the District, the Board, and individual Board members.

By way of example, my staff has informed me that you are directing them to provide you with "failure analysis" reports of perceived shortcomings, that you set specific deadlines for such reports, and demand that they seek your personal permission to exceed such deadlines. You admitted to this behavior to a reporter with the Fresno Bee and your comments were quoted in

media reports. (See Appleton, *Is Bob Nelson Right for Fresno Unified? The New Board May Have Its Say* (Jan. 11, 2018, 1:23 p.m.) Fresno Bee <<https://www.fresnobee.com/news/local/education/article224255915.html>>.)

You also routinely insert yourself into meetings at which your attendance has not been requested and where it is not appropriate. I am aware that you insist that you be permitted to attend meetings where confidential student information is discussed, and that you demand copies of sensitive student information, investigation reports, and surveillance footage. Additionally, employees have expressed their concern to me that you regularly raise your voice, make accusations, and use profanity when you feel that your authority is challenged. The Fresno Bee article stated you believe “the ability to walk into any room at the district and ask questions [is your] right as a trustee.” (See *id.*) This belief is not correct.

In an e-mail communication you sent to me on January 10, 2019, you described the District as a “turd,” that it was my “turd” and that you would not accept slow change. In the e-mail, you describe yourself as a “sheepdog,” a person who you say “has a capacity for violence.” You described “sheepdogs” “in camouflage fatigues, holding an M-16” ready to protect “sheep” from “wolves” by any means you see necessary. Attached to that e-mail, you sent a photograph of yourself wearing camouflage fatigues holding an automatic weapon. This e-mail was—and is—very disturbing to me. Even more disturbing is the fact that on Friday, January 11, 2019—the very next day after you sent that e-mail—you became involved in a physical altercation with a student at Bullard High School. This behavior cannot be tolerated.

As you may recall, in 2007, the District’s Board of Trustees was the subject of an investigation by the Fresno County Grand Jury. In its formal Report, the Grand Jury admonished District trustees for their failure to conform their conduct to its lawful bounds. The Grand Jury declared that individual School Board members must “understand[] the distinctions between board and staff roles and refrain from performing management functions that are the responsibility of the superintendent and staff.” (Fresno County Grand Jury, 2006-2007 Final Report (hereinafter “Grand Jury Report”), p. 175.)

The Grand Jury report found that then-Board President and then-Clerk had engaged in significant “micro-managing” of the District administration. In particular, the Grand Jury reprimanded the District’s Board for, among other things:

- Sending e-mails and other lists to the Superintendent and staff with directives of things to do that clearly are management in nature;
- Becoming inappropriately involved with District personnel issues;
- Making excessive demands on staff for information, research, and justification for actions taken and proposed to the extent it has hindered the Superintendent and staff from completing their assigned tasks in a reasonable manner;
- Scheduling meetings, setting agendas, purporting to represent the District, and blindsiding the staff in violation of generally accepted school board practices and policies.



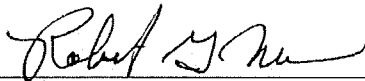
(Grand Jury Report, p. 175.)

The Grand Jury determined that these behaviors "seriously harmed the District and undermined the faith and trust of the Superintendent and staff. They [were] distracting the District from its primary mission, the improvement of student achievement." (Grand Jury Report, p. 176.)

Trustee Slatic, since your election to the Board you have routinely exceeded your authority under applicable law and Board Bylaw. In fact, you have done each of every one of the impermissible "micro-managing" behaviors called out by the 2007 Grand Jury. Beyond that, your general behavior toward staff is demanding, demeaning, abusive, and unnecessarily confrontational. In short, you have exhibited a flagrant disregard for the laws and rules that govern our school district and the behavior of trustees.

I insist that you refrain from interfering in the operation of the District by engaging in impermissible administrative functions. I further insist that you conform your conduct to the limits expressly set forth by law, Board Bylaw, and general policy of civility.

Respectfully,



Robert G. Nelson, Ed.D.,  
Superintendent

Cc: Claudia Cazares, President, Board of Trustees  
Carol Mills, J.D., Clerk, Board of Trustees

# EXHIBIT 3



Fresno Unified  
School District

## Request to Speak to the School Board

Agenda Item:  
Time:  
Board meeting Date:  
**FOR OFFICE USE ONLY**

1. Complete and return completed form to Public Information Officer
  2. This form must be submitted to the Public Information Officer before the item you want to address is called
  3. The Board President will provide 3 minutes per speaker where possible; however, the President has discretion to determine the order of speakers and the time allotted per speaker based upon the number of persons requesting to address the Board and the number of topics to be addressed
  4. If translation is required, please check appropriate line on form
  5. As always, the Board will take into consideration the need for interpreters or assistance at the podium
  6. No speakers are allowed to cede time to another speaker
- Please remember that standard rules of civility and conduct are expected of all persons attending a Board of Education meeting. Those who violate the standard code of civility or conduct will be escorted from the meeting. Speakers must address the School Board; not the audience.

*no response*

Date 1/14/2019

Name \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Translation required? ☐ Yes ☒ No

I wish to speak on Agenda Item # \_\_\_\_\_

I wish to speak under Open Communications (Item not on the agenda)

Topic: Concerns regarding his actions on Rilland HS / Mr. Sluiter

*for his me*  
*at the district*  
*agendas*

Distribution: White Copy - Board Office; Canary Copy - Communications Office; and Pink Copy - Constituent Services English 07/2016jrh

# EXHIBIT 4

**[TO BE REPRODUCED ON DISTRICT LETTERHEAD]**

February 22, 2019

**By U.S. Mail and by email at:** [REDACTED]

SSG [REDACTED]  
[REDACTED]

Re: Notice of Investigation and Complaint Procedures

Dear Mr. [REDACTED]:

On January 28, 2019, Fresno Unified School District ("District") staff received a complaint from you, alleging that District Board member Terry Slatik belittled, disrespected, and threatened you. A copy of the complaint is attached. The District takes these types of complaints seriously as Board members are expected to act with civility, dignity, and professionalism on behalf of the District.

As a result of your complaint, an investigation will be conducted to determine whether or not the allegations are true and, if true, whether the conduct violates Board Bylaws ("BB") 9005, 9200 or other relevant District policies or directives that discuss appropriate Board member behavior and authority on the District's campuses.

Kerrie McNally will serve as the person responsible for conducting the investigation regarding your complaint. The investigator or the District will contact you to coordinate a time for the initial interview with the investigator. After Ms. McNally has met with you, she may need to interview you again during the course of the investigation. Please furnish the investigator with copies of any documents, including any electronic records or recording, you feel are relevant and give her the names of any witnesses that have personal information about the complaint that you believe should be interviewed. Ms. McNally will interview relevant witnesses and review relevant documents. The investigation will be conducted as confidentially as possible.

During the course of this investigation, the District asks that you refrain from discussing the investigation or the underlying incident with anyone to the extent that such communications may impact the integrity of the investigation. Please note that this does not prevent you from discussing the complaint with an attorney.

The District prohibits retaliation against complainants or other participants in the investigation process. For this reason, please let us know if you feel you have been retaliated against because of your complaint and/or the underlying investigation.

Please contact me if you have any questions regarding the above.

Sincerely,

David Chavez  
Chief of Staff  
Fresno Unified School District

Enclosures: BB 9005  
BB 9200

**[TO BE REPRODUCED ON DISTRICT LETTERHEAD]**

February 22, 2019

**By U.S. Mail and by email at [ADDRESS]**

Terry Slatic  
[INSERT ADDRESS]

Re: Notice of Investigation and Complaint Procedures

Dear Mr. Slatic:

On February 11, 2019, District staff received a complaint, alleging that you intimidated three coaches at the Bullard High School campus, [REDACTED], [REDACTED], and [REDACTED] ("Complainants") and abused your position on the Board. A copy of the complaint is attached. The District takes these types of complaints seriously as Board members are expected to act with civility, dignity, and professionalism on behalf of the District.

As a result of this complaint, an investigation will be conducted to determine whether or not the allegations are true and, if true, whether the conduct violates Board Bylaws ("BB") 9005, 9200 or other relevant documents or directives that discuss appropriate Board member behavior and authority on the District's campuses.

Kerrie McNally will serve as the person responsible for conducting the investigation of the complaint. The investigator or the District will contact you to coordinate a time for the initial interview with the investigator. After Ms. McNally has met with you, she may need to interview you again during the course of the investigation. Please furnish the investigator with copies of any documents, including any electronic records or recording, you feel are relevant and give her the names of any witnesses that have personal information about the complaint that you believe should be interviewed. Ms. McNally will interview relevant witnesses and review relevant documents. The investigation will be conducted as confidentially as possible.

During the course of this investigation, the District asks that you refrain from discussing the investigation or the underlying incident with anyone to the extent that such communications may impact the integrity of the investigation. Please note that this does not prevent you from discussing the complaint with an attorney. Additionally, you are hereby directed to refrain from in any way contacting the Complainants.

The District prohibits retaliation against complainants or other participants in the investigation process. For this reason, you are hereby directed to refrain from retaliating against the Complainants or anyone else who participates in the underlying investigation.

Please contact me if you have any questions regarding the above.

Sincerely,

David Chavez  
Chief of Staff  
Fresno Unified School District

Enclosures: BB 9005  
BB 9200



# EXHIBIT 5



Fresno Unified  
School District

**Board**

**Orientation**

**Handbook**

**School Year 2018/19**



Insert Date

Dear Board Trustees:

In an effort to continually improve the Board of Education website we are asking you to take a moment to complete the following questionnaire. The purpose of the questionnaire is to create individual bios for each board member; which will be linked to each high school webpage. Please return the completed questionnaire to the Board Office by Thursday, January 31, 2019.

1. Where were you born, and how long have you lived in Fresno?
2. What has been your work experience?
3. Are you married and/or have children/grandchildren?
4. Where did you attend high school and/or college?
5. Do you belong to any associations or affiliations?
6. Do you have any outside interests or hobbies?
7. Is there any other information you would like to share about yourself?

## Things Every New Board Member Needs to Know

Fresno Unified School District  
2309 Tulare Street, Fresno, CA 93721

Fresno Unified Main Number: (559) 457-3000

Superintendent and Superintendent's Assistant Contact Information:

Name	Office	Mobile	Email
Dr. Robert G. Nelson	(559) 3884		<a href="mailto:Bob.Nelson@fresnounified.org">Bob.Nelson@fresnounified.org</a>
Maria Majorek-Hockert	(559) 457-3884		<a href="mailto:Maria.Majorek-Hockert@fresnounified.org">Maria.Majorek-Hockert@fresnounified.org</a>

Board Member Contact Information:

Area	Name	Mobile	Email
1	Keshia Thomas		<a href="mailto:Keshia.Thomas@fresnounified.org">Keshia.Thomas@fresnounified.org</a>
2	Elizabeth Jonasson Rosas		<a href="mailto:Elizabeth.Jonasson.Rosas@fresnounified.org">Elizabeth.Jonasson.Rosas@fresnounified.org</a>
3	Valerie F. Davis		<a href="mailto:Valerie.Davis@fresnounified.org">Valerie.Davis@fresnounified.org</a>
4	Genoveva (Veva) Islas		<a href="mailto:Veva.Islas@fresnounified.org">Veva.Islas@fresnounified.org</a>
5	Carol Mills, J.D.		
6	Claudia Cazares		<a href="mailto:Claudia.Cazares@fresnounified.org">Claudia.Cazares@fresnounified.org</a>
7	Major Terry Slatik		<a href="mailto:Terry.Slatik@fresnounified.org">Terry.Slatik@fresnounified.org</a>

### District Goals 2014-2019

All students will excel in reading, writing and math

All students will engage in arts, activities and athletics

All students will demonstrate the character and competencies for workplace success

All students will stay in school on target to graduate

### Student Population (74,000+)

**More than 59 languages spoken by students and their families**

African American	8.7%	Students Living in Poverty	88.5%
Native American	0.6%	Students Receiving Special Education	7,681
Asian	11.4%	English Learner Students (21.8%)	16,180
Hispanic	67.7%	Elementary	42,832
Pacific Islander	0.3%	Middle	10,903
White (not Hispanic)	9.7%	High	19,720

### Total Schools

- 66 Elementary Schools
- 9 High Schools
- 3 Special Education Schools
- 15 Middle Schools
- 4 Alternative Schools
- 1 Adult School

# Board Meeting Dates

**FRESNO UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
REGULAR BOARD MEETINGS FOR 2018/19**

**ALL MEETINGS WILL BE HELD AT  
FRESNO UNIFIED SCHOOL DISTRICT  
EDUCATION CENTER, 2309, TULARE STREET - 2<sup>ND</sup> FLOOR  
TIMES WILL BE SPECIFIED ON THE AGENDA**

**2018**

August 8 and 22  
September 5 and 19  
October 3 and 17  
November 14  
December 12

\* \* \* \* \*

**2019**

January 16 and 30  
February 13 and 27  
March 6 and 20  
April 3 and 10  
May 1, 15 and 29  
June 12

**BOARD WORKSHOP DATES**

Wednesday, September 12, 2018  
Wednesday, December 5, 2018

*(Approval of these dates will not preclude either additions or changes any time)*

**FRESNO UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
REGULAR BOARD MEETINGS FOR 2019/20**

**ALL MEETINGS WILL BE HELD AT  
FRESNO UNIFIED SCHOOL DISTRICT  
EDUCATION CENTER, 2309, TULARE STREET - 2<sup>ND</sup> FLOOR  
TIMES WILL BE SPECIFIED ON THE AGENDA**

**2019**

August 7 and 21  
September 4 and 18  
October 2 and 16  
November 6 and 20  
December 11

\* \* \* \* \*

**2020**

January 15 and 29  
February 12 and 26  
March 4 and 18  
April 1 and 15  
May 6 and 20  
June 10 and 17

**PROPOSED BOARD WORKSHOP DATES**

Wednesday, September 11, 2019  
Monday, December 2, 2019

*(Approval of these dates will not preclude either additions or changes any time)*

# **Board Bylaws 9000**



### **Role Of The Board (Powers And Responsibilities)**

The Governing Board is elected by the community to provide leadership and citizen oversight of the district's schools. The Board shall work with the Superintendent to fulfill its major roles, which include:

1. Establishing a long-term vision for the district
2. Establishing and maintaining a basic organizational structure for the district, including employment of the Superintendent and adoption of policies, curriculum, the budget and the collective bargaining agreement
3. Ensuring accountability to the local community, including personnel, programmatic and fiscal accountability and service as a judicial and appeals body as needed
4. Providing community leadership and advocacy at the local, state and national levels on behalf of children, district programs and public education

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

The Board may delegate any of its duties to the Superintendent or designee but shall be ultimately responsible for the performance of any duties it delegates. (Education Code 35161)

(cf. 2120 - Superintendent of Schools)

(cf. 2210 - Administrative Leeway in Absence of Governing Board Policy)

### **Vision**

The Board shall set the direction for the district by adopting a vision statement which defines the district's goals and priorities. The Board shall carry out its vision-setting role by identifying the strengths and needs of the district, developing and adopting a process for framing the vision, soliciting staff and community input as appropriate, ensuring that the adopted vision statement is implemented, and conducting a periodic review of the vision.

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

### **Superintendent Selection and Evaluation**

The Board shall be solely responsible for employing the Superintendent and ensuring that he/she is the best match for the district based on needed abilities, traits and level of knowledge. When selecting a new Superintendent, the Board shall ensure a smooth transition period; evaluate the district's current and long-term needs; plan and conduct a process for recruitment, screening and selection; and approve the Superintendent's employment contract. The Board shall yearly

evaluate the Superintendent based on an evaluation system and performance objectives established by the Board and Superintendent.

(cf. 2121 - Superintendent's Contract)

(cf. 2122 - Superintendent of Schools: Responsibilities and Duties)

(cf. 2123 - Evaluation of the Superintendent)

#### Policy Adoption and Monitoring

The Board shall govern the schools by adopting policies that reflect the district's vision and the mandates of law. The Board shall establish a clear policy development process through which it may deliberate on issues, identify priorities, assign responsibilities, identify goals and courses of action, and review policy decisions.

The Board shall also adopt bylaws that promote cooperation, trust and teamwork among its members, give parameters to the Board's operation as a governing body, and ensure that its meetings proceed efficiently and in compliance with law.

(cf. 9200 - Members)

(cf. 9300 - Governance)

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

(cf. 9323 - Meeting Conduct)

(cf. 9400 - Board Self-Evaluation)

#### Curriculum Adoption and Program Accountability

While the design and implementation of curriculum is primarily a staff responsibility, the Board's role is to adopt overall educational goals and

standards, define the curriculum development process, specify graduation requirements, adopt the developed curriculum and ensure compliance with state and federal laws.

To ensure accountability to the community, the Board shall establish measurable benchmarks to assess the effectiveness of the district's educational programs in producing desired student achievement results. Based on these assessments, the Board shall direct the Superintendent or designee to take corrective actions as needed.

(cf. 0420.5 - School-Based Decision Making)

(cf. 6010 - Goals and Objectives)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

(cf. 6146.5 - Elementary School Promotion/Standards of Proficiency)

(cf. 6162.5 - Student Assessment)

(cf. 6190 - Evaluation of the Instructional Program)

#### Budget, Facilities and Fiscal Accountability

The Board shall adopt a sound, responsible budget that supports district goals and priorities. To guide the Superintendent or designee in development of the budget, the Board shall establish a budget calendar, budget process and spending priorities.

Recognizing that school facilities are a long-term obligation that impacts district budgets, the Board shall also ensure that a plan is in place to address the district's facility needs, including the funding, construction and maintenance of school facilities. The Board shall approve facility sites, funding sources and architectural and construction contracts.

The Board recognizes that it is accountable to the community for its budget and facilities decisions and for the district's fiscal integrity. The Board shall use accountability systems and processes in order to monitor the district's fiscal health.

(cf. 3000 - Concepts and Roles)

(cf. 3100 - Budget)

(cf. 3312 - Contracts)

(cf. 3460 - Financial Reports and Accountability)

(cf. 7110 - Facilities Master Plan)

(cf. 7140 - Architectural and Engineering Services)

(cf. 7150 - Site Selection and Development)

(cf. 7210 - Facilities Financing)

#### Collective Bargaining

The Board is the legal representative of the district in negotiations with employee representatives. In carrying out the collective bargaining process, the Board shall set goals and guidelines for collective bargaining, approve the selection of the bargaining team, maintain communications throughout the process and approve the negotiated contract.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

### Judicial and Appeals Body

In addition to establishing complaint procedures that ensure due process and facilitate the satisfactory resolution of issues, the Board may convene to serve as a judicial and appeals body in accordance with law, Board policies and negotiated agreements. The Board may delegate fact-finding or hearing responsibilities in appropriate cases but remains the final decision-maker in these proceedings.

(cf. 1312 - Complaints Concerning the Schools)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4117.3 - Personnel Reduction)

(cf. 4117.4 - Dismissal)

(cf. 4144/4244/4344 - Complaints)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4317.3 - Personnel Reduction)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

### Community Leadership

Recognizing that the level of local, state and national support for education impacts the Board's ability to fulfill its responsibilities, the Board shall engage in advocacy on behalf of district schools. The Board shall ensure that the district has the capability to respond to emergency issues as well as a proactive communications plan for issues that are district priorities.

The Board shall also build and maintain community support by actively involving parents/guardians, business and other community members in the schools and informing them about district programs, policies and issues.

