



Corvallis

SCHOOL DISTRICT

NOTICE

NOTICE IS HEREBY GIVEN of a meeting of the Corvallis School District Board of Directors.

Date & Time	Meeting Type	Location	Agenda
Thursday, August 22, 2019 8:30 AM	Regular	District Office Board Room, 1555 SW 35th Street, Corvallis, OR 97333	See attached.

Accessibility: *To request accommodations for board meetings, please contact Kim Nelson at 541-757-5841 or kim.nelson@corvallis.k12.or.us at least 48 hours before the meeting.*

If you would like to watch live-streaming of the School Board meeting, please navigate to the District's YouTube channel: <https://www.youtube.com/channel/UC9Jtpte5dmilZl9kySBjVQ?>
A recording of the meeting will also be posted to that channel.

POSTED: Corvallis School District Administration Building
Hans Boyle, Education Editor, Gazette Times (Via Email)

For more information, please contact Kim Nelson at 541-757-5841 or at kimberly.nelson@corvallis.k12.or.us



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SCHOOL DISTRICT

Thursday, August 22, 2019
8:30 AM

AGENDA
Retreat of the
BOARD OF DIRECTORS
Corvallis School District 509J

Meeting Details: Thursday, August 22, 2019, 8:30 AM in the District Office Board Room,
1555 SW 35th Street, Corvallis, OR 97333.

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- I. WELCOME AND INTRODUCTIONS (8:30 a.m.)
- II. THEORIES OF ACTION (8:45 a.m.)
- III. BREAK (10:15 a.m.)
- IV. TRANSFORMATIONAL POLICY DEVELOPMENT (10:30 a.m.)

Menu of High-Potential Transformational Policies

Donald R. McAdams

February 4, 2009

This menu introduces a broad range of high potential transformational policies for consideration by governing teams. While transformational policies are not the initial point from which urban districts are transformed, they are a critical means by which governing boards enact change within their districts. Governing teams begin this work with a board-approved statement of core beliefs and commitments and theory of action. Building on this foundation, the superintendent proposes a strategic plan for board approval, and the board begins to put into place a policy framework of transformational policies that will lead to a new district design. In light of the importance of a quality design, this menu highlights a set of policy areas with great potential to move the district needle and the conditions that enable or impede improved student achievement. The progression is as follows:

Mission	- State Responsibility
Vision/Core Beliefs & Commitments	- Board Responsibility
Theory of Action	- Board Responsibility with Input from Superintendent
Strategic Plan	- Superintendent Develops for Board Approval
Transformational Policies	- Superintendent or Board Develops for Board Approval
Budget	- Superintendent Develops for Board Approval

Note that strategic plans, policies, and budgets are interactive. That is, policies may drive portions of the strategic plan, or the strategic plan may require supporting policies. Both will influence the budget.

This menu does not list specific transformational policies; rather it identifies transformational policy areas within which numerous transformational policy options are available. Because major transformational policies can require months of research and work by staff (and board) teams with multiple skills—finance, personnel management, assessment, legal, etc.—and because major transformational policies are deeply contextual, it is difficult to write sample policies. However, this menu includes a sampling of major transformational policies approved in recent years by urban boards.

Each policy area is placed within the larger context of purpose, desired results, theory of action alignment, related policies, approval sequence, supporting management systems, and budget implications. These policy areas include academic standards, assessments and accountability,

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teacher quality, school leadership, pupil assignment, resource allocation, and district charter schools and diverse portfolios.

POLICY AREAS

Academic Standards

Academic Standards are the conceptual starting point for improving public education. The question is: What should a pupil at any measurement point—end of course, end of year, graduation, etc.—know and be able to do?

The answer varies depending on circumstances. Under NCLB, school districts (and schools) are held accountable for meeting state standards. But few states have clear, rigorous, detailed, and progressive content standards, and few have performance standards aligned with college and workplace readiness. While districts must work to meet state standards, they need not be limited by these standards.

Districts have the option, by board policy, to establish additional standards. Consider these policy options: (1) increase math, science, language, or other requirements for high school graduation; (2) establish standards for multiple high school pathways, especially for career and technical education; (3) establish promotion standards for selected elementary grades; (4) require end-of-course examinations for core high school courses to assure consistent content coverage and equal rigor throughout the district; (5) approve standards for middle and high school electives—languages, music, drama, etc.; and (6) establish district grading standards—for example, cut points for letter grades, algorithms for averaging unfinished work, quality points for Advanced Placement, or honors courses.

Why would a board wish to adopt academic content or performance standards above or beyond those required by the state? To raise the bar for student achievement; to respond to community wishes or local business needs; to standardize content coverage and rigor throughout the district; to provide standards in areas not covered by state standards; or to more effectively align instruction.

District standards support and strengthen all theories of action. They provide targets for comprehensive instructional management systems and are critical for performance/empowerment or any district theory of action involving district charter schools. Because empowerment must be balanced against performance to standards, there must always be standards! And standards must be supported by assessments and accountability. Otherwise they are of almost no value.

Boards must immediately follow up standard setting with approval of assessment and accountability policies aligned with the standards. The steps and the sequence matter. A board developing transformational policies in the area of standards must consider sequence, as some standards logically precede others. For example, content standards come before performance standards and high school graduation standards come before standards for high school end-of-course examinations or middle school standards.

Of course, the board must be prepared to fund the work to create the standards and put into place the management systems to assess performance against the standards and respond with

appropriate consequences. The actual work of creating standards and supporting management systems is the responsibility of the superintendent.

Assessments and Accountability

Every district should have its own accountability system. State systems are political compromises that frequently lack focus and often fail to fairly measure school performance. Furthermore, they frequently change. They are not specific enough to meet the needs of every district in the state. They are necessary—a huge improvement over no state accountability system—but they are not sufficient to tell a board or community how well children and schools are performing. For example, in Texas, passing the high school exit test does not indicate a graduate is ready for postsecondary education. In fact, about half of the graduates who enroll in college need remediation.

What might a district want to assess? Firstly, student performance in areas where the district has standards and the state has none—for example, foreign languages, music, drama, etc. Clearly, board-mandated high school end-of-course examinations require the development of district end-of-course assessments. Secondly, a district might wish to assess student performance in core subjects already assessed by the state but at grade levels not assessed by the state. For example, a state may assess reading and math at every elementary grade level but assess writing only at one or two grade levels. A district might choose to assess writing at every grade level.

Boards might also want their district to assess student achievement in core subject areas already assessed by the state but using different instruments—for example, norm-referenced tests or portfolios of student achievement. These additional assessments could be blended with state assessments in the district's accountability system.

Formative assessments are critical for instructional management. Though a board would not want to get into the details regarding formative assessments, it might choose, by board policy, to require management to put into place a system for appropriate formative assessments, reporting to the board regularly on performance patterns and steps taken toward improvement.

The key to effective assessment is to align assessments with curriculum and curriculum with standards. Also, multiple assessments are preferred. Different assessments capture student achievement in different ways. Criterion-referenced assessments are foundational, but norm-referenced tests are also useful—for example, for a wide range of subject areas and for interstate comparisons. Portfolio assessments are essential for measuring creativity and some skills in the arts, for example.

There are limits to how much instructional time can be devoted to assessment. However, good teachers know that good assessments are learning experiences for students and are part of the learning process. If instructional time is to be saved, movies and field trips should be put on the cutting block first.

Standards and assessments without accountability are like New Year's Resolutions. They are only as strong as the follow-through. Unless performance to standard is measured, reported, and acted upon, standards have little power to transform. Every district should have its own accountability system. District accountability systems measure performance, collect and distribute performance data, and apply predetermined consequences (positive or negative) to

those responsible for achieving predefined outcomes. Simply put, accountability is holding people responsible for results and, by doing so, changing behavior.