(cf. 1112 - Media Relations)

(cf. 1160 - Political Processes)

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

(cf. 1700 - Relations between Private Industry and the Schools)

(cf. 9010 - Public Statements)

Legal Reference:

EDUCATION CODE

5304 Duties of governing board (re school district elections)

12400-12405 Authority to participate in federal programs

17565-17592 Board duties re property maintenance and control

33319.5 Implementation of authority of local agencies

35000 District name

35010 Control of district; prescription and enforcement of rules

35020-35046 Officers and agents

35100-35351 Governing boards, especially:

35160-35185 Powers and duties

35291 Rules

Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 26, 1991 Fresno, California

revised: January 30, 1997

revised: January 12, 2000

## **Governance Standards**

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

(cf. 9000 - Role of the Board)

(cf. 9270 - Conflict of Interest)

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education

(cf. 9010 - Public Statements)

3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential

(cf. 9011 - Disclosure of Confidential/Privileged Information)

6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader

(cf. 9240 - Board Development)

7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff

(cf. 2122 - Superintendent of Schools: Responsibilities and Duties)

8. Understand that authority rests with the Board as a whole and not with individuals

(cf. 9200 - Members)

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students

2. Communicate a common vision

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

3. Operate openly, with trust and integrity

4. Govern in a dignified and professional manner, treating everyone with civility and respect

5. Govern within Board-adopted policies and procedures

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

6. Take collective responsibility for the Board's performance

7. Periodically evaluate its own effectiveness

(cf. 9400 - Board Self-Evaluation)

8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations

(cf. 1220 - Citizen Advisory Committees)

(cf. 9323 - Meeting Conduct)

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authority to act in any manner not conflicting with law

35164 Actions by majority vote

GOVERNMENT CODE

1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129 Incompatible activities

54950-54963 The Ralph M. Brown Act

87300-87313 Conflict of interest code

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: [www.csba.org](http://www.csba.org)

Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: November 14, 2001 Fresno, California



## **President**

The Governing Board shall elect a president from among its members to provide leadership on behalf of the Board and the educational community it serves.

(cf. 9000 – Role of the Board)

(cf. 9005 – Governance Standards)

(cf. 9100 – Organization)

To ensure that Board meetings are conducted in an efficient, transparent, and orderly manner, the president shall:

1. Call such meetings of the Board as the President may deem necessary, giving notice as required by law

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

2. Consult with the Superintendent or designee on the preparation of Board meeting agendas

(cf. 9322 - Agenda/Meeting Materials)

3. Call the meeting to order at the appointed time and preside over the meeting

4. Announce the business to come before the Board in its proper order

5. Enforce the Board's bylaws related to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act

6. Recognize persons who desire to speak

7. Facilitate the Board's effective deliberation, ensuring that each Board member has an opportunity to participate in the deliberation and that the discussion remains focused

8. Rule on parliamentary procedure

9. Put motions to a vote, and state clearly the results of the vote

(cf. 9323 – Meeting Conduct)

With Board approval, agenda items may be rearranged during a meeting in order to accommodate the public.

The president shall have all the rights of any member of the Board, including the right to move, second, discuss, and vote on all questions before the Board.

The Board President shall also perform other duties in accordance with law and Board policy, including,

but not limited to:

1. Signing all instruments, acts, orders and resolutions necessary to comply with legal requirements and carry out the will of the Board
2. Working with the Superintendent, or designee, to ensure that Board members have necessary materials and information;
3. Subject to Board approval, appointing and dissolving all committees

(cf. 9130 - Board Committees)

4. In conjunction with the Superintendent or designee, representing the district as a spokesperson in communications with the media

(cf. 1112 - Media Relations)

5. Leading the Board's advocacy efforts to build support within the local community and at the state and national levels

The president is encouraged to participate in the California School Boards Association's Board President's Workshop and other professional development opportunities to enhance their leadership skills.

(cf. 9240 - Board Training)

When the president resigns or is absent or disabled, the clerk shall perform the president's duties. When both the president and the clerk are absent or disabled, the Board shall choose a president pro tempore to perform the president's duties.

(cf. 9123 – Clerk)

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Legal Reference:

EDUCATION CODE

35022 President of the board

35143 Annual organizational meetings; dates and notice

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

CSBA PUBLICATIONS

Board Presidents' Handbook, revised 2002

CSBA Professional Governance Standards, 2000

Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 26, 1991 Fresno, California

revised: January 12, 2000

revised: May 30, 2018

## **Clerk**

At the annual organizational meeting, the Governing Board shall elect a clerk from its own membership (Education Code 35143).

(cf. 9100 - Organization)

The duties of the clerk shall be to:

1. Certify or attest to actions taken by the Board when required
2. Maintain such other records or reports as required by law
3. Sign the minutes of Board meetings following their approval

(cf. 9324 -Minutes and Recordings)

4. Sign documents on behalf of the district as directed by the Board
5. Serve as presiding officer in the absence of the president

(cf. 9121 - President)

6. Notify Board members and members-elect of the date and time for the annual organizational meeting

7. Perform any other duties assigned by the Board

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## **Legal Reference:**

### **EDUCATION CODE**

17593 Repair and supervision of property (duty of district clerk)  
35038 Appointment of clerk by county superintendent of schools  
35039 Dismissal of clerk  
35121 Appointment of clerk in certain city and high school districts  
35143 Annual organizational meetings  
35250 Duty to keep certain records and reports  
38113 Duty of clerk (re provision of school supplies)

### **GOVERNMENT CODE**

### **Limits Of Board Member Authority**

The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

(cf. 1160 Political Process)

(cf. 9000 - Role of Board and Members)

(cf. 9005 Governance Standards)

(cf. 9270 Conflict of Interest)

(cf. 9323 Meeting Conduct)

Individually, the Board member may not commit the district to any policy, act or expenditure.

(cf. 9005 Governance Standards)

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent or designee.

(cf. 1340 - Access to District Records)

(cf. 4112.6/4212.6/4312.6 Personnel Files)

(cf. 9005 Governance Standards)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9322 Agenda/Meeting Materials)

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complaint to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

(cf. 1312.1 Complaints Concerning District Employees)

(cf. 1312.2 Complaints Concerning Instructional Materials)

(cf. 1312.3 Uniform Complaint Procedures)

(cf. 1312.4 Williams Uniform Complaint Procedures)

(cf. 3320 Claims and Actions Against the District)

(cf. 4031 Complaints Concerning Discrimination in Employment)

(cf. 6159.1 Procedural Safeguards and Complaints for Special Education)

A Board member whose child is attending a district school should be aware of his/her role as a Board member when interacting with district employees about his/her child. Because his/her position as a Board member may inhibit the performance of school personnel, a Board member shall inform the Superintendent or designee before volunteering at his/her child's classroom.

(cf. 1240 Volunteer Assistance)

(cf. 5020 Parent Rights and Responsibilities)

(cf. 6020 Parent Involvement)

Board members shall refer Board-related correspondence to the Superintendent or designee for forwarding to the Board or for placement on the Board's agenda.

The Superintendent or designee shall provide a copy of the states open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

Board members and persons elected to the Board who have not yet assumed office are responsible for complying with the requirements of the Brown Act. (Government Code 54952.1)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards, especially:

35160-35184 Powers and duties

35291 Rules

35292 Visits to schools (Board members)

51101 Rights of parents/guardians

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:

54952.1 Member of a legislative body of a local agency

54952.7 Copies of chapter to members of legislative body

Management Resources:

#### CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

#### WEB SITES

CSBA: <http://www.csba.org>

Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 26, 1991 Fresno, California

revised: August 25, 1994

reviewed: January 12, 2000

reviewed: October 5, 2004

revised: June 18, 2008

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: <http://www.csba.org>

Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 26, 1991 Fresno, California

revised: January 12, 2000

revised: December 3, 2003

revised: June 18, 2008

revised: March 22, 2017

## **Remuneration, Reimbursement And Other Benefits**

### **Compensation**

Each member of the Governing Board may receive the monthly compensation as provided for in Education Code 35120.

On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. (Education code 35120)

Board members are not required to accept payment for meetings attended.

Any member who does not attend all Board meetings during the month, he/she is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings he/she attended, unless otherwise authorized by the Board in accordance with law. (Education Code 35120)

A member may be compensated for meetings he/she missed when the Board, by resolution, finds that he/she was performing designated duties for the district at the time of the meeting or that he/she was absent because of illness, jury duty or a hardship deemed acceptable by the Board (Education code 35120)

Student Board members shall receive no remuneration for meetings attended. (Education Code 35012)

(cf. 9150-Student Board Members)

Whenever a quorum of Board members serves as another legislative body which will meet simultaneously or in serial order to a Board meeting, the Board clerk or a member of the Board shall verbally announce the amount of any additional compensation or stipend that each member will be entitled to receive as a result of convening the simultaneous or serial meeting. (Government Code 54952.3)

### **Reimbursement of Expenses**

Board members shall be reimbursed for actual and necessary expenses incurred when performing authorized services for the district. Expenses for travel or other authorized purposes, as directed by the Board, shall be reimbursed in accordance with policies established for district personnel and at the same rate of reimbursement.

(cf. 1160- Political Processes)

(cf. 3100 – Budget)

(cf. 3350- Travel Expenses)

(cf. 3513.1 Cellular Phone Reimbursement)

Authorized purposes may include, but are not limited to, attendance at educational seminars or conferences designed to improve Board members' skills and knowledge; participation in regional,



state, or national organizations whose activities affect the district's interests; attendance at district or community events; and meetings with state or federal officials on issues of community concern.

Personal expenses shall be the responsibility of individual Board members. Personal expenses include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the Board member on district-related business, personal use of an automobile, and personal losses and traffic violation fees incurred while on district business.

Before the expense is incurred, any questions regarding the propriety of a particular type of expense should be resolved by the Superintendent or designee.

#### Health and Welfare Benefits for Current Board Members

Health and welfare benefits for Board members shall be no greater than those received by district nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

The district shall pay the premiums required for Board members electing to participate in the district health and welfare benefits program to the same extent that it pays for district employees.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouses/registered domestic partner and to their eligible dependent children as specified in law and the health plan.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

#### Health and Welfare Benefits for Former Board Members

Former Board members may participate in the health and welfare benefits program provided for district employees under the conditions specified below.

Health and welfare benefits for former Board members shall be no greater than those received by district nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

Any former Board member leaving the Board after at least one term of office may participate in the health and welfare benefits program at his/her own expense if coverage is in effect at the time of retirement. (Government Code 53201)

Health and welfare benefits provided to a former Board member shall be extended, at his/her expense and at the same level, to his/her spouse/registered domestic partner and eligible dependent children as specified in law and the health plan.

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Legal Reference:

EDUCATION CODE

33050-33053 General waiver authority  
33362-33363 Reimbursement of expenses for attendance at workshops  
35012 Board members; number, election and term  
35044 Payment of traveling expenses of representatives of board  
35120 Compensation services as member of governing board  
35172 Promotional activities  
44038 Cash deposits for transportation purchased on credit

FAMILY CODE

297-297.5 Rights, protections and benefits under law; registered domestic partners

GOVERNMENT CODE

8314 Use of public resources  
20322 Elective officers; election to become member  
20420-20445 Membership in Public Employees' Retirement System; definition of safety employees  
53200-53209 Group insurance  
54952.3 Simultaneous or serial meetings; announcement of compensation

HEALTH AND SAFETY CODE

1373 Health services plan, coverage for dependent children

INSURANCE CODE

10277-10278 Group and individual health insurance, coverage for dependent children

UNITED STATES CODE, TITLE 26

403(b) Tax-sheltered annuities

UNITED STATES CODE, TITLE 42

18011 Right to maintain existing health coverage

CODE OF FEDERAL REGULATIONS, TITLE 26

1.403(b)-2 Tax-sheltered annuities, definition of employee

COURT DECISIONS

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598  
Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578

ATTORNEY GENERAL OPINIONS

91 Ops.Cal.Atty.Gen 37 (2008)  
83 Ops.Cal.Atty.Gen. 124 (2000)

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>  
Public Employees' Retirement System: <http://www.calpers.ca.gov>

Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 26, 1991 Fresno, California

reviewed: January 12, 2000

revised: January 14, 2004

revised: April 11, 2012

revised: June 1, 2016

### **Conflict Of Interest**

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by their financial, family, or other personal interest or consideration.

(cf. 9005 – Governance Standards)

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect their relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which their relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the

community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 – Meeting and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

(cf. 4117.2/4217.2/4317.2 – Resignation)

(cf. 9222 – Resignation)

#### Conflict of Interest under the Political Reform Act

A Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use their official position to influence a governmental decision in which they knew or has reason to know that he/she has a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a “reasonably foreseeable material financial effect” which is distinguishable from the effect on the public generally, on the Board member, designated employee or other person in a designated position, their immediate family, or any financial interest described in 2 CCR 18700 (Government Code 87100, 87101, 87103; 2CCR 18700-18709)

A Board member, designated employee, or other person in a designated position makes a governmental decision when, acting within the authority of their office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a Board member shall participate in the making of a contract in which they have a financial interest if their participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

#### Additional Requirements for Boards that Manage Public Investments

Any Board member who manages public investments pursuant to Government Code 87200 and has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. This Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. They may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
4. If the Board's decision is made during closed session, disclose their interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that their recusal is because of a conflict of interest pursuant to Government Code 87100. They shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)  
(cf. 9321 - Closed Session Purposes and Agendas)  
(cf. 9321.1 - Closed Session Actions and Reports)

#### Conflict of Interest under Government Code 1090 – Financial Interest in a Contract

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which they have only a “remote interest” in the contract as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract.  
(Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which their interest is a "noninterest" as defined in Government Code 1091.5.

Noninterest includes a Board member's interest in being reimbursed for their actual and necessary expenses incurred in the performance of their official duties, in the employment of their spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

#### Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which their private or personal interest may conflict with their official duties.

#### Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 – Nonschool Employment)

#### Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when:

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form

700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

#### Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession, unless the sole or predominant activity of the business, trade or profession is making speeches.
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes.

*Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.*

#### Legal Reference:

##### EDUCATION CODE

1006 Qualifications for holding office  
35107 School district employees  
35230-35240 Corrupt practices  
35233 Prohibitions applicable to members of governing boards  
41000-41003 Moneys received by school districts  
41015 Investments

##### FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

##### GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers  
1125-1129 Incompatible activities  
81000-91014 Political Reform Act of 1974, especially:



82011 Code reviewing body  
82019 Definition of designated employee  
82028 Definition of gifts  
82030 Definition of income  
82033 Definition, interest in real property  
82034 Definition, investment  
87100-87103.6 General prohibitions  
87200-87210 Disclosure  
87300-87313 Conflict of interest code  
87500 Statements of economic interests  
89501-89503 Honoraria and gifts  
89506 Ethics; travel  
91000-91014 Enforcement

#### PENAL CODE

85-88 Bribes

#### REVENUE AND TAXATION CODE

203 Taxable and exempt property - colleges

#### CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:  
18700-18707 General prohibitions  
18722-18740 Disclosure of interests  
18750.1-18756 Conflict of interest codes

#### COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)  
Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261  
Klistoff v. Superior Court, (2007) 157 Ca.App.4th 469  
Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655  
Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

#### ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)  
92 Ops.Cal.Atty.Gen. 19 (2009)  
89 Ops.Cal.Atty.Gen.217 (2006)  
86 Ops.Cal.Atty.Gen. 138(2003)  
85 Ops.Cal.Atty.Gen. 60 (2002)  
82 Ops.Cal.Atty.Gen. 83 (1999)  
81 Ops.Cal.Atty.Gen. 327 (1998)  
80 Ops.Cal.Atty.Gen. 320 (1997)  
69 Ops.Cal.Atty.Gen. 255 (1986)  
68 Ops.Cal.Atty.Gen. 171 (1985)  
65 Ops.Cal.Atty.Gen. 606 (1982)  
63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

**FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS**

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

**INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS**

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

**WEB SITES**

Fair Political Practices Commission: <http://www.fppc.ca.gov>

**Bylaw FRESNO UNIFIED SCHOOL DISTRICT**

adopted: September 26, 1991 Fresno, California

revised: September 27, 2000

revised: March 10, 2004

revised: September 22, 2004

revised: February 12, 2013

revised: December 14, 2016

**Conflict Of Interest – Statement of Economic Interests Form 700**

RESOLUTION ADOPTING A  
CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Fresno Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Fresno Unified School District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Fresno Unified School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at a meeting, by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary/President

## Conflict of Interest Code of the Fresno Unified School District

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the Fresno Unified School District ("District").

The Form 700s for designated positions, other than the members of the District's Governing Board and Superintendent, shall be filed with the District. District's Governing Board and Superintendent are to file their original Form 700s directly with the Clerk of the Board for the Fresno County Board of Supervisors using the electronic filing system. If the Form 700s are not filed electronically, the paper Form 700 and waiver shall be filed with the District and, upon receipt of these paper Form 700s with waivers, the District shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

The District shall retain a copy of all electronically filed Form 700s, a copy of all paper Form 700s with waivers and the original Form 700s of designated positions and shall make the Form 700s available for public review, inspection, and reproduction. (Gov. Code section 81008.)

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the Agency are hereby superseded.

## APPENDIX A

### Public Officials Who Manage Public Investments

It has been determined that positions listed below manage public investments *and will file a statement of economic interests pursuant to Government Code Section 87200*. These positions are listed for informational purposes only:

Governing Board Members  
Superintendent of Schools

### Designated Positions

<u>Designated Position</u>	<u>Disclosure Category</u>
Deputy Superintendent/Chief Financial Officer	1
Administrator	1
Administrator Alternative Education	1
Administrator Curriculum and Instruction	1
Administrator HR and Labor Relations	1
Administrator Leadership Development	1
Administrator Professional Development	1
Administrator Professional Learning	1
Assistant Superintendent English Learner Services	1
Assistant Superintendent Facilities Management and Planning	1
Assistant Superintendent School Operations	1
Assistant Superintendent Special Education	1
Assistant/Associate Superintendent	1
Associate Superintendent Curriculum and Instruction	1
Business Operations Manager	1
Chief	1
Chief Academic Officer	1
Chief Information Officer	1
Chief of Equity and Access	1
Chief of Human Resources/Labor Relations	1
Chief of Staff	1
Chief Operations Officer	1
Chief Technology Officer	1
Consultants	1
Deputy Executive	1
Director	1
Director Benefits and Risk Management	1
Director Fiscal Services	1

Executive Director	1
Executive Director Constituent Services	1
Executive Director Early Learning	1
Executive Director Family and Community Services	1
Executive Director Maintenance and Operations	1
Executive Director Prevention and Intervention	1
Executive Director Purchasing	1
Executive Director Technology Services	1
Executive Director HR and Labor Relations	1
Executive Officer	1
Executive Officer Accountability and Improvement	1
Executive Officer College and Career Readiness	1
Executive Officer Fiscal Services	1
Executive Officer State and Federal	1
Instructional Superintendent	1
Purchasing Manager	1
Senior Executive	1
Buyer I, II, III, IV	2
Members of Audit Committee	2
Members of Citizen's Oversight Committee	2
Project Manager	2
Purchasing Technician	2
Administrative Analyst	3
Advisor, Guidance Learning	3
Analyst I, II	3
Coordinator, I, II	3
Director College and Career Readiness	3
Director Food Services	3
Director Health Services	3
Director Instructional Services	3
Director Leadership Development	3
Director Prevention and Intervention	3
Director School Operations	3
Director Special Education	3
Director Transportation	3
District Supervisor I, II	3
Executive Assistant to Superintendent	3
Head Counselor	3
Manager I, II, III	3
Nutritionists	3
Occupational Therapist	3
Ombudsman	3

Principal I, II, III, IV, Special Assignment	3
School Counselor	3
School Psychologists	3
School Social Worker, Clinical, School	3
Vice Principal I, II, III, IV, Special Assignment	3

## Disclosures for Consultants

Consultants are designated employees who must disclose financial interests shall be determined on a case-by-case basis by the Superintendent or designee in consultation with legal counsel. The Superintendent or designee's written approval shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. Legal counsel shall review and issue a written opinion regarding the Superintendent's final determination. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18700.3)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, subsections (a) and (b), or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18700.3)

## APPENDIX B

### DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

1. Full Disclosure Category 1: A person designated Category 1 shall disclose:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
  - b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.
2. Disclosure Category 2: A person designated Category 2 shall disclose:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interests in real property.
  - b. Investments or business positions in or income, including gifts, loans, and travel payments, from sources which:
    - (1) Are engaged in the acquisition or disposal of real property within the district,
    - (2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or
    - (3) Manufacture or sell supplies, books, machinery, or equipment of the type used by the district.
3. Disclosure Category 3: A person designated Category 3 shall disclose:
  - a. Interests, investments or business positions in or income, including gifts, loans, and travel payments, from sources which: Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs or
  - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For purposes of this category, a principal's department is their entire school.