The two key questions for establishing whether or not a district has an accountability system are: (1) does the district rate or rank schools based on student achievement (and perhaps other factors)? And (2) are there consequences? Rating or ranking schools is a method by which districts can communicate a great deal of information about a school with only one word or one number. Consequences generally fall into two areas: rewards or interventions.

Inasmuch as states rate schools and follow through with rewards or interventions, schools are accountable. But it is the state holding schools accountable, not the district. As noted, district accountability systems should go beyond what the state requires. A district may use the state assessment but set higher standards for rating schools; use additional assessments to measure student achievement; or use additional indicators about students, school climate, or parent satisfaction to determine whether or not schools are performing satisfactorily. And the district can intervene in its own way whether or not the state intervenes.

Some might argue that a district system is redundant when a state system is in place and that dual systems will confuse parents and the public. That potential exists, but consider the advantages of a district accountability system:

- Districts can focus on local priorities.
- Districts can refine their accountability systems to measure performance in multiple areas in multiple ways.
- Districts can change local accountability with comparative ease, making possible continuous improvement.

What principles should a board consider when designing a district accountability system? A district system should set the bar high for all children, fairly represent school performance, and be understandable to the public. It should also be rich in detail for educators and parents; and it should provide schools with strong incentives to make certain all children are meeting state and district standards.

Following are some basic design principles:

Ratings: The system should have a sufficient number of ratings to allow the district to spread school performance broadly. More numerous and narrower rating bands make it easier to continuously raise the bar for performance, give schools more opportunity to show improved performance, and allow the district to calibrate interventions more precisely.

Proportionality: The system should measure performance across all grades, all subjects, and all subgroups. But instead of rating a school by the performance of its lowest-performing group (a major feature of No Child Left Behind), it should rate a school by the percentage of performance targets it meets. This “proportional” method allows schools that are subject to numerous performance targets because of large, diverse populations to have an equal opportunity to achieve a high rating with schools subject to only a few performance targets because they are

small and homogeneous. In short, it is fair. However, if a particular student group within a school persistently fails to meet performance targets, there should be rating and intervention consequences.

Weighted Indicators: The system should weight performance indicators by placing them in tiers. This is critical, because although there are many important indicators of performance, some are more important than others. The system should enable more weight to be given to key performance indicators, such as proficiency in reading and math, but not ignore other important indicators such as participation and performance in Advanced Placement and International Baccalaureate classes.

Performance and Growth: The system should measure schools by both student performance levels and performance growth. So that it is fair to high-performing and low-performing schools and provides both with an equal incentive to achieve high performance for all children, the system should rate acceptable schools and districts that are either performing acceptably or acceptably improving performance. Acceptable growth expectations should be higher for schools with low-performing students and decline as performance improves.

Intervention: In cases of unacceptable performance, intervention should be calibrated to the performance of the school; that is, the more severe or sustained the low performance, the more intensive the intervention. Consequences should range from assistance, to an improvement plan under a specific set of guidelines, to restructuring, or reorganization. Interventions should always provide assistance of real value and benefit for improving student achievement.

Flexibility: The system should have flexibility so it can be modified easily to accommodate changes in performance assessments, metrics, and targets without increasing complexity.

User Friendliness: The results should be easy to understand. All the weighted and moving parts should come together in a logical way to fairly identify school performance using a readily interpretable rating system.

Accountability for Postsecondary Readiness: However the system is designed, it should measure schools on the percentage of students who are on the ramp to postsecondary readiness. This is essential because so many state systems do not measure this most-important indicator.

When developing standards, assessments, and accountability policies, it is important for boards to know the difference between growth-to-standard and value-added assessments. Growth-to-standard is fairly straightforward; it looks at where students are as opposed to where they need to be to be on track to meet an objective level of performance. The strength of this approach is that it is simple and transparent and is tied to an objective level of expected performance, such as post-secondary readiness. Boards must recognize that students start in different places academically, and that it will require more effort to reach the standard for students who start far below the standard than for students who start close to, at, or above the standard.

Value-added models based on predicted growth have the strength of recognizing to what extent growth is achieved. The weakness of this approach is that it does not focus on getting students to

a common level of expected performance, such as post-secondary readiness. Also it is dependent on sophisticated and non-transparent multi-variable regression equations.

Both methodologies have their appropriate uses. Predicted growth models have great value for district, campus, and classroom performance and incentive programs, where the goal is to recognize and reward the efforts of educators, as well as for the evaluation of educator preparation programs. However, for a district accountability system, the growth-to-standard model is best.

A district with a Managed Instruction theory of action would want to approve, almost immediately, standards and assessments policies and move quickly to professional development policies and the funding of student information management systems. A Performance/Empowerment or Managed Performance/Empowerment district would want to move directly from standards and assessments to school accountability.

Superintendents must, of course, lead in the establishment of standards, the development of assessments, and the building of accountability systems. They can even do this without formal policy authority. But this is not the best approach. In the first place, these decisions are governance decisions and the board's responsibility. Also, without formal policy definition and authority, the district and the public lacks clarity, and alignment with future transformational policies (or management actions) is more difficult. Finally, whatever systems one superintendent creates outside policy, a successor superintendent can quickly dismantle. Boards may also change policies, but board policies provide authority and clarity in the short run and much more stability in the long run.

Teacher Quality

Another major area of transformational policy is teacher quality. Logically, student learning depends firstly on what is taught and secondly on how well it is taught. The two other major variables are instructional time and student study time (time on task) and student effort.

Teacher quality includes many sub-topics: university partnerships, teacher selection, alternative certification, teacher induction, teacher assignment, professional development, teacher evaluation, compensation, tenure, and more. All of these areas are ripe for transformational policies. Though in most states, statutes and regulations limit board action somewhat, boards still have ample freedom to craft policies in these areas to significantly improve teacher quality.

Though this may not be the place to start—the quality of current teaching is the board's immediate priority—entry into the profession is the logical starting point. What policies can a board approve that will improve the quality of incoming teachers? Since a significant percentage of new teachers are going to come from local and regional colleges of education, what leverage does the district have to improve teacher education?

University partnerships to strengthen university admission standards into teacher education, curriculum, and student teaching might be useful. Also, university math, science, English, or history faculty might be open to work directly with education faculty to better prepare math, science, history, and language arts teachers, and with their counterparts in the school district to

provide professional development to current teachers through summer workshops. They might even be induced to come into district classrooms to help develop innovative curriculum and pedagogy.

Teacher selection is critical. Boards by policy can direct management to develop systems to identify the best sources for new teachers and approve hiring bonuses or other incentives to give the district a competitive advantage in attracting new teachers. An obvious move would be to make the district an attractive choice for Teach for America, Troops to Teachers, and other alternative sources for teachers.

And boards in larger districts, where economies of scale make the work possible, can call for the establishment of alternative certification programs. Many large districts have such programs. Sadly, many of these programs fail to provide innovative preparation. They look much like university teacher education programs.

Whether from traditional or alternative sources, attracting teachers in shortage areas, and for that matter retaining them, requires variable pay. It simply makes no sense to pay certified high school math and science teachers (those with a college major in their teaching field) the same as middle school physical education teachers. Marketplace forces cannot be banished from education. Districts that do not provide attractive compensation to attract certified high school math and science teachers will not have enough of them. The margin may vary from one region to another, but from \$10,000 to \$15,000 per year will most likely be required. As long as school districts remain wedded to the steps and lanes of the single-salary schedule and pay teachers based on degrees and years of service, they will be unable to provide quality math and science instruction to most of their high school students.

Boards can change all this by one bold policy and budget authority to make it so.

Boards might also require that middle school math and science teachers have high school certification and compensate them as high school teachers. Perhaps the key factor in poor high school math and science achievement is poor math and science teaching in middle school. In most states, elementary and middle school certification is the same. For at least math and science, middle school teachers need high school certification, which requires a college major in math or science.