Exhibit FRESNO UNIFIED SCHOOL DISTRICT

approved: February 12, 2014 Fresno, California

revised: December 14, 2016

revised: March 22, 2017

revised: September 19, 2018



## **Meetings And Notices**

Meetings of the Governing Board are conducted for the purpose of accomplishing district business.

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

In accordance with state open meeting laws (Brown Act) the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and Board-adopted bylaws, policies, and administrative regulations.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

A majority of the Board shall not, outside of an authorized meeting use a series of communications of any kind, directly or through personal intermediaries, and technological devices to discuss, deliberate, or develop a collective concurrence as to an action that members will take on any item of district business that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as the employee or district official does not communicate the comments or position of any Board member to other Board members. (Government Code 54952.2)

### **Location of Meetings**

Meetings shall not be held in a facility that prohibits the admittance to any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation.

Meetings shall be held within district boundaries, except when otherwise allowed by law to do any of the following (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property

3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on non-adversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items # 1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

Meetings shall be held in a facility that is accessible to all persons, including disabled persons, without charge. (Government Code 54961)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that individuals who require special accommodation, including but not limited to an American sign language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent or designee at least two days before the meeting date.

#### Regular Meetings

The Board shall adopt a schedule specifying the date, time and place of its regular meetings. (Education Code 35140)

The Board shall hold two regular meetings on the second and fourth Wednesdays of each month, unless posted otherwise. Regular meetings shall be held at 5:30 p.m. at the Education Center unless posted otherwise.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public, and on the district's Internet web site. (Government Code 54954.2)

A notice of each regular meeting shall be mailed to any person who has filed with the Board a written request for such notice. The notice shall be mailed the week preceding, but not less than 72 hours prior to the meeting. Requests are valid for one year from the date filed unless renewed. Renewal requests must be filed within 90 days after January 1 of each year.

Whenever agenda materials related to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

If a fire flood, earthquake or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the president or designee, who shall so inform, by the most rapid available means of communication, all news media who have requested notice of special meetings. (Government Code 54954)

### Special Meetings

Special meetings of the Board may be called by the presiding officer or a majority of the Board members. Except as authorized by Government Code Section 54957.6, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, deputy superintendent, associate superintendent, assistant superintendent, or other executive employee as described in Government Code 3511.1. No action shall be taken at a special meeting regarding the salary, salary schedule, or other compensation of the Superintendent, deputy superintendent, associate superintendent, assistant superintendent, or other executive employee as described in Government Code 3511.1 (Government Code 54956).

Written notice of special meetings shall be delivered personally or by any other means to all Board members, the Superintendent, and the local media who have requested such notice in writing. The notice shall also be posted on the district's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed; no other business shall be considered at these meetings. (Education Code 35144, Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or after the item's consideration. (Government Code 54954.3)

Public notice shall be given at least 72 hours' before any retreats, study sessions or training sessions held by the Board. All such meetings shall be held within district boundaries and action items shall not be included.

### Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. A work stoppage, crippling activity or other activity that severely impairs public health, and/or safety, as determined by a majority of the members of the Board.

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting under this section may endanger the public health and/or safety as determined by a majority of the member of the Board.

(cf. 3516 – Emergencies and Disaster Preparedness Plan)

Except in the case of a dire emergency, the Board President or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notices of special meetings. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those local media which have requested notice for special meetings, describing the purpose of the meeting and any action taken by the Board. (Government Code 54956.5)

In the case of a dire emergency, the Board President or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

No closed session may be held during an emergency meeting. All other rules governing special meetings shall be observed, with the exception of the 24-hour notice requirement. The minutes of the meeting, a list of persons the president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least ten days in a public place as soon after the meeting as possible. (Government Code 54956.5)

#### Adjourned Meetings

A majority vote by the Board may adjourn any meeting to a later time and place that shall be specified in the order of adjournment. (Government Code 54955)

If no members are present at any regular or adjourned regular meeting, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of adjournment. (Government Code 54955)

#### Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

(cf. 2000 – Concepts and Roles in Administration)  
(cf. 9000 – Role of the Board)  
(cf. 9005 – Governance Standards)  
(cf. 9400 – Board Self-Evaluation)

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

#### Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

#### Hearings

The Board may occasionally convene public hearings at which no Board action is to be taken. Such hearings are held solely to allow the Board and members of the public to receive information. A hearing may take place immediately prior to a Board meeting.

If a quorum of Board members is present at a hearing, notice of the hearing shall be provided according to procedures specified above for regular meetings.

#### Other Gatherings

Attendance by a majority of the Board members at any of the following events is not subject to state open meeting laws provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school Boards.
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern.
3. An open and noticed meeting of another body of the district or at a legislative body of another local agency.
4. A purely social or ceremonial occasion.
5. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers.

(cf. 9130 - Board Committees)

Individual contacts or conversations between a Board member and any other person are not subject to open meeting laws. (Government Code 54952.2)

Legal Reference:

#### EDUCATION CODE

35140 Time and place of meetings  
35143 Annual organizational meeting, date, and notice  
35144 Special meeting  
35145 Public meetings  
35145.5 Agenda; public participation; regulations  
35146 Closed sessions  
35147 Open meeting law exceptions and applications

#### GOVERNMENT CODE

3511.1 Local agency executives  
11135 State programs and activities, discrimination  
54950-54963 The Ralph M. Brown Act, especially:  
54953 Meetings to be open and public; attendance  
54954 Time and place of regular meetings  
54954.2 Agenda posting requirements, board actions  
54956 Special meetings; call; notice  
54956.5 Emergency meetings

#### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications  
36.303 Auxiliary aids and services

## COURT DECISIONS

Wolfe v. City of Freemont, (2006) 1444 Cal. App. 544

## ATTORNEY GENERAL OPINIONS

88 Ops. Cal. Atty. Gen. 218 (2005)

84 Ops. Cal. Atty. Gen. 181 (2001)

84 Ops. Cal. Atty. Gen. 30 (2001)

79 Ops. Cal. Atty. Gen. 69 (1996)

78 Ops. Cal. Atty. Gen. 327 (1995)

## Management Resources:

### CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2009

### INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

The ABCs of Open Government Laws

### LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV : A Guide to the Ralph M. Brown Act, 2nd Ed., 2010

## WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted September 26, 1991 Fresno, California

revised: December 12, 2001

revised: February 13, 2003

revised: January 14, 2004

revised: January 8, 2014

### **Closed Session Purposes And Agendas**

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold closed sessions only for purposes authorized by law. The Board may hold a closed session at any time during a regular or special meeting and during emergency meetings in accordance with law. (Government Code 54950-54963).

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

In accordance with law, a Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

### **Personnel Matters**

The Board may hold closed session under the "personnel exception" to consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4215 - Evaluation/Supervision)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)



The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. (Government Code 54945)

Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of their right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

#### Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting or investigation conducted by a fact finder or arbitrator
4. An executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives.

(cf. 4140/4240/4340 - Bargaining Units)  
(cf. 4143/4243 - Negotiations/Consultation)  
(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

The Board may meet in closed session to review the Board's and/or instruct its designated representative regarding employee salaries, salary schedules or compensation paid in the form of fringe benefits of its represented and unrepresented employees. Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this

purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

(cf. 2121 - Superintendent's Contract)

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in these proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

#### Matters Related to Students

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

#### Security Matters

The Board may meet in closed session with the Governor, Attorney General, district attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government code 54957)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.6 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

#### Conference with Real Property Negotiator

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange or lease of real property by or for the district in order to grant its negotiator the authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also

specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

#### Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances (Government Code 54956.9):

1. Litigation to which the district is a "party" has been initiated formally. (Government code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of legal counsel and on the "existing facts and circumstances", there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized (Government Code 54956.9(b))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

1. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
2. Facts and circumstances including, but not limited to, an accident, disaster, incident or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda.
3. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(cf. 3320 - Claims and Actions Against the district)

4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on their behalf or identify an employee who is the

alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding "Existing Litigation" or "Anticipated Litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5).

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

#### JPA/Self-Insurance Liability Claims

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers authority (JPA) formed for the purpose of insurance pooling or self-insurance authority of which it is a member. (Government code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3320 - Claims and Actions Against the District)  
(cf. 3530 - Risk Management/Insurance)

#### Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education code 60617)

(cf. 6162.5 - Student Assessment)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that the Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

*Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.*

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student suspension)

44929.21 Districts with ADA of 250 or more

48918 Rules governing expulsion procedures; hearings and notice

49073 Release of directory information

49076 Access to records by persons without written parental consent

49079 Notification to teacher re: students whose actions are grounds for suspension or expulsion

60617 Meetings of governing board

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

6250-6268 California Public Records Act

54950-54963 The Ralph M. Brown Act

COURT DECISIONS

Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672

Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87

Furtado v. Sierra Community College District, (1998) 68 Cal. App. 4th 876

Roberts v. City of Palmdale, (1993) 5 Cal.4th 363

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

ATTORNEY GENERAL OPINIONS

78 Ops.Cal.Atty.Gen. 218 (1995)

59 Ops.Cal.Atty.Gen. 532 (1976)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

CSBA: <http://www.csba.org>

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Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 26, 1991 Fresno, California

revised: January 12, 2000

reviewed: February 13, 2003

revised: January 28, 2004

revised: May 30, 2018

## **Agenda/Meeting Materials**

### **Agenda Content**

Governing Board meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5, Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before meeting. (Government Code 54957.5)

The agenda shall specify that an individual should contact in writing, the Superintendent or designee if he/she requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting. (Government Code 54954.2)

### **Agenda Preparation**

The Superintendent, as Secretary to the Board, in consultation with the Board president, shall prepare the agenda for each regular and special meeting. Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.

(cf. 0000 – Vision)

(cf. 0200 –Goals for the School District)

(cf. 9121 - President)

(cf. 9122 - Secretary)

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least two weeks before the scheduled meeting date. Items submitted less than two weeks before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.]



The Board president and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing an item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation.

If the Board president and Superintendent determine that the item is appropriate for placement on the agenda, the Board President and the Superintendent will decide whether the item is appropriate for discussion in open or closed session and whether the item should be an action item, subject to Board vote, an informational item that does not require immediate action, or consent item that is routine in nature and for which no discussion is anticipated.

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered and deliberated upon as a separate item of business on the meeting agenda (Government Code 53635.7)

(cf. 9323.2 - Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.2 - Complaints Concerning Instructional Materials)  
(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 1312.4 – Williams Uniform Complaint Procedures)  
(cf. 3320 - Claims and Actions Against the District)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)

#### Consent Agenda/Calendar

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it. (Government Code 54954.3)

#### Agenda Dissemination to Board Members

A copy of the agenda, and an agenda packet shall be forwarded to each Board member at least three days before each regular meeting, together with the Superintendent or designee's report,

minutes to be approved, copies of communications, reports from committees, staff, citizens and other; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent and president shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to request additional information on agenda items. However, a majority of Board members shall not directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

(c. 9012 – Board Member Electronic Communications)

Upon request, the Superintendent or designee shall make the agenda and/or agenda packet available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Agenda Dissemination to Members of the Public

The Superintendent or Designee shall mail a copy of the agenda, or a copy of all the documents constituting the agenda packet, to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

If a document which relates to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board, provided the document is a public record under the Public Records Act. The Superintendent or designee may also post a document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

(cf. 1113 – District and School Web Sites)

(cf. 1340 – Access to District Records)

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda

GOVERNMENT CODE

6250-6270 Public Records Act

53635.7 Separate item of business

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

54960.2 Challenging board actions; cease and desist

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

Mooney v. Garcia (2012) 207 Cal.App.4th 229

Caldwell v. Roseville Joint Union High School District, 2007 U.S. Dis. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

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Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 26, 1991 Fresno, California

reviewed: January 12, 2000

reviewed: February 13, 2003

revised: January 28, 2004

revised: January 8, 2014

# **CSBA Governance**

Public oversight of local government is the foundation of American democracy. Nowhere is this more evident than in our public schools, where local boards of education are entrusted by their diverse communities to uphold the Constitution, protect the public interest in schools and ensure that a high quality education is provided to each student. To maximize the public's confidence in local government, our local boards must govern responsibly and effectively.

## Professional Governance Standards



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[www.csba.org](http://www.csba.org)

**for School Boards**

# Professional Governance Standards

The California School Boards Association (CSBA), representing nearly 1,000 local school districts and county boards of education, recognizes there are certain fundamental principles involved in governing responsibly and effectively. These principles — or Professional Governance Standards — reflect consensus among hundreds of board members, superintendents and other educational leaders throughout the state.

These Professional Governance Standards describe the three components vital to effective school governance:

- 1. *the attributes of an effective individual trustee,*
- 2. *the attributes of an effective governing board, and*
- 3. *the specific jobs the board performs in its governance role.*

The intent of these standards is to enhance the public’s understanding about the critical responsibilities of local boards and to support boards in their efforts to govern effectively.

## 01

### the Individual Trustee

In California’s public education system, a trustee is a person elected or appointed to serve on a school district or county board of education. Individual trustees bring unique skills, values and beliefs to their board. In order to govern effectively, individual trustees must work with each other and the superintendent to ensure that a high quality education is provided to each student.

#### To be effective, an individual trustee:

- » Keeps learning and achievement for *all* students as the primary focus.
- » Values, supports and advocates for public education.
- » Recognizes and respects differences of perspective and style on the board and among staff, students, parents and the community.
- » Acts with dignity, and understands the implications of demeanor and behavior.
- » Keeps confidential matters confidential.
- » Participates in professional development and commits the time and energy necessary to be an informed and effective leader.
- » Understands the distinctions between board and staff roles, and refrains from performing management functions that are the responsibility of the superintendent and staff.
- » Understands that authority rests with the board as a whole and not with individuals.

## 02

### the Board

School districts and county offices of education are governed by boards, not by individual trustees. While understanding their separate roles, the board and superintendent work together as a “governance team.” This team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively.

#### To operate effectively, the board must have a unity of purpose and:

- » Keep the district focused on learning and achievement for all students.
- » Communicate a common vision.
- » Operate openly, with trust and integrity.
- » Govern in a dignified and professional manner, treating everyone with civility and respect.
- » Govern within board-adopted policies and procedures.
- » Take collective responsibility for the board’s performance.
- » Periodically evaluate its own effectiveness.
- » Ensure opportunities for the diverse range of views in the community to inform board deliberations.

## 03

### the Board’s Jobs

The primary responsibilities of the board are to set a direction for the district, provide a structure by establishing policies, ensure accountability and provide community leadership on behalf of the district and public education. To fulfill these responsibilities, there are a number of specific jobs that effective boards must carry out.

#### Effective boards:

- » Involve the community, parents, students and staff in developing a common vision for the district focused on learning and achievement and responsive to the needs of all students.
- » Adopt, evaluate and update policies consistent with the law and the district’s vision and goals.
- » Maintain accountability for student learning by adopting the district curriculum and monitoring student progress.
- » Hire and support the superintendent so that the vision, goals and policies of the district can be implemented.
- » Conduct regular and timely evaluations of the superintendent based on the vision, goals and performance of the district, and ensure that the superintendent holds district personnel accountable.
- » Adopt a fiscally responsible budget based on the district’s vision and goals, and regularly monitor the fiscal health of the district.
- » Ensure that a safe and appropriate educational environment is provided to all students.
- » Establish a framework for the district’s collective bargaining process and adopt responsible agreements.
- » Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state and federal levels.



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# Governance Brief

## The School Board Role in Creating the Conditions for Student Achievement: A Review of the Research (Summary)

by Mary Briggs and Manuel Buenrostro

### Introduction

This brief sheds light on how boards can carry out the essential responsibility of governance to help their school districts and county offices of education improve learning outcomes for the students in their communities. It is a summary of a CSBA report *The School Board Role in Creating the Conditions for Student Achievement: A Review of the Research*.

In studies of district improvement, research has focused on central offices and schools, paying limited attention to the role of school district boards, and virtually none to county boards. To address these oversights, the first sections of this brief focus on how school districts impact student outcomes, identifying six factors that support district improvement and noting implications for how school boards can affect each area. The final two sections explore research that focuses explicitly on school board professional development and roles and relationships. While research on the county board role is virtually non-existent, many of the research conclusions on the impact of school boards on student outcomes are also relevant for county boards.

### The Six Factors Supporting District Improvement

The full report explores the six interdependent factors that appeared most often in our extensive review of the literature on districtwide improvement in student achievement. We paid particular attention to what scholars had to say about school districts that have made or are making progress toward improving outcomes for historically underserved student groups. The six factors include:

#### This brief will answer the following questions:

- » What are six research-based factors that support district improvement?
- » How can board members support each of these factors?
- » What does the research say about board member professional development?
- » What does the research say about board member roles and relationships?

1. Setting a vision and goals with a primary focus on student achievement, and aligning resources to realize those goals.
2. Establishing and maintaining a coherent, districtwide system that still offers a degree of autonomy at the school site.
3. Using data to inform and support continuous improvement, especially for student achievement.
4. Creating a district culture that supports student achievement, including establishing strong community partnerships.
5. Investing in staff capacity at all levels.
6. Maintaining stable and effective leadership while ensuring a shared vision and responsibility for meeting goals that can withstand leadership transitions.



## Factor 1: Setting a Vision and Goals

Multiple studies have found a positive relationship between student achievement and boards that share a common vision and goals.<sup>1,2</sup> With this strong foundation, distractions can be reduced, nonessential initiatives can be filtered out, and people are more likely to work together effectively on a common agenda.<sup>3,4</sup> In setting a vision and aligning goals that improve student outcomes, boards should consider the following factors:

**Focus on learning outcomes.** Research has shown that goals focused on learning outcomes have the greatest impact on student achievement.<sup>5,6,7</sup> In a district comparison study, the boards from low-achieving districts reported focusing primarily on keeping costs low, while boards in high-achieving districts identified academic achievement as their main responsibility.<sup>8</sup> Studies also suggest that boards in high-achieving districts spend more time discussing student achievement and policy development than discussing administrative details.<sup>9,10</sup>

**Engage stakeholders in the process.** By gathering and sharing input from a range of stakeholders in a timely and effective manner, districts can encourage buy-in and establish a vision and goals that reflect the priorities of the whole system. This is supported by a study indicating a statistically significant correlation between the inclusion of relevant stakeholders in the goal-setting process and student achievement.<sup>11</sup>

**Place equity front and center.** Research indicates that boards in high-performing districts and those that close achievement gaps demonstrate a shared commitment to ensuring a high-quality education for every student,<sup>12</sup> set goals and policies that foster learning for all students, and develop goals for faster growth for high-need students (coupled with equitable investments).