Induction supports selection as the key to turning people trained to be teachers into successful teachers. Many districts just dump new teachers into classrooms, and frequently into the most difficult classrooms. Boards, by policy, can require management to develop effective induction programs, which include mentoring by master teachers, and encourage the placement of first-year teachers into assignments that reduce workload and maximize opportunity for reflection on professional practice.

A district-wide teacher assignment policy is also an opportunity. All too often in urban districts, the most needy children get the least-qualified teachers. Clearly, teachers cannot be moved around like pieces on a chessboard, but boards can enact policies or negotiate into union contracts teacher regulations and incentives to maximize matching the best teachers with the

students most in need. For example, filling teacher vacancies should not be by seniority. This pulls experienced teachers into “desirable” schools. And extra compensation and more opportunities for professional growth can be used to pull experienced teachers into low-income schools.

Professional development is, perhaps, the lowest hanging fruit for immediate improvement of teacher quality. High-performing school districts do not allow teachers to make their own professional development choices from a menu of mostly irrelevant options. They require teachers to participate in professional development activities directly related to the subjects and grade levels they teach. And they create professional development systems that stay on the cutting edge of instructional improvement and track the link between professional development and classroom effectiveness.

Classroom coaches, especially in elementary reading and math instruction, are another form of professional development. District-wide, coaches are prohibitively expensive. But strategically moving them from school to school where the need is the greatest is a high-leverage opportunity. Short run, children receive better instruction; and long run, teacher quality improves.

Teacher evaluation, compensation, and tenure are all parts of one larger whole. Just as alternative entry into the profession is for one purpose and one purpose only—to make it easier for highly qualified professionals to become teachers—so evaluation, compensation, and tenure are for one purpose and one purpose only—to differentiate between those who teach well and those who don’t and by rewarding those who do and pushing out of the profession those who don’t, improving the overall quality of instruction. It is important to make this point, for boards considering performance pay—currently a hot transformational policy option—must also consider evaluation and should also consider tenure.

The complexities of this area are huge. Clearly, student achievement is not the only criterion for evaluation, but it should be the major one. And fairly measuring student achievement is no easy task. Value-added assessments are required. Consideration must be given to teachers whose students are not assessed and to individual vs. school compensation.

Then there is the question of money. How much more will make a difference? How much more is fair? Will the money provided for step increases be diminished? Does pay-for-performance require rethinking of the entire single salary schedule? After all, should teachers who add no value keep getting step increases?

Finally, what about tenure? Should board policies make tenure after three years almost automatic, or should tenure be earned, somewhat as in higher education? And once given, how difficult should it be to dismiss a tenured teacher? Should a district even have tenure? The transformational policy opportunities in the teacher evaluation, compensation, and tenure area are huge, and also hugely problematic.

Boards venturing into the minefield of teacher quality need to move with boldness, but also with great care. They must be ready to make a long-term commitment to the work and be willing to make annual adjustments in policy and practice as mistakes are made and lessons learned. They

must also realize that a focus on teacher quality without a concomitant focus on standards, assessments, accountability, and instructional management will not fully exploit the huge potential for improvements in student achievement.

transformational policies written about teacher quality require a good understanding of whole systems change, diplomacy, political courage, and usually significant resources. Also, governance and management work must be closely coordinated because most teacher quality policies drive the creation of sophisticated and complex management systems.

Teacher quality aligns tightly with Managed Instruction and Managed Performance/Empowerment. University partnerships, teacher selection, alternative certification, and teacher induction align well with Performance/Empowerment. Because charter schools are free to hire whomever they choose, the entire area is moot for Charter Districts or charter schools in Diverse Portfolio Districts.

School Leadership

Much of what has been said regarding teacher quality applies to school leadership. Strong, effective principals are the backbone of every high-performing district. Most districts have some star principals, but effective school leadership districtwide does not just happen. It is the result of policies and practices in the areas of principal preparation, selection, authority, evaluation, and compensation. Because they are part of management—though in some districts, principals shamefully have their own union and tenure—policy changes affecting principals are less problematic than those affecting teachers.