**Communicate.** Researchers report that successful boards use the district vision as the basis for policy initiatives and monitoring. They also engage in a wide range of activities throughout the district, allowing them to communicate and reinforce the vision and goals more widely.<sup>13</sup>

**Align resources.** Research describes a positive relationship between student achievement and leaders' use of resources to support goals,<sup>14</sup> including an achievement boost in urban districts that funneled extra resources to the lowest-performing schools.<sup>15</sup>

## Factor 2: A Coherent System That Also Provides Site-Level Flexibility

School and county boards are tasked with governance but not administration. They can support coherence by monitoring how the different components of the system interact in service of key goals, while leaving the details of strategy implementation and management to district staff. In establishing a coherent system, board members should consider the following:

**Everything is connected.** A focus on systems thinking recognizes that what is done in one part of the system affects every other part of the system. At the same time, changes in a single area are not likely to lead to system-wide change. A partial list of the systems operating within a district includes hiring and teacher assignment practices, evaluation systems, professional development, facilities use, scheduling, and instructional materials adoption processes. In a coherent system, these components complement rather than compete with one another.

**"Islands of Excellence" are not enough.** Having individual high-achieving schools, grade levels, or classrooms within a district while other students are left behind is not enough. School districts should be organized to support a coherent system of services that facilitates excellent teaching and learning in every school and classroom.<sup>16</sup>

### What is Coherence?

Recent education research has argued for district coherence, but what does that mean? Researchers who study coherence emphasize that it extends beyond well-aligned structures. Coherence is a dynamic process that involves schools and central offices working together to continually negotiate the needs of each school within the broader demands placed on the district.<sup>17</sup> In other words, the ongoing work within the district is coordinated to support a district's progress toward its goals.

**Ideas for new initiatives should be carefully filtered.** Governing boards can guide administrators at both the central office and school level to filter new ideas so that "initiative fatigue" does not occur. As education consultants and authors Michael Fullan and Joanne Quinn noted, the problem is "the presence of too many [goals] that are ad hoc, unconnected, and ever changing."<sup>18</sup> Likewise, policy researcher and expert Jonathan Supovitz advises leaders such as board members to use their vision and goals to



exercise discipline in considering whether new initiatives that are not expressly mandated are consistent with district goals—or divert critical resources, including time and energy.<sup>19</sup>

**Centralization versus decentralization is not the issue.** Many district reform efforts focus on increased or decreased centralization at the district level. However, research has shown that it is districts' ability to effectively implement their selected strategies, not their level of centralization that is most important to district improvement.<sup>20</sup>

**District authority and site-level flexibility should be balanced.** Research on district improvement consistently points to an approach that balances district authority with site-level flexibility.<sup>21,22,23</sup> The district's role is to establish a shared vision and goals, and measure progress. How schools meet goals, however, should allow for professional judgment and reflect the school context.<sup>24,25,26</sup> Research supports the need for district goals that are non-negotiable and strongly emphasized, while allowing school leaders—including teachers—to determine the approach to achieve those goals.<sup>27</sup>

### *Factor 3: Using Data to Inform and Support Continuous Improvement*

Leaders at both the district and school level need reliable data to inform decisions about how to improve student outcomes and facilitate continuous improvement. Effective use of data depends on the capacity of users to interpret and act on it. To support continuous improvement, board members should consider how data is used by district leadership and within each school—particularly to advance equity.

**District leadership for data use.** A culture in which data informs decisions starts with district leaders, including the board, superintendent, and central office staff. District leadership can support continuous improvement by using data at the central office to monitor how fiscal and human resource investments contribute to meeting goals. In a study of how Sanger Unified School District achieved significant gains in the past decade, researchers identified decisions grounded in evidence as a key principle for improvement—this included looking at different types of data to test and improve approaches, as well as to gain community support.<sup>28</sup>

**School use of data.** District leaders are key to ensuring that schools have the appropriate infrastructure, guidance, and training to use data effectively, and that they understand the importance of effective use of data. A nationally representative survey of district leaders found nearly all superintendents and three fourths of board members

regarded the frequent use of assessment data as an important instructional strategy.<sup>29</sup> The most common approaches to building school capacity for data use according to a nationwide survey are professional development, providing staff for data system setup and support, and developing tools for generating and acting on data.<sup>30</sup>

Given that teachers are the most important in-school factor contributing to student achievement, teachers' use of data is critical.<sup>31,32</sup> School boards can make it a priority for the district to make relevant and timely data available to teachers, along with providing them the flexibility to adapt lessons and curriculum in response to student, classroom, and school learning needs.<sup>33</sup> Principals also influence how teachers use data by implementing data examination activities, establishing a climate in which data is used as a resource for learning and improving practice, and setting an example through their own use of data to inform site-level decisions.

**Data to support equity.** Data analysis with a focus on equity can help district leaders identify opportunity and achievement gaps, and determine which resources can be used to close these gaps. Data can also help district leaders communicate with parents and other stakeholders about how and why resources are being used to address challenges. Using data for equity at the classroom level means looking at multiple factors to address individual student needs.<sup>34</sup> Research has shown that teachers in schools that are narrowing achievement gaps are more likely to receive professional development on understanding data, linking it to instructional strategies, and applying what they learn to address the instructional needs of low-achieving students.<sup>35</sup>

### *Factor 4: Culture of Support*

District culture consists of the predominant norms, values, and attitudes that drive the behavior of the board, administrators, educators, other personnel, students, and families.<sup>36</sup> Boards can model and communicate norms and values for professional behavior that foster effective teaching and learning. Moreover, boards can work with central office administrators to develop policies that support collaboration and professional learning. In our review of the research, the following themes are essential to a culture that contributes to student achievement:

**Trust is important.** Successful implementation of strategies cannot happen without trust—including trust between principals and their staff; peers, parents and schools; and the central office and schools.<sup>37,38,39,40</sup> Board members can support a culture of trust by engaging with the community, modeling positive and professional relationships,

making decisions with transparency, and fostering mutual accountability.

**Attitudes and beliefs shape culture.** District culture is influenced by the attitudes and beliefs of staff at all levels—three beliefs that shape a positive culture and appear throughout the research are highlighted below:

1. **All students can learn.** Boards in high-achieving districts report significantly more positive opinions about their students' potential than in low-achieving districts with similar students.<sup>41</sup>
2. **Teachers and schools make a difference.** Effective boards—those in districts that successfully implement policies that lead to improved student achievement—believe in their districts' collective ability to improve student achievement, while less-effective boards are more likely to blame external factors and students.<sup>42</sup>
3. **Everyone is responsible for student learning.** Shared responsibility ensures that staff at all levels support each other to improve student outcomes.<sup>43</sup> In successful districts, educators: 1) take responsibility for their contributions to improving teaching and 2) receive support from boards, superintendents, central office staff, principals, and others.<sup>44</sup>

**Community engagement is essential for success.** Research identifies strong community connections as a characteristic of high-achieving districts.<sup>45</sup> Therefore, leaders can enhance the success of district initiatives by investing in meaningful community engagement.

**Partnerships enhance impact.** One of the frequently cited characteristics of effective boards is a positive relationship with external agencies, local and state government, and the general public.<sup>46,47</sup> Partnerships with external agencies can often bring additional resources and capacity to schools.<sup>48</sup>

### *Factor 5: Investing in Capacity at All Levels*

Districts and schools need qualified staff to deliver educational programs that meet the learning needs of all students. Furthermore, as districts seek to improve student achievement through new initiatives, outcomes depend on highly skilled staff, including district leaders and school personnel.

**District leaders play an important role in developing staff capacity.** Evidence indicates that districts that invest in professional learning for teachers, school leaders, and district leaders can achieve improvements in student outcomes. Board members and superintendents understand

this: They identify professional learning as the most important approach to improving student learning.<sup>49</sup>

Research indicates that boards that are successful at implementing and sustaining initiatives invest in extensive professional development, even in tough financial times, while boards that dramatically cut professional development have proven less successful in seeing their initiatives to completion.<sup>50</sup> In addition, researchers have found that training for board members can strengthen their beliefs that adults can have a positive impact on student achievement and that professional learning is essential to improving teaching and learning.<sup>51</sup>

**School staff capacity is critical to site coherence and autonomy.** The capacity of school staff is essential to maintaining a balance between districtwide coherence and site autonomy. While site autonomy is part of an effective system, staff—teachers and principals, in particular—need appropriate training and support to meet goals established by district leaders.

- » **Teacher capacity.** Research has shown that teachers are the most important in-school contributors to a range of student outcomes<sup>52</sup> and that the quality of teachers' subject matter knowledge and pedagogical understanding have an impact on student learning.<sup>53</sup> Teacher professional development on the implementation of a rigorous curriculum, differentiation for diverse students, using assessment data, and making time for collaboration are all associated with improvements in teaching and learning.<sup>54</sup> Effectively structured collaboration, in particular, can help teachers improve their instructional skills and improve student academic achievement.<sup>55</sup>
- » **Principal capacity.** Principals have a substantial impact on the support provided to school staff and in how instructional time is invested, with research indicating positive connections between student learning and specific principal behaviors; teachers' understanding of what to do to improve teaching and learning;<sup>56</sup> and the conditions that attract and retain skilled teachers.<sup>57,58,59,60</sup>

### *Factor 6: Planning for Leadership Turnover*

Since ambitious reforms operate on timelines that often outlast board terms and superintendent tenure, experts observe that districts should explicitly plan for evolving teams and implement systems to uphold major initiatives through transitions.<sup>61</sup>

**Boards can support successful transitions.** Strong support throughout the system makes longevity of initiatives more likely. As previously mentioned, board members play a key role in community engagement, establishing partnerships, and creating a shared vision and goals.<sup>62</sup> Together these form a foundation that helps boards incorporate new leaders into ongoing improvement efforts.

- » **Superintendents.** A shared vision and goals guide boards as they fulfill one of their major responsibilities—hiring and supervising a superintendent. The board and community can set the expectation for a superintendent to maintain district initiatives to achieve a district’s vision and goals.
- » **New board members.** Boards can ensure a careful onboarding process that shortens the learning curve for new members and fosters ongoing productive collaboration. This training can focus on key areas, such as the appropriate board role.<sup>63</sup> Boards can also schedule study sessions that address the vision and goals established by the board, and a summary of prior work and progress.

**Superintendent turnover.** Superintendents are crucial to implementing board priorities, yet turnover can challenge the sustainability of initiatives. Understanding why superintendents leave can help boards address recruitment and retention effectively.

There is a common misconception that superintendents often leave their districts due to poor relations with their boards—research in California found this to be one of the less common reasons for superintendent attrition. Retirement was the most common reason and moving to a district that was larger or that offered better compensation was a close second. While poor board relations were a more prevalent impetus for turnover decisions in large and low-income districts in both California and nationwide, most board members and superintendents in the California study said that their districts had high-functioning boards and positive board–superintendent relationships.<sup>64,65</sup>

**Board member turnover.** Though more predictable given the nature of election cycles, very little research has addressed factors related to board turnover. However, there is some evidence of the impact of board member turnover on student achievement. For example, a study of board turnover in Washington state found a statistically significant relationship between increasing board turnover and declining achievement scores, especially in cases in which turnover was motivated by personal circumstances as opposed to electoral defeat.<sup>66</sup>

## The Impact of Board Relationships and Roles

Districts and county offices of education are complex organizations. To be effective, they require clearly defined responsibilities and positive relationships between leadership and staff. In these organizations, board members and the superintendent form the leadership team and entrust central office and school staff with carrying out their shared vision. Understanding the parameters of each district role is central to maintaining effective working relationships.

### CSBA Outlines Five Board Responsibilities:

1. Set direction for the district or county office of education.
2. Establish structure through policy.
3. Provide support for implementation.
4. Ensure accountability through oversight and monitoring.
5. Act as community leaders.

These functions are so fundamental to a system’s accountability to the public that only an elected board can fulfill them.

Research identifies the following board roles as having a positive impact on student outcomes:

**Establishing a shared vision and goals.** As stated earlier, evidence points to boards and district leaders working together to establish and share common goals as a condition for district success.<sup>67</sup> Research also indicates that when the board and superintendent share common goals, principals feel more supported in their work.<sup>68</sup>

**Working collaboratively.** The importance of collaboration extends beyond the board and superintendent—it includes collaboration between the board and other district staff, as well as among individual board members. A National School Boards Association report found that “effective boards lead as a united team, with the superintendent, each from their respective roles, with strong collaboration and mutual trust.”<sup>69</sup> This is supported by observations of over 100 board meetings, where researchers found that board members in low-performing districts focused on advancing their own agendas more often than those in high-performing districts.<sup>70</sup>

**Engaging the community.** Positive community relations are essential to sustainable improvement, and research supports that board members have an important role in fostering this relationship.<sup>71</sup> There is also evidence that board members from high-performing districts engage more with government and community agencies.<sup>72</sup>

**Empowering staff.** Understanding the role of boards as vision-setters and policymakers, and of superintendents and other staff as implementers, is important. This is supported by the Council of the Great City Schools, which identified the board's ability to focus on "policy level decisions" and not "the day-to-day operations" as a precondition for success.<sup>73</sup> Successful boards set higher expectations for superintendents, but they also empower their superintendents as leaders that contribute guidance and expertise.<sup>74</sup>

## Training and Professional Learning for Board Members

Professional learning for board members can enhance their ability to support the factors associated with improving student achievement. Research on effective boards and district leadership supports the conclusion that professional learning is essential.<sup>75</sup> Evidence suggests that boards benefit from training in the following areas:

1. **The basics of the job.** Bringing board members up to speed on policies and regulations that help them meet their fiduciary responsibilities.
2. **Effective governance practices.** Ensuring that meetings are run efficiently and that effective protocols are in place, so that meetings can focus on student achievement.<sup>76</sup>
3. **The role of the board and that of the superintendent and staff.** Ensuring that the board supports district efforts effectively and focuses on working collaboratively to set policies and direction.<sup>77</sup>
4. **Ways to improve student outcomes and close achievement gaps.** Ensuring that board members are champions of student learning and equity in how they set goals and policies, and that they make investments that support effective teaching and learning.
5. **Community engagement and public leadership.** Ensuring that board members can communicate effectively with and advocate for the needs of their schools and communities.

As champions of public education, board members can model the value of lifelong learning for their county offices of education, school districts, schools, and communities. In addition to the professional development topics covered in this section, board training on each of the six factors linked to school district improvement explored in this report can also support student achievement. For this reason, boards may wish to incorporate periodic self-assessments to identify areas that warrant additional attention.

With the changing education landscape in California, there will always be a need for board professional development about evolving standards, assessments, regulations, and legislation that can affect the operations of their school districts and county offices of education. Informed board members are better stewards of public education—more effectively communicating with the community about the importance of public education and the challenges and opportunities faced by public schools.

CSBA is strongly committed to providing quality professional learning, research, and information on important topics, and to ensuring that board members continue to advocate for equity and closing achievement gaps. As one of the 26 states where board training is not currently mandated,<sup>78</sup> we will continue to fill the important role of ensuring that board members can be among the most effective supporters of public education.

## Conclusion

This brief is a summary of the CSBA report *The School Board Role in Creating the Conditions for Student Achievement*. For more about the research that serves as the foundation for each of the six factors that support student achievement, an annotated bibliography of board-specific research, and a detailed list of professional development opportunities for board members, the full report is available at <http://bit.ly/2ilfZb3>.

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## Governing to Achieve

A Synthesis of Research on School Governance  
to Support Student Achievement

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# Governing to Achieve: A Synthesis of Research on School Governance to Support Student Achievement

Christopher Maricle, California School Boards Association | August 7, 2014

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## Introduction

The California School Boards Association developed the Professional Governance Standards in 2000 through a collaborative process including hundreds of board members, superintendents and other educational leaders throughout the state of California. The intent of the standards was to enhance the public's understanding about the critical responsibilities of local boards and to support boards in their efforts to govern effectively.<sup>1</sup> Since that time, the body of research on school boards has grown. This report synthesizes and summarizes some common findings from the research as well as from the concepts and theories suggested by governance practitioners. The findings suggest an evidentiary basis for the Professional Governance Standards. In addition, the findings identify some new governance practices that have come to light in the decade since the standards were developed.

The purpose of this report is to describe the research-based activities of boards that contribute to raising student achievement in a framework that can serve as the foundation for informing boards and communities about how to strengthen local governance as an important step in improving education for all students in California.

### *Why school governance matters*

There is wide consensus that students graduating from high school will need at least some post-secondary training to acquire the skills necessary to participate in the emerging economy of the 21st century. School boards bear the ultimate responsibility for ensuring that students leave our K-12 schools prepared for post-secondary success. A growing body of literature and research suggests that boards can add value to raising student achievement. Therefore, understanding the research on how boards contribute to school effectiveness should be a primary concern to board members, the communities that elect them, and the professional educators they support and direct.

Not only have our expectations for student outcomes evolved, the way in which we teach students is also undergoing major changes. Technology is bringing vast informational resources to some teachers and students, though not all have equitable access. The digital divide creates a significant challenge, and overcoming the inequity can translate into significant cost. Technology also brings the possibility of online learning, and alternative forms of instructional delivery. It has been predicted that 50% of all high school classes will be online by 2019, making the typical high school experience a blended learning experience, mixing the best of online and face-to-face learning. In addition to technology, recent advances in neuroscience, specifically on how the brain learns, are causing researchers and practitioners to talk about the structures we need for 21st century learning, and there are calls for teacher education to include neuroscience coursework. These changes are inspiring new conversations about the assumptions we have for learning. For decades, time and space for learning was fixed and student outcomes varied. Now, educators

are talking about keeping time and space flexible, but making student outcomes fixed: all students meet standards of performance. Because of their authority and responsibility to set goals and policies that guide districts, boards have a crucial role to play in transforming how K-12 schools will work in the 21st century.

Finally, our K-12 schools serve a deeper purpose. According to historian David Tyack:

*The founders of the nation were convinced that the republic could survive only if its citizens were properly educated ... The common school ... was a place for both young and adult citizens to discover common civic ground, and, when they did not agree, to seek principled compromise.<sup>2</sup>*

Professor Benjamin Barber, director of the Democracy Collaborative at the University of Maryland contends that the founding fathers “agreed that the success of the new experimental Constitution depended as much on the character and competence of the citizenry as on the clarity and farsightedness of the Constitution.”<sup>3</sup> Public schools are the place where we develop the character and competence of young people.

Schools teach students how democracy works. Schools also engage students in collaboration, preparing them for participating in public life. Schools model the democratic process because they are governed by locally elected boards. Our country desperately needs schools that are committed to modeling, teaching and engaging young people in the practice of democratic citizenship. Thus, the importance of a clear and coherent understanding of how local school governance can be most effective is directly related to one of our most important goals as a free society. Our ultimate goal must be that every student become, in the words of Michigan State College president John Hannah in 1944, “an effective citizen, appreciating his opportunities and fully willing to assume his responsibilities in a great democracy.”<sup>4</sup> Locally, school boards must make decisions that will prepare the next generation not only to govern, but to want to govern.

### ***Context: The evolution of K-12 education and governance***

Though most school classrooms may look similar to the one’s our grandparents knew, K-12 public education has experienced tectonic changes that have significantly shifted the work of school boards. Several major changes in the last sixty years that deeply impacted K-12 schools nationally include:

1. Teaching grew as a profession. The requisite knowledge and skills have become more specialized over the decades.
2. The business of schools became increasingly complex.
3. Federal and state government regulation dramatically increased. Federally, this included the National Defense Education Act of 1958, the Bilingual Act of 1968, Title IX in 1972, Education for All Handicapped Children in 1975 (renamed in 1991 as the Individual with Disabilities Act), leading up to No Child Left Behind Act in 2000.
4. School districts grew fewer in number and larger in size, reducing the total number of districts nationally by more than 50,000 in just 13 years. On any given day the 1970s, “three district disappeared forever between breakfast and dinner.” (Figure 1)
5. As result of the growth of districts, the relative number of constituents represented by board members increased significantly. In the 1930s, school board members represented an average of about 200 people. By 1970, that number had jumped to an average of 3,000.<sup>5</sup>

6. More recently, the county is being changed by sweeping demographic and economic shifts. The U.S. Census Bureau estimated that by 2015, net international migration will account for more than half of our nation's population growth. At the same time, our country is experiencing a wide disparity in literacy and numeracy skills which are not evenly distributed across race, ethnic or socioeconomic subgroups. In addition to the skills gap, there have been major changes in the economy, including a dramatic decrease in manufacturing jobs.<sup>6</sup>

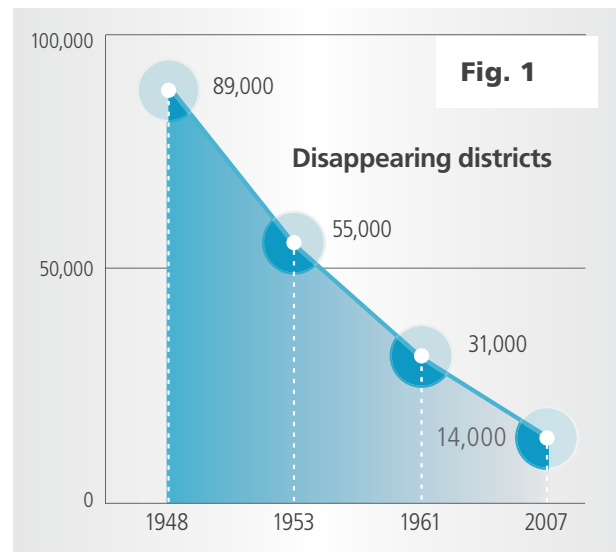
At the state level, there are additional factors in California that impact school boards.

7. California communities are becoming increasingly diverse. More than 1.4 million English language learners made up 23% of California's K-12 student population in 2010-11.<sup>7</sup>
8. California has one of the lowest per-pupil spending rates among the 50 states.
9. Initiated after years of funding cuts triggered by a national recession, the implementation of Common Core is requiring changes in instructional pedagogy, learning materials and assessments. This initiative requires significant and ongoing investments in teacher professional development and technology hardware and infrastructure.
10. The state is changing its state assessments and revising its accountability system at the same time.
11. The Local Control Funding Formula and Local Control and Accountability Plans (approved in 2013) are changing the how district funding is allocated and how districts and boards must align budgets to outcomes.

In summary, districts became larger, the business of schools more complex and the profession of education more specialized. Government regulation became more prescriptive and the overall level of funding declined. There are several significant changes taking place simultaneously in the educational system, and there is a high degree of uncertainty. The population is increasing in size and diversity, the economy has been turbulent, and the job market is changing significantly.

Despite all these challenges, public opinion still supports local school boards. When asked, in a 2006 Phi Delta Kappa poll, who should have the greatest influence on what is taught in public schools, 55% of respondents chose school boards, 26% chose the state, and 14% chose the federal government. Despite this support, the public is not engaged in school governance. This is evidenced by the consistently low voter turnout at school board elections, especially off-cycle elections.<sup>8</sup>

Yet, if boards can help raise student achievement, and the research indicates that they can, then all stakeholders have a vested interest in the effectiveness of school boards. Students will be best served when community members, parents, staff and board members share an understanding of what effective boards do. There is room for hope—a growing body of research is clarifying how boards contribute to raising student achievement, and we turn now to that research.



## Executive Summary

Effective boards engage in three kinds of governing activities that are separate but inter-related, and all take place at board meetings. In addition, both in and outside of school board meetings, effective boards engage the community. The individual concepts summarized below are not difficult to understand. Collectively, however, they constitute a wide array of individual and group knowledge and skills that are practiced in very unique context—board meetings. These meetings address a wide variety of issues, with varying levels of detailed information in the public view of constituents with very different interests. Because the boards can only do their work at board meetings, there is a considerable time constraint. This makes the practice of governance difficult.

This report summarizes research on effective school governance that can provide boards with a framework to assess how the board can best improve its own performance, and to do so in ways that contribute to student achievement. Great governance happens when board members and superintendents implement these simple ideas with uncommon discipline.

### *Effective boards establish governance commitments*

- **Embrace a common set of core beliefs** about public education, the ability of students and staff to perform at high levels, and the elements of good school governance.
- **Build and sustain productive partnerships** among board members and between the board and the superintendent.
- **Reach clear internal agreements** regarding board values, norms and protocols to organize board operations.

### *Effective boards adopt practices to increase their effectiveness*

- **Improving their capacity to govern** by creating protected time and structure for their development as a board.
- **Understanding successful reform structures** by practicing systems-thinking, continuous learning, and extending leadership for learning.
- **Using data** to make decisions and monitor district performance.

### *Effective boards focus on core governing decisions*

- **Set direction** by making student achievement a high priority, prioritizing all district improvement efforts and clarifying the board's expectations for performance.
- **Align all district resources and policies** to ensure improvement efforts are supported.
- **Establish a comprehensive framework for accountability** that includes board, superintendent and district performance and involves and is responsive to the needs and interests of parents and community members.

### *Effective boards engage the community*

- Create a sense of **urgency** for reform.

- **Involve stakeholders** in vision and long-term planning.
- Develop and maintain district **partnerships**.
- Build **civic capacity** in the community to support district reform.

# Chapter 1: Governance Defined

To guide this research effort, it is necessary to first unpack our definition of school governance. What is governance? What do school boards do? A working definition emerges from a combination of 1) general theories of governance and concepts of K-12 school governance, 2) the purpose and complexity of K-12 education, 3) the representative, fiduciary and instrumental roles of school boards, and 4) the scope and limits of school board authority.

## Concepts of governance and school governance

Government, for-profit (corporate), and non-profit/philanthropic entities offer similar definitions for governance. For-profit governance has been described as “the framework of rules and practices by which a board of directors ensures accountability, fairness, and transparency in a company’s relationship with its stakeholders.” The International Federation of Accountants published a 2001 report entitled *Governance in the Public Sector—A Governing Body Perspective* which states “Governance is concerned with structures and processes for decision-making, accountability, control, and behavior at the top of organizations.” A 2009 article in *Australian Philanthropy* defines governance as the “framework of rules, relationships, systems, and processes within and by which authority is exercised and controlled.”

At first glance, the definitions above could be applied to school boards generally, but they do not account for the differences between school boards and other elected governing bodies or between schools and other for-profit and non-profit entities. A 2006 Wallace Foundation report posits a definition that applies to all levels of education from federal to local: “governance creates the framework through which high-quality leadership can be exercised throughout the educational system.”<sup>9</sup>

## The purpose and complexity of K-12 education

The governance of any organization must be partly defined by its desired ends. One of the over-arching purposes of K-12 schools is to ensure that all students are prepared for post-high school success. Achieving this is the work of education professionals with special training. The requisite knowledge and skills have become more specialized over the decades and boards have increasingly looked to the expertise provided by the superintendent and staff, since this expertise is neither required nor expected of board members. In addition, the business of schools has also become increasingly complex. It is “heavily statutorily regulated, usually unionized, responsible for large employment costs, policy-laden, and financially challenged.”<sup>10</sup> As a result, boards have increasingly looked to the professional staff for research-based and field-tested practices that inform the board regarding what the district ought to do.

## The roles of school boards

There are three distinct and sometimes conflicting roles that boards and board members must balance in their governing work.<sup>11</sup>

### *Representative role*

School boards are elected or appointed to serve the community, so individually and collectively board members have a responsibility to ensure that their governing work is guided by the values and interests that the community has for its schools. Community input is critical; it informs the board what the community wants the district to do for its students. The representational role can be endangered by low voter turnout. In a recent election in Austin, Texas, school board election turnout was less than 3% of registered voters. With so few voters, local school board elections can be significantly shaped by special interest groups, who may exert a disproportionate influence on the outcome. A second challenge that communities face is a lack of clarity of the authority and role of local school boards, and the skills and characteristics that most often result in effective board service. The representational role of the board is strengthened when communities: 1) understand the role of the board, 2) help to identify high-quality candidates, and 3) participate in local elections.<sup>12</sup>

### *Instrumental role*

There are some things that boards must do, regardless of public sentiment. California Education Code 35161 mandates that boards “shall discharge any duty imposed by law upon it” In this role, boards must ensure that the district is legally compliant with state and federal law, including ensuring that all district policies remain consistent with the California code as laws change. This can create a conflict for boards—when the local community supports a course of action that is inconsistent with legal requirements.

### *Fiduciary role*

Boards have a fiduciary obligation to ensure the financial health and long-term stability of the district. Boards must hold the assets and resources of the districts in trust—literally acting in the district’s best interests. The fiduciary role requires boards to balance costs for operations and change initiatives with district capacity. Therefore, one of the key responsibilities of the board is to monitor district revenues and expenditures throughout the year. The annual calendar for the board’s budget oversight activity is established in law including budget adoption, first and second interim reports, unaudited year-end financial reports, and an annual audit. This role focuses the board on what the district is able to do.

These three roles, combined with purpose of K-12 education, create a framework of four perspectives within which boards govern:

- the community perspective: what stakeholders want the schools to do;
- the legal perspective: what the law says the schools must do;
- the professional perspective: what educators say the schools ought to do; and,
- the fiduciary perspective: what the schools are able to do.

## School board authority

Boards of education in California's K-12 school districts and county offices of education receive their governing authority from state law. California law specifies what board must do, may do, and may not do. These are contained in multiple education and government codes too numerous to summarize or analyze here. There are, however, three specific codes that establish the general scope of school board authority.

Education Code 35160: "On and after January 1, 1976, the governing board of any school district may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established."

Education Code 35160.1(b): "It is the intent of the Legislature that Section 35160 be liberally construed to effect this objective."

Education Code 35161: "The board ...

- may execute any powers delegated by law to it
- shall discharge any duty imposed by law upon it
- may delegate to an officer or employee of the district any of those powers or duties. The governing board, however, retains ultimate responsibility over the performance of those powers or duties so delegated."

## Limits of authority

While California Code clearly provides broad authority for boards to act, it also very narrowly defines how and when boards exercise these governing powers. Boards are authorized to take action:

- only at meetings open to the public. [Education Code 35145, with some exceptions outlined in Government Code 54954.2]
- only on items listed on the board's agenda—posted 72 hours in advance. [Government Code 54954.2, with some exceptions for emergencies and other qualifying criteria.]
- only by a formal vote of the board majority. [Education Code 35163-4]

It is important to clarify that neither California Education Code nor Government Code grant any authority to individual school board members. The board's power is collective only, and only when they convene at publicly-noticed meetings that are open to the public.



## The definition

By combining the concepts of governance, the purpose and complexity of K-12 education, the various roles of board members, and the scope and limits of school board authority granted in state law, a possible definition emerges.

Definition language	Definition elements (criteria)
School boards ensure success for all students	Boards ensure the ultimate purpose (mission and vision) of the district.
by making decisions	Boards are granted broad decision-making authority in California Education Code.
that fulfill legal mandates and	Boards have an enforcement role.
align district systems and resources to ensure long-term fiscal stability of the district.	Boards have a fiduciary role to hold the best interests of the district and students in trust.
Boards must act collectively and openly,	Boards have only collective authority. Meetings are open to the public (with certain exceptions permitted in law).
be guided by community interests, and	Boards have a representative role.
informed by recommendations of the superintendent and professional staff.	Boards rely on the professional judgment of educational leaders.

## Chapter 2: Governance Commitments

Effective school boards create and abide by governing agreements to which they mutually commit. These agreements are achieved through deep discussions that result in mutual understanding and common ground in three critical areas: board core beliefs, board and board-superintendent partnerships, and board values, norms, and protocols.

### Effective school boards commit to core beliefs

These commitments include establishing overarching values and beliefs they share about public education, governance, students and the district that help them transcend their individual differences to develop a cohesive board.

#### *Public education*

In order to support the district mission, it is important for board members to articulate a clear and coherent set of beliefs around the purpose of public education. Shared beliefs are a prerequisite for building shared vision for the district; these beliefs guide the district's mission.<sup>13</sup>

#### *Governance*

In order to be effective, school boards must develop a coherent understanding of what it means to govern. Board members should discuss thoroughly the purpose and functions of governance, and the value of "high-quality, citizen-owned and -led public education."<sup>14</sup> These conversations are critical because beliefs and values drive behavior. When board members have conflicting beliefs and understandings about governance, it can lead to confusion as board members practice their governing roles in different and sometimes contradictory ways. Creating clarity among all governing team members about the purpose, definition and practices of good governance is a key step to building and maintaining the trust that is necessary for board members to work effectively with each other and the superintendent.

#### *Students and staff*

Core beliefs about students have been correlated with high student achievement. Research has found that "board members in high-achieving districts had more elevating views of their students' potential."<sup>15</sup> This is consistent with CSBA's Professional Governance Standards, but constitutes a more prescriptive standard than keeping "learning and achievement for all students as the primary focus."<sup>16</sup> Boards that positively impact student achievement do more than simply focus on student achievement; they believe their students are capable of achieving it. In addition, the research findings were not limited to attitudes about students; board member beliefs and attitudes about the capacity of the district also matter. "Board members in high-achieving districts had ... more confidence in district staff's capacity to effect gains."<sup>17</sup>

### Effective school boards establish productive partnerships

Governance researchers and practitioners have reached similar conclusions on the importance of a positive and productive board-superintendent relationship.

- “Effective school boards lead as a united team with the superintendent, each from their respective roles, with strong collaboration and mutual trust.”<sup>18</sup>
- “Board members have numerous and complex relationships ... the most important are the relationships board members have with one another and with the superintendent.”<sup>19</sup>
- A strong school board-superintendent relationship is critical to achieving success.”<sup>20</sup>
- “There is a significant correlation between the superintendent’s relationship with the board president and board alignment with and support of goals.”<sup>21</sup>
- “Exceptional boards govern in constructive partnership with the chief executive, recognizing that the effectiveness of the board and chief executive are interdependent.”<sup>22</sup>
- The board nurtures the development of its members as a group; it tends to the board’s collective welfare, and fosters a sense of cohesiveness.”<sup>23</sup>
- Superintendents play a key role in ensuring good relations with their boards and among board members.”<sup>24</sup>

The concept of partnership subtly shifts the concept of a ‘governance team’ where the board and superintendent lead together within their respective roles. This is still true, however, teams usually consist of equal members. Partnership is different; it includes people who are not on the same team. They have different roles with shared goals they mutually pursue. Partnership conveys the concept of mutual dependence, but not equality. Superintendents and board members are not the same, but each needs the other to be successful. Board members are usually not professional educators and have neither the special training nor the experience necessary for educational leadership. Superintendents do have these qualities, but they are not elected officials and cannot perform the governance functions that community-elected board members fulfill.

## Effective school boards clarify values, norms and protocols

Values, norms and protocols help boards clarify their collective beliefs, how they will work together, and the procedures they will follow to manage board operations.

### *Values*

Values are the principles and ideals that serve as the foundation of board culture. The board and superintendent must specifically articulate the values that will guide their working relationship. These values help answer the question: “What do you need from each other to function well as an effective group?” CSBA’s Professional Governance Standards speak directly to the question of values, and specifically mention openness, trust, integrity, civility and respect.

### *Norms*

Norms are the behavioral expectations that board members have for one another. While his concepts regarding organizational health are directed at executive teams, Patrick Lencioni’s work is pertinent to boards. Lencioni proposes that the question “How do we behave?” is second only to the question “Why do we exist?” because any group of people responsible for the leadership of an organization must be

cohesive, and this cohesion cannot be achieved without clear agreements on the behavior members expect from each other.<sup>25</sup> Values answer the question: “What do we stand for and believe in?” Norms answer the question: “What does that look like as we interact with one another?”

### ***Protocols***

Protocols are the board’s operational procedures that clarify how the board does its work. Effective boards are intentional and specific in how they structure and organize their governing work so that they can fulfill essential governance duties and focus organizational priorities.<sup>26</sup> Protocols provide clarity and remove confusion. Without clear processes, “governance is difficult, maybe impossible.”<sup>27</sup> Protocols are often the focus of board development work and clarify how the board will: communicate between meetings, prepare for meetings, conduct meetings, and interact with community members in and outside of meetings.

Failure to establish and abide by values, norms and protocols is a common source of difficulty for boards. Lack of clarity or commitment to these procedures can create confusion as well as anger or distrust among members. This often distracts the board from its real governing work and has a negative effect on board and district culture. Effective boards work hard to maintain clarity and commitment to the board’s values, norms, and protocols.

## **Summary**

Effective school boards establish governance commitments in three key areas: 1) They embrace a common set of core beliefs; 2) They are intentional about building and sustaining productive partnerships; and 3) They have clear agreements regarding board values, norms, and protocols. Reaching clarity around these issues is foundational to working effectively as a governing board. These agreements should be committed to writing, referred to regularly and reviewed periodically. This level of clarity creates the conditions for the smooth and effective functioning of the board, freeing the board to focus all of its energy on the most critical matters facing the district.

## Chapter 3: Governing Practices

Governance research identifies three major areas of effective school board practices, including improving governance, focusing on the foundations of successful education reform, and using data.

### Effective school boards focus on improving governance

Effective boards are intentional about developing their own capacity to govern through practices specifically designed to focus their attention on improving their board skills. These practices include board development and monitoring and evaluating board performance.

#### *Board development*

Board development can improve the board's ability to work together successfully<sup>28</sup> and translate into more effective leadership and governance.<sup>29</sup> However, school board members—and newly elected board members in particular—often receive little or no training for their governance work.<sup>30</sup> Board development includes learning about education trends and practices, but also focuses on learning about governance roles, knowledge and skills.<sup>31</sup> When boards are better educated about the work of governing, they are more likely to form an effective team.<sup>32</sup> Learning together about board roles has been identified as one of the key practices of boards in districts that effectively advance student achievement.<sup>33</sup> Similar findings are evident in governance research outside education. Exceptional non-profit boards build learning opportunities into their regular governing activities both in and out of the boardroom.<sup>34</sup> These learnings ensure that board members are well informed about the organization and the professionals working there, as well as the board's own roles, responsibilities, and performance.<sup>35</sup>

#### *Monitoring and evaluating board performance*

School board researchers conclude that boards in successful districts create mechanisms for accountability within and across the system,<sup>36</sup> including holding themselves accountable.<sup>37</sup> This is the second core aspect of strengthening a board's capacity to govern: to set governance performance targets, monitor performance toward those targets and conduct board evaluations. CSBA's Professional Governance Standards assert that an effective board periodically evaluates its own effectiveness. Eadie makes the point explicitly.