Boards considering transformational policies in the area of school leadership should ask themselves: how does our district select and prepare people for the principalship? Does it limit itself only to former teachers? Is this a good idea or a bad one? Are principals trained for the work or just promoted into the job?

High-performing districts have policies (though in some cases they are standard administrative practices not placed formally into board policy where they belong) that seek great principal candidates from numerous sources and provide training specifically designed to make them effective. They do not just plop assistant principals into the job and say you are now the principal (though frequently principals are selected from the ranks of assistant principals). And once placed into the principalship, principals are given targeted professional development.

Selecting, preparing, and providing on-going professional development is only the first step. The second, and perhaps the most important, is defining the job of principal so that strong, energetic, entrepreneurial leaders and managers well suited for the work want the job. Attracting leaders into the principalship is not just about money, though boards should see to it that principals are well paid. The military attracts America's best to the high officer rank, and it is not because colonels and generals make that much money. It is because they are given a chance to lead in an organization that fairly evaluates performance.

Those up to the challenge, and the challenge of the principalship is huge, will not likely seek a job where they are treated as middle managers and judged by how well they carry out Central

Office directives. They will actively seek a job that gives them the authority to lead and evaluates them on results: student achievement first (performance level or performance improvement); but also a clean, safe, and orderly school; supportive parents; and of course some small weight given to working within district policies.

Boards, by clear and aligned policies, can direct the superintendent in all these areas, leaving, of course, personnel management to the superintendent. How often they do just the opposite: provide no policy leadership on the selection, training, professional development, authority, and evaluation of principals; and yet presume to criticize principal leadership and tell their superintendent who should be assigned to schools in their area.

School leadership policies are important for all theories of action. They are critical for Performance/Empowerment, where everything rests on the leadership of the principal. In sequence they should precede teacher quality policies, as they will be key to implementing many teacher quality policies; but they should follow standards, assessment, and accountability policies, for these provide the context for their work and are the basis for their evaluation. School leadership policies will require extensive supportive management systems.

Pupil Assignment

Attendance boundary policies, school transfer policies, and policies regarding acceptance to magnet schools are issues in almost every district. Board policies on these topics may not be transformational policies, but they may. Consider whole-school magnets. Why are they created? Why does it matter who is admitted? Issues of race, class, cost, and student match come into play.

The challenge with magnet schools is that if some schools are magnets, others are not. Magnet programs almost always cost more money per child, and whole-school magnets always do. Does this mean that children in magnet programs or schools are receiving better educational opportunity than those who are not? Can every school be made a magnet school; that is, a school with a specific focus or theme? Sounds good in theory, but practically this is difficult to do. Magnet schools for performing and visual arts, math/science, health professions, or whatever, attract children and youth with special interests and often special talents, and they always cost more money.

Pupil assignment policies, with related transportation policies—who gets district-provided transportation and who doesn't—seem to be never-ending policy issues facing school boards. Boards are challenged by the desire to make pupil assignment policies transformational policies. Most transformational theorists believe public school choice, modified as necessary for practical considerations and with a good mix of themed schools, is best. Within this mix there is room for a few magnet high schools—the arts, for example. But too many magnet high schools lead inevitably to inequities.

Pupil assignment policies are required whatever the board's theory of action. Themed and magnet programs and schools create some problems for Managed Instruction, but they can be worked through by clarity regarding which areas of the curriculum are managed and which fall

within the purview of the magnet. As stated above, public school choice aligns tightly with Performance/Empowerment.

Resource Allocation

Academic standards, assessment and accountability, school leadership, and teacher quality all fit together into a seamless policy framework. There are three other policy areas that are related, but not as tightly aligned. Some might not even call them transformational policies. But they can have significant implications for improving student achievement. These three are strategic use of district charter schools (mentioned above), resource allocation, and pupil assignment.