*"every truly high-impact board I have ever worked with has played an active, formal role in managing its own performance as a governing body, not only by taking accountability for the board's collective performance but also making sure that individual board members meet well-defined performance targets."*<sup>38</sup>

To sustain their focus on improving governance, boards must create protected time for their developmental work and integrate these practices into the board calendar and meeting agendas.<sup>39</sup> A fundamental aspect of the board's development is the effectiveness of its meetings. Boards can only perform their governance work at board meetings, where they have limited time and often extensive issues that require their attention. So the effectiveness of these meetings is critical to effective governance. According to Donald McAdams, founder of the Center for Reform of School Systems, public board meetings can influence community perception about the district and its leadership. "Crisp, efficient, well-ordered meetings send the signal that the board knows its business and is taking its stewardship of the schools seriously."<sup>40</sup>

## Effective school boards focus on the foundations of successful reform

Research and literature on the effectiveness of school districts and boards reveals three core elements of successful reforms that effective boards embrace as foundational to their change efforts: systems thinking, a culture of continuous learning, and distributed leadership.

### *Systems thinking*

K-12 school districts and county offices are complex organizations with many interacting parts. Changes in any one part of the organization will have consequences, often unintended, in other parts of the institution. Embracing systems thinking means that boards are intentional about learning the dynamics of the systems they govern and recognizing how changes will impact the entire organization.<sup>41</sup> Approaching school governance with a systems thinking mindset includes the understanding that large, complex systems are inherently resistant to change without careful planning and strong implementation.<sup>42</sup> Because the systems are complex, the changes cannot be isolated; “improvement doesn’t mean doing one thing exceedingly well, it is doing many aligned things well.”<sup>43</sup> This alignment is not theoretical, but experiential. Systemic change requires support for the change in every school, with all elements of the system interconnected and involved, day after day.<sup>44</sup>

### *A culture of continuous learning*

Boards maximize the performance of educators by creating a culture of continuous learning at all levels. In the field of K-12 teacher professional development, professional learning communities (PLC) have gained strong momentum and wide acceptance. One of the most important characteristics of PLC’s is focusing on collective rather than individual development. The board, working with the superintendent, creates and sustains this ongoing development through goals, policies and resource decisions that create dedicated time and space for collaborative learning. This time is dedicated to collectively studying and addressing classroom challenges in instruction and assessment.<sup>45</sup> In a culture of high trust, it provides educators the freedom and confidence to openly share mistakes and constructively analyze classroom practice.<sup>46</sup> Building this culture of continuous learning requires boards to understand the characteristics of quality professional development and to invest in it through intentional changes in the allocation of people, time, and money.<sup>47</sup>

### *Distributed leadership*

Boards and superintendents provide the top-level leadership that moves an education system towards fulfilling its mission. Recent research has revealed the importance of expanding leadership throughout the system. Capacity, accountability, and empowerment—giving adults as much power as possible to do their work—are the foundation of any successfully theory of change.<sup>48</sup> Others characterize this as a balance between districtwide direction and building-level autonomy, extending the relationship between the board and the superintendent to other district leaders, including central office staff, site principals and teacher leaders. Other researchers have described this empowerment as defined autonomy—giving authority and responsibility to principals within clear parameters for outcomes,<sup>49</sup> or as a balance between system-wide consistency and flexibility.<sup>50</sup> This is also described as building instructional and leadership capacity systemically and is predicated on the belief that sustained improvement can only be achieved when all the educators—principals and teachers together—are focused on improving learning.<sup>51</sup>

## Effective school boards use data for their governing work

The use of data by boards is well-established. Research in the non-profit sector reveals that effective boards are well informed about the institution and the professions that serve there.<sup>52</sup> These boards are analytical and embrace a culture of inquiry by seeking information and pushing back on assumptions and conclusions.<sup>53</sup> Effective school boards also use data.

### *Data at the system level*

School systems are complex and boards need a variety of data to have a complete picture of the system. The kinds of data boards need includes district- and school-level student outcomes data, demographic data, business operational data and perception data. Boards act strategically by not only focusing on the district-level data, but through the board's system-wide response to the data.

### *Data guides decision-making and accountability*

The National School Boards Association's framework of eight interrelated board actions that lead to raising student achievement includes continuous improvement: "Good data empowers the board and staff to refine, strengthen, modify, correct, and/or eliminate existing programs and practices to get better results."<sup>54</sup> This is echoed in the Center for Public Education's eight research-supported characteristics of board effectiveness: "Effective boards are data savvy: they embrace and monitor data, even when the information is negative, and use it to drive continuous improvement."<sup>55</sup> The Lighthouse Study identified seven areas of board performance that lead to improvements in student achievement, including using data to set expectations, monitor improvement and apply pressure for accountability.<sup>56</sup> The board, with the superintendent, works to reach agreement on what the data means qualitatively—the story behind the data. Boards also determine which data will be used to share progress toward district goals.<sup>57</sup>

### *Data use guided by policy*

Data collection and analysis is an intensive task, and not all data is worth gathering. The processes for the use of data and data dashboards should be guided by board policy that clarifies its purpose, content, cycle of review, and sample displays as exhibits to accompany the policy.<sup>58</sup> Boards need to work with their superintendent to develop a clear and focused plan for collecting data that is necessary for monitoring district performance, and provide sufficient funding for the data functions that the board requests.<sup>59</sup>

## Summary

The research on effective K-12 school governance surfaces three practices of governance that are correlated with board effectiveness. First, effective school boards commit to improving their capacity to govern. They create protected time for their developmental work and model the culture of continuous learning by concentrating their efforts on learning about governance, setting performance targets, and monitoring and evaluating their performance. Second, effective boards focus on the foundations of successful reform of employing systems-thinking in their governance work, building a culture of continuous learning and extending leadership for learning throughout the system. Finally, boards use data to make decisions and monitor district performance. They study demographic, operational, outcome, and perception data. Boards use this data to reach agreement on the relative strength of the district's systems so they can set goals to address areas where growth or improvement is desired.

## Chapter 4: Governing Actions

### Effective boards set direction

Non-profit sector governance research has established setting direction as a core board responsibility. Boards establish a vision for organizational direction and help to ensure a strategic approach to the organization's future.<sup>60</sup> This important work takes time and requires the board to align board meeting agendas to strategic priorities.<sup>61</sup> These research findings on non-profit boards translate well to the school board context: setting direction is also a critical activity of effective school boards. Specifically, effective school boards:

- make student learning a priority,
- prioritize goals to ensure that the most important changes are addressed first, and
- clarify expectations for outcomes.

#### *Making student learning a high priority*

School districts successful in raising student achievement have board members for whom improving student learning is a high priority.<sup>62</sup> Research on districts that successfully raised student achievement found that board members were knowledgeable about learning conditions in the district, could articulate specific initiatives that the district was implementing, and could clearly describe the work of staff related to the goals.<sup>63</sup> Other research has described the importance of the school board playing an active role in leading innovation and change in order to raise student achievement.<sup>64</sup> A 2012 report based on case studies of thirteen large U.S. districts concluded that boards are most effective when their strategic role includes setting high-level goals for improving student achievement.<sup>65</sup> This focus on student learning is founded on what board members believe about students. The ability of the board to have an explicit agenda for student learning:

*"rests, in part, on a fundamental belief that all children can learn. Where policymakers and decision makers at all levels bring this to the table, there is a greater likelihood that the board will act in the best interests of the young people served by the district."*<sup>66</sup>

#### *Prioritizing goals*

Setting priorities means deciding which goals matter most. If the top two most important changes require most of the district's resources, then other changes, however desirable, will have to wait. Goals and priorities express the school organization's core beliefs. Effective boards recognize that "mission, vision and values are the bedrock upon which the board conceives and articulates change."<sup>67</sup> Effective boards define clear goals to move the organization toward the vision.<sup>68</sup> This focus on student learning also means deciding what not to do and limiting administrative initiatives to those identified by the board as key priorities.<sup>69</sup> The board needs to hone its focus in order to prevent goal-creep—the tendency of the district to take on too many changes—and resist allocating precious resources to too many goals, thus underfunding all of them.



### *Clarifying expectations for outcomes*

A critical element of the board's strategic direction work is setting clear expectations for results.<sup>70</sup> The clarity of these expectations is expressed through the data that the board will use to determine if they have been met. Boards use data to define what must change and to measure if and to what extent change has been achieved. In districts making significant progress in raising student achievement, board members received a variety of information that allowed the board to identify student needs and to set goals based on the data.<sup>71</sup>

## **Effective boards align the system**

Effective boards focus on systemic alignment to ensure that all aspects of district operations are pursuing the same goals in a coherent manner. This alignment has two fundamental components: resources and policies.

### *Aligning resources*

The importance of the district budget as a direction-setting tool cannot be overstated. Boards fund the changes they seek by allocating resources for all the things that money pays for: buildings, technology, instructional materials, services, and most importantly, people. Boards know that the largest percent of a district budget is spent on salaries and benefits, often constituting more than 80% of all district expenses. Therefore, boards need to ensure that the allocation of staff supports the district's operations and aligns with the district's priorities. For example, if establishing district partnerships with other organizations is a priority for the board as a long-term strategic effort, that effort may require the dedicated time of key staff.<sup>72</sup>

A study of three Texas school boards characterized this alignment work as building efficacy—the power to produce a desired effect. Specifically, school leaders committed a very high level of knowledge, skills, resources, and support to change efforts. When responding to the challenge of limited resources, priority was given to using funds in ways that most directly supported instruction.<sup>73</sup> The importance of resource allocation is well stated by Schmoker: “The key is to marry a priority on learning to an obsession with funding and the school calendar.”<sup>74</sup>

### *Aligning policies*

The board's strategic direction includes creating and improving district structures through policies that drive district operations and performance. Effective school boards spend less time on operational issues and more time focused on policies to improve student achievement.<sup>75</sup> A majority of district policies are often driven by changes in state law. These are usually brought to the board by the administration as recommendations to ensure the policy language remains consistent with the law. These policies might be considered operational because they ensure stability and consistency in the district's systems for learning, business operations, transportation and facilities, and more.

However, boards can also create policies to drive change. These reform policies are proactive; they are designed to make significant changes in the district.<sup>76</sup> For example, in addition to setting a goal for establishing Professional Learning Communities (PLCs) the board could also develop a district policy that establishes the purpose of PLCs in the district, expectations for teacher participation in PLCs, and how the effectiveness of PLCs will be assessed.<sup>77</sup> By placing the practice of PLCs in policy, the board elevates PLCs to a higher level of strategic direction. In the Lighthouse study, board members in effective districts believed that providing guidance for district improvement efforts in written policies would sustain the initiatives in the event that key district leaders or board members left their positions.<sup>78</sup>

## Ensuring accountability

The accountability expected from governing boards is commonly understood as monitoring organizational performance and reporting results to stakeholders. In the non-profit sector, exceptional boards are results-oriented, measuring the effectiveness, efficiency and quality of programs and services.<sup>79</sup> It has been suggested that focusing directly on accountability does not create the incentive and intrinsic motivation that lead to successful reform in K-12 school districts.<sup>80</sup> However, this does not relieve boards of their statutory authority and responsibility for oversight. K-12 school and governance research suggests three aspects of accountability that can increase a school board's effectiveness:

- accountability as a framework
- accountability as a cycle
- accountability as shared responsibility

### *Accountability as a framework*

Effective boards establish districtwide accountability systems to measure the performance of the board, superintendent and the district:

- **Board performance:** Effective boards hold themselves accountable,<sup>81</sup> periodically evaluating their own performance.<sup>82</sup> Examples include regularly reviewing their governance functions, monitoring progress toward board performance goals, and the evaluating the effectiveness of board meetings.
- **Superintendent evaluation:** Holding the superintendent accountable for results is a critical practice of effective boards.<sup>83</sup> This process is often considered a board's most important accountability tool. Unfortunately, it sometimes receives insufficient attention because boards either do not recognize its importance, feel uncomfortable evaluating their superintendent, or do not feel competent to conduct the evaluation. Three key elements of an effective process include 1) working with the superintendent to set very clear performance targets, 2) monitoring performance regularly (not just annually), and 3) focusing the process on improving performance as well as improving the board-superintendent relationship.
- **District performance:** This includes monitoring improvements in student achievement and other district goals, as well as the district's operations and fiscal performance. Student achievement data should include indicators for achievement (where are they now) and improvement (how far have they come).

In each of these areas, the school board has the ultimate authority and responsibility for establishing and monitoring key indicators of success.<sup>84</sup> Specifically, effective boards use quantitative and qualitative data to: 1) set expectations, 2) monitor improvement, and 3) apply pressure for accountability.<sup>85</sup> Without clear expectations, professional staff has no way of knowing which information will be considered most important by the board.<sup>86</sup>

### *Accountability as a cycle*

Effective boards use the accountability framework not only to provide district oversight, but also to organize their governing work. Accountability is not an annual event; it is an ongoing cycle of reporting and review. Boards work with superintendents to determine how frequently data should be provided, and these reports are embedded into the board's regular meetings so that some accountability measures are

reported on a regular basis, if not at every meeting.<sup>87</sup> To ensure board and community understanding, these reports should be in consistent formats that are easy to understand.<sup>88</sup>

### *Accountability as shared responsibility*

According to a 2011 study,<sup>89</sup> community members have different views and definitions of accountability. Organizational leaders generally see accountability as primarily focused on using quantitative measures to improve performance and find technical solutions to problems. They believe that transparency is the basis of building community trust in the organization. In contrast, members of the public describe accountability as individuals at all levels behaving responsibly, ensuring fairness, acting honorably, listening to the public, and responding to public concerns with courtesy and respect. They also described it as shared responsibility—they do not believe that educational leaders bear the accountability burden alone. “They see it as a shared duty, and many seemed as frustrated by the irresponsibility of neighbors and fellow citizens as they were by irresponsibility among the powers that be.”

A follow up study in 2013<sup>90</sup> concluded that the public believes that most schools should do better and that some recent accountability reforms, including raising standards and education requirements, are good reforms. The study also reported some parent perspectives on school accountability that boards should consider.

- **The critical role of parent accountability:** Parents believe that their primary responsibility is to instill the “values and habits of behavior that will help their children lead responsible and successful lives.”
- **The impact of the larger culture:** Parents say that schools cannot be successful without greater social support.
- **The over-emphasis on testing:** Parents indicated that testing needs “to be put in context with other important elements of teaching and learning.”
- **The vital role of schools in communities:** Parents strongly reject the strategy of closing schools as ways to improve accountability.
- **The benefit of choice:** Parents were not united in weighing the sometimes conflicting goals of giving parents more choices or having good neighborhood schools everywhere.
- **Ongoing conversations:** Good communication is the goal, not more data. Parents want two-way communication. More information may be valuable, but it does not ensure that communication is taking place.

These findings about accountability suggest that as boards develop district accountability structures, it is important to engage parents and community members in determining how the district will demonstrate good accountability and what that means.

## Summary

Effective boards set direction by making student achievement a high priority, prioritizing all district improvement efforts and clarifying the board’s expectations for performance. They align all district resources and policies to ensure that the improvement efforts are supported. Effective boards also establish a comprehensive framework for accountability that includes board, superintendent and district performance and they review accountability results as a regular activity at board meetings. Finally, effective boards ensure that the district accountability system involves and is responsive to the needs and interests of parents and community members.

## Chapter 5: Engaging Community

### Evolving context and perceptions of community engagement

As noted earlier, a decades long reduction in the number of school districts across the county increased the relative number of constituents that boards are elected to represent. The populations of school districts have increased significantly. Also, California communities are becoming increasingly diverse. More than 1.4 million English language learners made up 23% of California's K-12 student population in 2010-11 and there are about 60 different spoken languages in the schools. In addition, the rapidly growing access to information and digital devices is impacting concepts and practices of community engagement while simultaneously creating a digital divide that must be bridged.

Recent research on community engagement and participative democracy offers valuable insights regarding how community members value and perceive engagement efforts. A 2009 report suggests that at least two critical elements of increasing engagement include maximizing the relevant and credible information community members need and increasing their capacity to engage with information.<sup>91</sup> However, data alone does not always address people's concerns, particularly if community members come to the table of engagement with a history of skepticism or distrust. In addition, while many agree that public engagement is essential to school improvement, a shared understanding of what that engagement should look like is often lacking.<sup>92</sup> Community engagement has to be a two-way conversation based upon a shared understanding of what the problems are. When conversations are framed thoughtfully, community participants assert that K-12 education is important to them. They believe they have insights worth sharing and that schools do not bear the responsibility for educating children alone.

### Effective boards create clear community engagement processes

Effective boards clarify their expectations for community engagement through district policy.<sup>93</sup> Information is essential to effective engagement, and district and board leadership is essential to ensuring that these discussions are respectful and productive.<sup>94</sup> Researchers identify some common mistakes that districts and boards make in stakeholder engagement. One is for leaders to assume that good works speak for themselves and as a result, to under-invest in community relations. Another is to communicate only in times of need or crisis. Finally, approaches to stakeholder engagement are often limited and superficial.<sup>95</sup>

In contrast, research by the Public Education Network,<sup>96</sup> a national organization working to improve public schools and build citizen support for quality public education, identifies the characteristics of effective engagement between districts, boards, and community members. Such effective engagement is:

1. Strategic: focusing on student achievement with enough specificity to give participants confidence that the engagement will lead to real change.
2. Systemic: ensuring participants understand the inter-connectedness and complexity of the school system.
3. Structured: establishing processes that capture participants' insights regarding outcomes and courses of action, which can create momentum and lead to accountability.

4. Cyclical: ensuring engagement efforts are ongoing. An iterative process can provide continuous support and pressure for implementing change.

Research conducted by Public Agenda, a nonprofit, nonpartisan organization dedicated to strengthening democracy, identifies two key strategies that support such effective stakeholder engagement.<sup>97</sup>

1. **Provide consistent opportunities for meaningful dialogue.**

This may include learning about community perceptions of previous attempts at communication and reform. Information provided by the district in these conversations should be easy to access and understand. Districts should clarify who is responsible for receiving and responding to stakeholder inquiries and ensure that outreach efforts include a wide range of constituents and a variety of approaches.

2. **Invest more in existing resources.**

- (a) Invest in teachers. Teachers are often underutilized for community outreach and communication. Teachers can serve as the first point of contact for parents, students and community members. They are often in the best position to build strong, individual relationships with stakeholders, and to become a trusted source of information. For example, teachers of students who are not proficient in English often have the language skills to communicate with non-English speaking community members.
- (b) Work with community-based organizations. These organizations often have deep experience working with communities. If boards and districts can identify shared interests with local community outreach organizations, the district may be able to increase its capacity for effective engagement through partnerships.
- (c) Re-invigorate existing local school councils. In surveys, district staff and community organizers agree that these councils are an under-used resource.

## **Effective boards use engagement processes to support school improvement**

In effective districts, these processes for community engagement established by the board are the means through which boards: 1) create a sense of urgency for district improvement; 2) encourage participation; 3) develop partnerships; and 4) build civic capacity.