Boards have a great interest in resource allocation because they are, or should be, committed to spending the highest possible percentage of the district budget in schools and because they want these monies to be spent equitably; that is, they do not want poor children subsidizing middle class and affluent children. Of course, Central Office and district infrastructure are important. No board wants to cripple the district because it has underfunded district leadership and failed to provide adequate resources for management structures and essential business systems. However, board members know that bureaucracies tend to take care of themselves. Few Central Offices are underfunded. Without constant board vigilance, Central Office and district business systems in most districts will absorb an ever-increasing percentage of the district budget.

Also, most board members are now aware of the inequities in traditional district budgeting. Because of the single salary schedule, seniority transfer rules, and the drift of veteran teachers into middle-class schools, children in low-income neighborhoods end up subsidizing children in high-income neighborhoods. This is because school districts build school budgets around staffing patterns and charge schools for average teacher salaries. Schools in low-income areas are likely to have teachers that are, on average, paid less than the district's average, while schools in high-income areas are likely to have teachers that are, on average, paid more than the district's average.

Weighted Student Funding funds children directly rather than indirectly through those who serve them. Money follows the child. School budgets are based on average daily attendance (or enrollment) of weighted students. Schools are charged for staff based on actual salary and benefit costs; otherwise, schools filled primarily with poor children subsidize schools filled primarily with middle-class children. WSF promotes equity in public education. Equity should be defined as unequal resources for unequal needs. With WSF funding, children with greater need receive more money.

With WSF, principals are free to purchase goods or services from within or without the district (most likely limited to a certified list of vendors that have been pre-qualified by the district for quality and price). And principals are allowed to carry over gains or losses from one year to the next. Districts can also require schools to accept responsibility for minor maintenance, custodial, and grounds and budget funds for these purposes based on the size, age, and condition of school buildings.

Why might WSF be considered a transformational policy? It gives principals more authority for school operations; for example, the ability to configure a school's workforces to meet the needs of its students. Principals can opt for fewer high-paid master teachers and larger classes, or

smaller classes taught by a larger workforce of lower paid teachers, or a mix of the two. They can put more of their resources into instruction, or if their students benefit more from the services of counselors, social workers, and nurses, shift resources to professional support staff. And they can shift resources fairly quickly to respond to changing priorities.

By giving principals the authority to allocate resources and carry over gains and losses, weighted student funding promotes improved district services to schools. District services that are not competitive with outside vendors, whether professional services or minor maintenance repairs, either improve or they go out of business.

WSF has the potential to reduce waste, increase the percentage of the district budget controlled by principals, equitably fund all children, more effectively target resources on quality instruction, and, by causing schools to compete for children, make district schools more customer-friendly. Will it do all this? Not necessarily. But done right, it will.

Note that WSF is compatible with all theories of action. It does not conflict with Managed Instruction or Managed Performance/Empowerment because although the principal has more control of school operations, the district's instructional program is still managed from Central Office. However, WSF is almost mandatory for a Performance/Empowerment district, and a modified version of WSF makes sense for district charter schools. Why, for example, should districts provide the same amount of money per child to district charters? Should not schools serving high-need children receive more per child than schools serving middle-class children?

The policy work required to create WSF is huge. And WSF creates the need for aligned policies. For example, the full value of weighted student funding is not achieved unless parents are given public school choice and principals the authority, within reasonable limits, to pay teachers for performance and dismiss low performers. Also, WSF and public school choice will, inevitably, result in some schools adding enrollment and others losing enrollment. If a district does not have policies that respond to this, school space will not be used efficiently and in time, some schools will become very small. WSF and school choice require decisive interventions in shrinking schools; otherwise, boards will be faced with the most unpleasant task of closing schools.

District Charter Schools and Diverse Portfolios

Increasingly, large urban districts are using district charter schools as an integral part of their theory of action. District charter schools, but not Charter Districts, are compatible with all theories of action. A Charter District might set standards and establish assessments and some form of accountability; for example, the district revokes the charters of schools that don't meet acceptable performance standards. But policies in the other areas referenced above would not be applicable in a Charter District.