### ***Effective boards create a sense of urgency***

CSBA's Professional Governance Standards<sup>98</sup> assert that effective boards "provide community leadership on educational issues and advocate on behalf of students and public education at the local, state and federal levels." In districts that successfully raise student achievement, boards take responsibility for informing the local community about the status of student achievement, identifying problems, and offering a compelling case for the urgent need for change. This role of sharing data that identifies problems and creates a sense of urgency about the need for change can be a difficult shift for board members, who are accustomed to building confidence in the school system by articulating its strengths and accomplishments.<sup>99</sup>

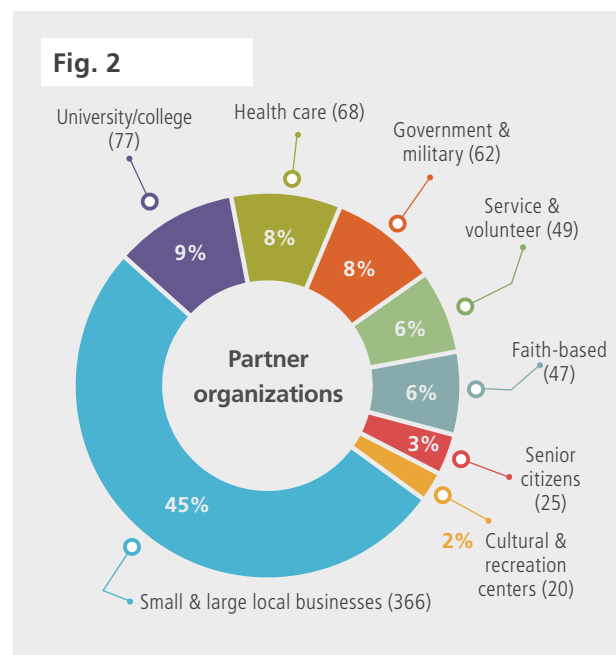
Research indicates that while data might highlight critical need, the sharing of data alone may not garner support for change.<sup>100</sup> Gaining support for district change requires building trust with parents and community leaders, anchored in a shared concern for the children in their community.<sup>101</sup> Beyond establishing the need for change, effective districts build consensus with stakeholders that the change will be a top priority for the district and will focus on improving student achievement.<sup>102</sup>

### *Effective boards involve community in vision and planning*

Effective boards create opportunities to hear the views of a diverse range of community members. These opportunities, provided during regular board meetings as well as in other public venues, solicit stakeholder input for the district's vision,<sup>103</sup> and long-range planning processes.<sup>104</sup> Ensuring that these processes include all community voices—particularly from community members who may not have been previously included such as non-English speaking groups—can be challenging and may require complex processes.<sup>105</sup> These major efforts to gain community support are considered necessary for implementing district improvement. In studies of districts that have made significant progress in raising student achievement, researchers found that boards not only involved the community, they “believed in them as part of the larger team.”<sup>106</sup>

### *Effective boards build community partnerships*

Establishing partnerships is identified as a key activity of effective boards.<sup>107</sup> Boards use district policies to define roles and responsibilities for community partnerships, establish expectations for the participation of district leadership in partnership efforts, and allocate resources to support these efforts. Surveys reveal that schools often construe partnerships too narrowly, focusing on a limited range of student-centered efforts. In addition, out of 817 partnerships among 443 schools, 366 of these (45%) involved for-profit local and national businesses. Each of the other types of agencies accounted for less than 10% of partnerships. (Figure 2). These results indicate that schools have room to broaden their efforts to include family-, school- and community-centered partnerships and to widen their circle of potential partners.<sup>108</sup>



### *Effective boards build support and civic capacity*

Building community support for the beliefs, commitments, and reform policies that the board has established to raise student achievement can help districts avoid the abandonment of reform efforts that can follow transitions in board and district leadership.<sup>109</sup> A 2012 study of boards supports this view: “the best outcomes occur when both district leadership and voters understand that successful reform requires a long-term commitment.” When the board, superintendent, and district as a whole reach an understanding with the community about why reforms are needed, the progress being made toward reform goals, and the importance of sustaining reform efforts—community members are more likely to identify potential can-

didates who can sustain the reforms.<sup>110</sup> A report by the Academic Development Institute recommends that districts create “recruitment pipelines” that introduce stakeholders to board member responsibilities and the role and work of the board.<sup>111</sup> Effective and shared board self-evaluation processes contribute to these efforts. When boards evaluate their performance and share the results, “it tends to attract the attention of qualified board candidates.”<sup>112</sup>

## Summary

Effective school boards build and maintain strong relationships in their local communities by clarifying the purpose of community engagement, and ensuring that engagement processes are strategic, systemic, structured and cyclical. Through the engagement process, effective boards build a sense of urgency for reform, and involve stakeholders in establishing a vision and long-term plan. Effective boards also create structures and processes for establishing and maintaining partnerships, and build the capacity of the community to support district reform through transitions in leadership as well as to attract future leaders to the work of school governance.

## Chapter 6: Discussion

Governing schools is hard work. Board oversight and decision-making is complicated, involving a great deal of information, often at a very technical level. In addition, board members have a difficult task of understanding and representing often extremely large and diverse groups, who differ in culture, language, expectations and interests. Finally, boards have limited time; they can only act during board meetings and the volume of work is considerable. Given the challenges, one of the most important decisions boards make on a regular basis is how to spend their very limited time. This research synthesis confirms what we have known about effective governance, reveals strategies for strengthening governance in the short- and long-term, and highlights the importance of participating in future governance research.

### Confirming what we know about governance

This synthesis of research supports several basic tenets of effective governance that have long been embedded in governance training programs. Specifically, effective boards make governance agreements as the foundation of their work (chapter 2); focus their governing work on three key kinds of decisions: setting direction, aligning the system and ensuring accountability (chapter 4); and effectively engagement the local community. These are found in CSBA's training programs and in the literature of other state associations as well as the National School Boards Association.

### Strengthening governance now

The research supports governance practices that have emerged more recently. Two of these are practices in which boards can invest now to improve their effectiveness almost immediately.

**Focus on increasing their capacity to govern** is something boards can do tomorrow. By developing a sense of mindfulness—being attentive to how well the board is fulfilling its governance commitments both during and outside of meetings—board members become attuned to how deliberations on difficult issues can lead the board to unintentionally violate those agreements, potentially damaging trust and respect among members, and making difficult topics even more difficult.

**Using data** has been a growing practice for school boards for many years. However, as schools have become more complex, the amount of data has multiplied. Without clarity for district staff on which data is the most important to bring to the board, district staff often very naturally over-inform the board. They can bring all the data. Boards can increase the focus and efficiency by working with the superintendent to determine which data the board needs for its governing work. Once agreed upon, that data can be formatted in easy to read layouts that can replace lengthy written reports. Because of the importance of data for monitoring and setting direction, determining what data the board needs and how and when it will be shared is high-leverage governing activity.

**Developing the accountability framework** has long been a core governance activity. Assembly Bill 97, signed by Governor Brown on July 1, 2013, reinforced this board responsibility by requiring boards to adopt Local Control Accountability Plans. Local boards have a historically unique opportunity to use those regulations as the floor—not the ceiling—of accountability. Developing a comprehensive framework for local accountability can be a powerful strategy for ensuring accountability and organizing the board's governing work.



## Strengthening governance in the long term

**Understanding the foundations of successful reform** has been identified as an important attribute of effective governance. In the research on effective school and district reform, boards are not expected to have a level of understanding equal to that of the superintendent. But they do need to pass budgets that fund these reforms. To do this, boards need to have a basic understanding of the research basis of reforms—so that they can support them. If board members can reach agreement on the characteristics of effective reform, it will make the adoption of goals and the adoption of budgets that fund those goals easier. It will also increase the board's ability to build a sense of urgency in the community, as well as attract strategic partnerships and build civic capacity (see below).

**Building partnerships** is a high-level governing activity. Because they are elected—i.e., they have often run a campaign—board members have political capital and influence. Board members can leverage this influence to help establish and maintain district partnerships. Because they have fiduciary responsibilities, attracting resources to the district fits well into their governance role. Boards create policies and allocate resources to build partnerships which ideally are long-term, mutually beneficial, and support strategic district priorities.

**Building civic capacity** is a long-term strategic investment of board time and attention. Increasing community understanding of long-term district efforts and of the board's governing work can lead to better informed citizens. So informed, the community can help identify and elect future board members who will support and sustain the reforms and sustain effective governance practices.

## Participation in future research

Everyone—board members, administrators, teachers, students, parents, and community members—benefit when school boards govern effectively. The effectiveness of boards has been studied, but K-12 education needs more and it cannot be done without board members. Research on K-12 governance and its effect on student achievement necessarily draws upon student achievement data, board action, and board member perception. Researchers need board members to participate in this research. Without the input of board members, researchers will find it difficult, if not impossible, to identify correlations between board member attitudes, preparation, or action and student achievement. Participating in school board research is a critical long-term strategy for strengthening school board governance and protecting local control.

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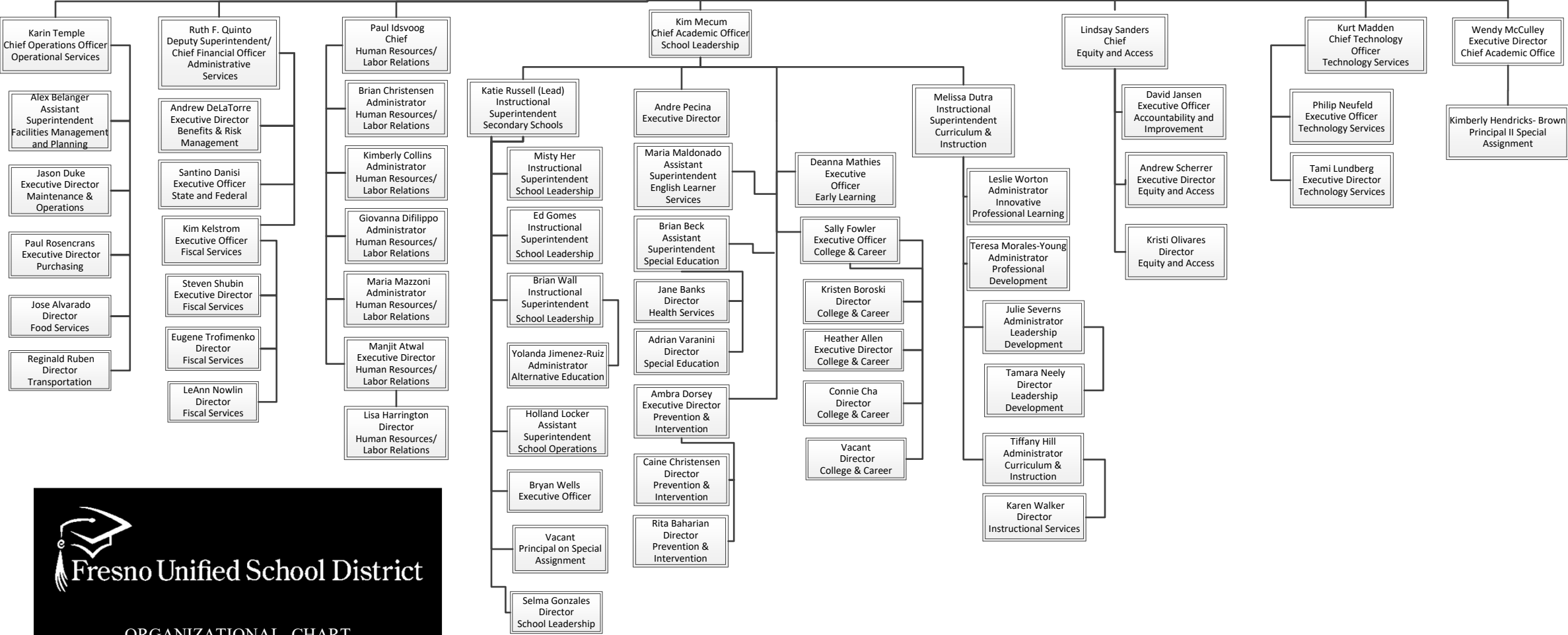
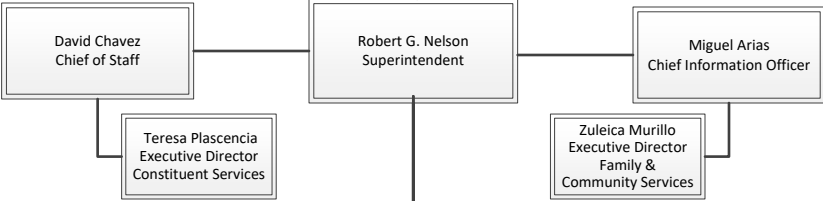
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# Contact Information

## Superintendent Direct Reports 2018/19

Name	Title	Office	Cell	Location	Assistant/Phone
Arias, Miguel	Chief Communications Officer	457-3653		2 <sup>nd</sup> Flr	Joanne Hernandez 457-3733
Chavez, David	Chief of Staff	457-3566		2 <sup>nd</sup> Flr	
Idsvoog, Paul	Chief Human Resources/Labor Relations Officer	457-3593		1 <sup>st</sup> Flr	Melissa Beltran 457-3548
Jensen, Patrick	Administrative Analyst	457-3657		2 <sup>nd</sup> Flr	
McCulley, Wendy	Executive Director African American Academic Acceleration	457-3749		2nd Flr	Gloria Jenkins 457-3728
Madden, Kurt	Chief Technology Officer	457-6228		Basement	Steffanie Richmond 457-6245
Mecum, Kim	Chief Academic Officer	457-3569		3rd Flr	Donna Noceti 457-3731
Quinto, Ruthie	Chief Financial Officer/Deputy Superintendent	457-6225		1 <sup>st</sup> Flr	Sharon McGinnis 457-6226
Sanders, Lindsay	Chief Equity and Access Officer	457-3471		Basement	Luz Becerra 73958
Temple, Karin	Chief Operational Services Officer	457-3134		Brawley	Ruth Perez 73134





# Local Control Funding Formula

# 6 Local Control Funding Formula (LCFF)



LCFF Provides a base grant, which funds basic educational costs, such as teacher salaries, retirement costs, instructional materials, etc.



LCFF provides additional grants which equate to 20% above the base grant for students living in disadvantaged circumstances including; English learners, foster youth and students living in poverty.

These funds must be used to increase or improve services



In districts where at least 55% of students are disadvantaged, LCFF provides an additional grant which equates to 50% above base funding.

These funds must also be spent to increase or improve services

# 7 Local Control Funding Formula (LCFF)

## What is the Local Control Funding Formula?

### Example Calculation

LCFF started in 2013/14 – Determines school funding levels in California

Based on 3 sources:

#### Base Revenue

Students		Funding Amount		Total Revenue
67,000	×	\$8,000	=	\$536,000,000

Supplemental Revenue – Additional 20% of Base Revenue  
90% UPP \* 67,000 students = 60,300

60,300	×	\$1,600	=	\$96,480,000
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Concentration Revenue – Additional 50% of Base Revenue  
90% UPP – 55% base UPP = 35% \* 67,000 students = 23,450

23,450	×	\$4,000	=	\$93,800,000
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**Total LCFF Revenue**

**\$726,280,000**

**Important Note:** To simplify for this illustration, other “factors” used in the calculation such as grade span, class size reduction, career technical education and other funding components are not shown here.

# Constituent Services

## **Constituent Service**

### **Purpose**

The purpose of this policy is to define standards and outline processes for Governing Board member service to constituents. The Board members role in appropriate constituent service is to facilitate managements ability to resolve problems effectively without becoming personally involved in solving problems or handling management issues.

This policy sets forth standards and describes processes. It is the intention of the Board to meet these standards and follow these processes.

### **Governance Standards**

The Board and individual Board members will observe professional governance standards in their constituent service and interaction with district management.

(cf. 9005 - Governance Standards)

### **Definitions of Constituent Service**

As elected officials and trustees acting on behalf of the public, Board members have an obligation to outreach, listen, and be accessible to the public and assist citizens with suggestions, questions or complaints regarding the district.

Constituent service is defined as ensuring that management takes responsibility for helping citizens receive the services the state and Board intend. Board members ensure this by following a defined and public process that facilitates managements ability to respond to questions in a timely manner, resolve problems effectively, and identify opportunities for improvement.

To guarantee fairness and equity, Board members further recognize their obligation not to confer special advantage on employees, parents, students, vendors or any person or entity outside regular management decision-making processes established by policy or management directive.

### **Systems for Constituent Service**

Recognizing the need to provide service to constituents, the need of Board members to be answerable to constituents, and the need to improve district systems, the Board and Superintendent will develop a system for constituent service with the following components:

A protocol for handling constituent requests for information or assistance

A primary contact person in the board services office to whom board members will refer constituent service requests

A form for the primary contact person to document constituent service requests

An information management system for storing, tracking, categorizing, and analyzing requests

A feedback process so that Board members know the resolution of requests

System oversight personnel to keep the Superintendent informed of priority requests that require his/her attention

Quarterly written reports to the Superintendent and Board regarding constituent service request trends, patterns and system improvements

Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: April 25, 2007 Fresno, California



*Constituent Services Office*





# Creation of the CSO

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- ❖ In April 2007 based on the work with Center for Reform of School Systems (CRSS) the Board of Education established the Constituent Services Policy which led to the creation of our office

# Constituent Services Mission

## Board Bylaw 9002 – Constituent Services (April 25, 2007)

*“Constituent service is defined as ensuring that management takes responsibility for helping citizens receive the services the state and Board intend. Board members ensure this by following a defined and public process that facilitates managements ability to respond to questions in a timely manner, resolve problems effectively, and identify opportunities for improvement.”*



# CSO Services



Facilitate Complaint Resolution

Address Requests for Information & Services

Support School Sites and Departments

Process of Board Policies Revision & Review

Facilitate Williams Act, OCR, Audits & Compliance Reviews

Identify, Track, & Report Trends



# Contact Information

## Constituent Services Office

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Fresno, CA 93721

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Teresa Plascencia, Executive Director

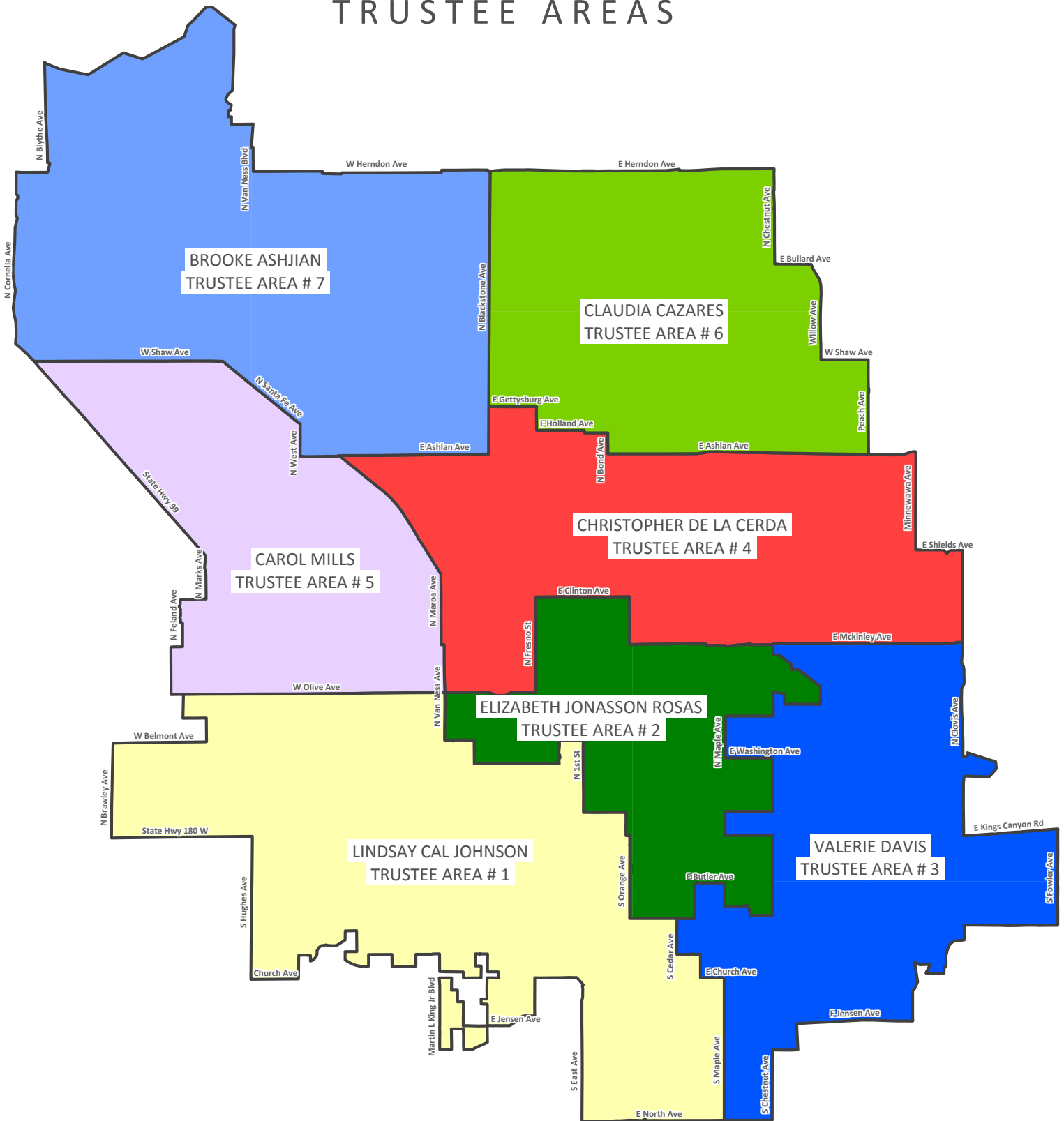
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# Trustee Areas

FRESNO UNIFIED SCHOOL DISTRICT

# BOARD OF EDUCATION

## TRUSTEE AREAS



## BOARD OF EDUCATION TRUSTEE AREAS

AREA 1	AREA 2	AREA 3	AREA 4	AREA 5	AREA 6	AREA 7
TRUSTEE LINDSAY CAL JOHNSON	TRUSTEE ELIZABETH JONASSON ROSAS	TRUSTEE VALERIE DAVIS	TRUSTEE CHRISTOPHER DE LA CERDA	TRUSTEE CAROL MILLS	TRUSTEE CLAUDIA CAZARES	TRUSTEE BROOKE ASHJIAN
CALWA ELEMENTARY CHAVEZ ADULT SCHOOL COLUMBIA ELEMENTARY COMPUTECH MIDDLE EDISON HIGH GASTON MIDDLE JEFFERSON ELEMENTARY KING ELEMENTARY KIRK ELEMENTARY LINCOLN ELEMENTARY LOWELL ELEMENTARY MUIR ELEMENTARY SUNSET ELEMENTARY	ANTHONY ELEMENTARY BURROUGHS ELEMENTARY EWING ELEMENTARY HIDALGO ELEMENTARY J.E. YOUNG ACADEMIC CENTER JACKSON ELEMENTARY LANE ELEMENTARY LEAVENWORTH ELEMENTARY MAYFAIR ELEMENTARY ROOSEVELT HIGH ROWELL ELEMENTARY SEQUOIA MIDDLE TEHIPITE MIDDLE VANG PAO ELEMENTARY WEBSTER ELEMENTARY WINCHELL ELEMENTARY YOKOMI ELEMENTARY YOSEMITE MIDDLE	AYER ELEMENTARY AYNESWORTH ELEMENTARY BAKMAN ELEMENTARY BALDERAS ELEMENTARY CAMBRIDGE CONTINUATION EASTERBY ELEMENTARY GREENBERG ELEMENTARY KINGS CANYON MIDDLE OLMOS ELEMENTARY PHOENIX SECONDARY STOREY ELEMENTARY SUNNYSIDE HIGH TERRONEZ MIDDLE TURNER ELEMENTARY	ADDICOTT BIRNEY ELEMENTARY CENTENNIAL ELEMENTARY DEL MAR ELEMENTARY DESIGN SCIENCE HIGH DUNCAN POLYTECHNICAL HIGH ERICSON ELEMENTARY FORT MILLER MIDDLE FULTON SCHOOL HEATON ELEMENTARY MANCHESTER GATE MCLANE HIGH NORSEMAN ELEMENTARY PATIÑO HIGH SCHOOL PYLE ELEMENTARY SCANDINAVIAN MIDDLE WISHON ELEMENTARY	ADDAMS ELEMENTARY COOPER ACADEMY DEWOLF CONTINUATION FREMONT ELEMENTARY FRESNO HIGH HAMILTON K-8 HOMAN ELEMENTARY PHOENIX ACADEMY ROEDING ELEMENTARY SLATER ELEMENTARY WILLIAMS ELEMENTARY WILSON ELEMENTARY	AHWAHNEE MIDDLE EATON ELEMENTARY HOLLAND ELEMENTARY HOOVER HIGH MCCARDLE ELEMENTARY ROBINSON ELEMENTARY THOMAS ELEMENTARY TIOGA MIDDLE VIKING ELEMENTARY VINLAND ELEMENTARY WOLTERS ELEMENTARY	BAIRD MIDDLE BULLARD HIGH BULLARD TALENT K-8 FIGARDEN ELEMENTARY FORKNER ELEMENTARY GIBSON ELEMENTARY KRATT ELEMENTARY LAWLESS ELEMENTARY MALLOCH ELEMENTARY POWERS-GINSBURG ELEMENTARY RATA STARR ELEMENTARY TENAYA MIDDLE WAWONA MIDDLE

TRUSTEE AREAS APPROVED AT DECEMBER 14, 2011 BOARD OF EDUCATION MEETING

# EXHIBIT 6



### **Role Of The Board (Powers And Responsibilities)**

The Governing Board is elected by the community to provide leadership and citizen oversight of the district's schools. The Board shall work with the Superintendent to fulfill its major roles, which include:

1. Establishing a long-term vision for the district
2. Establishing and maintaining a basic organizational structure for the district, including employment of the Superintendent and adoption of policies, curriculum, the budget and the collective bargaining agreement
3. Ensuring accountability to the local community, including personnel, programmatic and fiscal accountability and service as a judicial and appeals body as needed
4. Providing community leadership and advocacy at the local, state and national levels on behalf of children, district programs and public education

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

The Board may delegate any of its duties to the Superintendent or designee but shall be ultimately responsible for the performance of any duties it delegates. (Education Code 35161)

(cf. 2120 - Superintendent of Schools)

(cf. 2210 - Administrative Leeway in Absence of Governing Board Policy)

#### **Vision**

The Board shall set the direction for the district by adopting a vision statement which defines the district's goals and priorities. The Board shall carry out its vision-setting role by identifying the strengths and needs of the district, developing and adopting a process for framing the vision, soliciting staff and community input as appropriate, ensuring that the adopted vision statement is implemented, and conducting a periodic review of the vision.

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

#### **Superintendent Selection and Evaluation**

The Board shall be solely responsible for employing the Superintendent and ensuring that he/she is the best match for the district based on needed abilities, traits and level of knowledge. When selecting a new Superintendent, the Board shall ensure a smooth transition period; evaluate the district's current and long-term needs; plan and conduct a process for recruitment, screening and selection; and approve the Superintendent's employment contract. The Board shall yearly

evaluate the Superintendent based on an evaluation system and performance objectives established by the Board and Superintendent.

(cf. 2121 - Superintendent's Contract)

(cf. 2122 - Superintendent of Schools: Responsibilities and Duties)

(cf. 2123 - Evaluation of the Superintendent)

#### Policy Adoption and Monitoring

The Board shall govern the schools by adopting policies that reflect the district's vision and the mandates of law. The Board shall establish a clear policy development process through which it may deliberate on issues, identify priorities, assign responsibilities, identify goals and courses of action, and review policy decisions.

The Board shall also adopt bylaws that promote cooperation, trust and teamwork among its members, give parameters to the Board's operation as a governing body, and ensure that its meetings proceed efficiently and in compliance with law.

(cf. 9200 - Members)

(cf. 9300 - Governance)

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

(cf. 9323 - Meeting Conduct)

(cf. 9400 - Board Self-Evaluation)

#### Curriculum Adoption and Program Accountability

While the design and implementation of curriculum is primarily a staff responsibility, the Board's role is to adopt overall educational goals and

standards, define the curriculum development process, specify graduation requirements, adopt the developed curriculum and ensure compliance with state and federal laws.

To ensure accountability to the community, the Board shall establish measurable benchmarks to assess the effectiveness of the district's educational programs in producing desired student achievement results. Based on these assessments, the Board shall direct the Superintendent or designee to take corrective actions as needed.

(cf. 0420.5 - School-Based Decision Making)

(cf. 6010 - Goals and Objectives)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

(cf. 6146.5 - Elementary School Promotion/Standards of Proficiency)

(cf. 6162.5 - Student Assessment)

(cf. 6190 - Evaluation of the Instructional Program)

#### Budget, Facilities and Fiscal Accountability

The Board shall adopt a sound, responsible budget that supports district goals and priorities. To guide the Superintendent or designee in development of the budget, the Board shall establish a budget calendar, budget process and spending priorities.

Recognizing that school facilities are a long-term obligation that impacts district budgets, the Board shall also ensure that a plan is in place to address the district's facility needs, including the funding, construction and maintenance of school facilities. The Board shall approve facility sites, funding sources and architectural and construction contracts.

The Board recognizes that it is accountable to the community for its budget and facilities decisions and for the district's fiscal integrity. The Board shall use accountability systems and processes in order to monitor the district's fiscal health.

(cf. 3000 - Concepts and Roles)

(cf. 3100 - Budget)

(cf. 3312 - Contracts)

(cf. 3460 - Financial Reports and Accountability)

(cf. 7110 - Facilities Master Plan)

(cf. 7140 - Architectural and Engineering Services)

(cf. 7150 - Site Selection and Development)

(cf. 7210 - Facilities Financing)

#### Collective Bargaining

The Board is the legal representative of the district in negotiations with employee representatives. In carrying out the collective bargaining process, the Board shall set goals and guidelines for collective bargaining, approve the selection of the bargaining team, maintain communications throughout the process and approve the negotiated contract.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

#### Judicial and Appeals Body

In addition to establishing complaint procedures that ensure due process and facilitate the satisfactory resolution of issues, the Board may convene to serve as a judicial and appeals body in accordance with law, Board policies and negotiated agreements. The Board may delegate fact-finding or hearing responsibilities in appropriate cases but remains the final decision-maker in these proceedings.

(cf. 1312 - Complaints Concerning the Schools)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4117.3 - Personnel Reduction)

(cf. 4117.4 - Dismissal)

(cf. 4144/4244/4344 - Complaints)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4317.3 - Personnel Reduction)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

#### Community Leadership

Recognizing that the level of local, state and national support for education impacts the Board's ability to fulfill its responsibilities, the Board shall engage in advocacy on behalf of district schools. The Board shall ensure that the district has the capability to respond to emergency issues as well as a proactive communications plan for issues that are district priorities.

The Board shall also build and maintain community support by actively involving parents/guardians, business and other community members in the schools and informing them about district programs, policies and issues.

(cf. 1112 - Media Relations)

(cf. 1160 - Political Processes)

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

(cf. 1700 - Relations between Private Industry and the Schools)

(cf. 9010 - Public Statements)

Legal Reference:

#### EDUCATION CODE

5304 Duties of governing board (re school district elections)

12400-12405 Authority to participate in federal programs

17565-17592 Board duties re property maintenance and control

33319.5 Implementation of authority of local agencies

35000 District name

35010 Control of district; prescription and enforcement of rules

35020-35046 Officers and agents

35100-35351 Governing boards, especially:

35160-35185 Powers and duties

35291 Rules

Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 26, 1991 Fresno, California

revised: January 30, 1997

revised: January 12, 2000

# EXHIBIT 7

## **Management Oversight**

The purpose of this policy is to guide the Governing Board with a standard for highly effective and efficient Management Oversight. The Board is a body corporate, not a collection of individuals, governed by the state and federal law to serve the interests of district.

The Board will fulfill its duty to assure the public that district resources are being used efficiently and effectively by reviewing the integrity and performance of the districts major management systems on a regular basis. This policy sets forth standards and describes processes, but from time to time processes and timelines may vary. The standards and processes are not intended to be overly restrictive or become issues of dispute, but rather to provide guidelines for effective management oversight.

### **Management Oversight**

The Board is responsible for overseeing management of the districts major systems to assure all staff and district systems have as their overarching goal, student achievement. Major systems are discussed and listed in the Board policy on Board Workshops and the Board Workshops calendar.

(cf. 9320.1 - Board Workshops)

The Board will hold the Superintendent accountable for the performance of the district systems. The Board will consider the results of its oversight reviews into the Superintendents annual performance evaluation. In exercising its oversight responsibilities, the Board will not manage the day-to-day operations of the district.

The Board will fulfill its management oversight responsibilities by:

Reviewing the performance of all major management systems at least annually, using performance measurements approved by the Board

Reviewing the integrity of all major management systems at least once every three years (where integrity is defined as overall effectiveness, including structure, process, performance measurements, internal controls, etc.)

Overseeing the annual external financial audit process

Ensuring that the Superintendent acts on the auditors recommendations

The Superintendent will be responsible for ensuring that all procedures, controls, checks and balances, and codes of ethics are in place and are being executed properly.

The Board, acting as a body, will require the Superintendent to provide data and other information necessary to document effective execution and results. The Board may also decide to call for external reviews of systems integrity and performance (e.g., from audit firms, task forces comprised of local experts or community members, etc.).

Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: April 25, 2007 Fresno, California



# EXHIBIT 8

## **Governance Standards**

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

(cf. 9000 - Role of the Board)

(cf. 9270 - Conflict of Interest)

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education

(cf. 9010 - Public Statements)

3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential

(cf. 9011 - Disclosure of Confidential/Privileged Information)

6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader

(cf. 9240 - Board Development)

7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff

(cf. 2122 - Superintendent of Schools: Responsibilities and Duties)

8. Understand that authority rests with the Board as a whole and not with individuals

(cf. 9200 - Members)

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students

2. Communicate a common vision

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

3. Operate openly, with trust and integrity

4. Govern in a dignified and professional manner, treating everyone with civility and respect

5. Govern within Board-adopted policies and procedures

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

6. Take collective responsibility for the Board's performance

7. Periodically evaluate its own effectiveness

(cf. 9400 - Board Self-Evaluation)

8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations

(cf. 1220 - Citizen Advisory Committees)

(cf. 9323 - Meeting Conduct)

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authority to act in any manner not conflicting with law

35164 Actions by majority vote

GOVERNMENT CODE

1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129 Incompatible activities

54950-54963 The Ralph M. Brown Act

87300-87313 Conflict of interest code

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: [www.csba.org](http://www.csba.org)

Bylaw FRESNO UNIFIED SCHOOL DISTRICT

adopted: November 14, 2001 Fresno, California

# EXHIBIT 9

### **Limits Of Board Member Authority**

The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

(cf. 1160 Political Process)

(cf. 9000 - Role of Board and Members)

(cf. 9005 Governance Standards)

(cf. 9270 Conflict of Interest)

(cf. 9323 Meeting Conduct)

Individually, the Board member may not commit the district to any policy, act or expenditure.

(cf. 9005 Governance Standards)

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent or designee.

(cf. 1340 - Access to District Records)

(cf. 4112.6/4212.6/4312.6 Personnel Files)

(cf. 9005 Governance Standards)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9322 Agenda/Meeting Materials)

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complaint to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

(cf. 1312.1 Complaints Concerning District Employees)

(cf. 1312.2 Complaints Concerning Instructional Materials)

(cf. 1312.3 Uniform Complaint Procedures)

(cf. 1312.4 Williams Uniform Complaint Procedures)

(cf. 3320 Claims and Actions Against the District)

(cf. 4031 Complaints Concerning Discrimination in Employment)

(cf. 6159.1 Procedural Safeguards and Complaints for Special Education)

A Board member whose child is attending a district school should be aware of his/her role as a Board member when interacting with district employees about his/her child. Because his/her position as a Board member may inhibit the performance of school personnel, a Board member shall inform the Superintendent or designee before volunteering at his/her child's classroom.

(cf. 1240 Volunteer Assistance)

(cf. 5020 Parent Rights and Responsibilities)

(cf. 6020 Parent Involvement)

Board members shall refer Board-related correspondence to the Superintendent or designee for forwarding to the Board or for placement on the Board's agenda.

The Superintendent or designee shall provide a copy of the state's open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

Board members and persons elected to the Board who have not yet assumed office are responsible for complying with the requirements of the Brown Act. (Government Code 54952.1)

Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards, especially:

35160-35184 Powers and duties

35291 Rules

35292 Visits to schools (Board members)

51101 Rights of parents/guardians

#### GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:

54952.1 Member of a legislative body of a local agency

54952.7 Copies of chapter to members of legislative body

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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Bylaw FRESNO UNIFIED SCHOOL DISTRICT

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reviewed: October 5, 2004

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# EXHIBIT 10

### **Actions By The Board**

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

(cf. 9000 - Role of the Board)  
(cf. 9005 - Governance Standards)  
(cf. 9012 - Board Member Electronic Communications)  
(cf. 9200 - Limits of Board Member Authority)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members.
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision.
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order or ordinance.

(cf. 9322 - Agenda/Meeting Materials)

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

### **Action on Non-Agenda Items**

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

(cf. 9320 - Meetings and Notices)  
(cf. 9322 - Agenda/Meeting Materials)

## Challenging Board Actions

The district attorney's office or any interested person may file an action in court to stop or prevent the Board's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened Board actions, to determine the validity, under California or federal law, of any Board rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the Board to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960)

The district attorney or any interested person may present a demand that the Board cure and correct action which he/she alleges is in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following:

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government Code 54960.1, if the following conditions are met: (Government Code 54960.2)

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.
2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

*Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.*

Legal Reference:

EDUCATION CODE

15266 School construction bonds  
17466 Declaration of intent to sell or lease real property  
17481 Lease of property with residence for nondistrict purposes  
17510-17511 Resolution requiring unanimous vote of all members constituting board  
17546 Private sale of personal property  
17556-17561 Dedication of real property  
35140-35149 Meetings  
35160-35178.4 Powers and duties  
48660-48661 Community day schools, establishment and restrictions

CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue  
1245.240 Eminent domain vote requirements  
1245.245 Eminent domain, resolution adopting different use

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities  
53724 Parcel tax resolution requirements  
53790-53792 Exceeding the budget  
53820-53833 Temporary borrowing  
53850-53858 Temporary borrowing  
54950-54963 The Ralph M. Brown Act, especially:  
54952.6 Action taken, definition  
54953 Meetings to be open and public; attendance; secret ballots  
54960-54960.5 Actions to prevent violations  
65352.2 Coordination with planning agency

PUBLIC CONTRACT CODE

3400 Bid specifications  
20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder  
20113 Emergencies, award of contracts without bids

COURT DECISIONS

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003)  
112 Cal.App.4th 1313  
McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310  
Bell v. Vista Unified School District, (2002) 82 Cal.App.4th 672  
Boyle v. City of Redondo Beach, (1999) 70 Cal.App.4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies,, California Attorney General's Office,  
2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A Users Guide to the Ralph M. Brown Act, 2000

WEB SITES

CSBA: <http://www.csba.org>

California Attorney Generals Office: <http://www.caag.state.ca.us>

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