However, districts that establish charter schools for strategic purposes will still retain the majority of students in district-managed schools, where the full range of transformational policies referenced above are applicable. They will also need a set of district policies for oversight of district charter schools. Districts should not move to a Diverse Portfolio district design without a set of policies that set forth the strategic intent of district charters, set goals, establish parameters, and clarify oversight.

For example, why is the district creating district charter schools? How do they fit into the larger system of district-operated schools? What are the requirements for receiving a charter? What percent of district per-pupil cost are we willing to pass on to charters? Will all district charter schools be treated the same way or funded at the same level? How will district infrastructure be used to benefit charter schools, and how will innovation in charter schools benefit district-operated schools? Will the district provide facilities in some cases or provide any assistance with facilities? What controls does the district wish to retain: requiring charter schools to administer district assessments, use core elements of the district's curriculum, meet certain admission guidelines, etc. Remember a charter is another word for contract. A district, unless constrained by the state charter law, can write the contract to meet its needs.

Other questions the board needs to answer in advance are what type of charters do we want and where do we want them located? What reports do we wish to receive; what level of oversight do we want; and do we want any ability to intervene? Finally, how will charter school performance be measured; and what criteria and process will be used to renew or non-renew charters, or in some cases shut them down?

The key points to consider are: (1) What are the district's strategic reasons for granting district charters: relieve overcrowding, serve specific student populations, create competition for and stimulate innovation in district schools, save money, satisfy public demand, or what? (2) What controls does the district want to maintain? Too many controls will limit the interest of charter operators and stifle innovation in charter schools. On the other hand, too few controls will reduce the strategic value of the charter schools to the district. (3) What impact will the charter schools have on district-operated schools? Will they make them better or worse, and if so, in what ways?

All of these questions are ripe for clear answers via board policy. Boards should not just willy-nilly grant charters and evolve into a Diverse Provider design. They should do so strategically and by policy.



Corvallis

SCHOOL DISTRICT

- V. LUNCH (12:00 p.m.)
- VI. FORT BEND CASE STUDY (12:30 p.m.)

**What's Wrong With This Picture?
Audits and Accountability in
Fort Bend Independent School District**

School board president Lisa Rickert was nervous but confident as she opened the school board meeting on the afternoon of October 3, 2005. Over the past several days, she had been negotiating with Betty Baitland, Fort Bend Independent School District (FBISD) superintendent, and the two had reached a tentative agreement that Baitland would step down from her position and retire early. Today the deal would go before the FBISD school board for a vote by all seven members.

Over the preceding months, Rickert and Baitland had been in open conflict over school district policy. Rickert also had concerns about a series of audits that raised worrisome questions regarding how well the district's finances were being managed. And, during Baitland's tenure, the district's academic accountability rating had dropped from "Recognized" to "Academically Acceptable." Rickert had come to the conclusion that the district needed new executive leadership. But because Baitland had worked in FBISD for 25 years, she had many colleagues and supporters. When Rickert opened the school board meeting on that October afternoon, she looked out over a room that was filled with people who did not want Baitland to leave FBISD. Some of the superintendent's backers had pinned blue "Bs" to their clothing as a sign of support.

Thinking ahead to the crucial vote, Rickert believed she could count on three board members to approve an early-retirement amendment to Baitland's contract: board vice president Ken Bryant, secretary Laurie Caldwell, and member Stan Magee. All three had publicly shown their disapproval of Baitland's administration through numerous votes on issues that had come before the school board in the preceding months. In fact, according to an online newspaper commentator, Bryant and Magee had been publicly rude to Baitland.¹

On the other hand, three school board members—Bruce Bain, Sue Hauenstein, and Cynthia Knox—were intensely loyal to the superintendent. (See Attachment A for list of school board members and their years in office.) These three might support an early retirement deal for Baitland because Baitland herself had agreed to it. But at the same time, any of them might vote against it either to signal their support for Baitland or to undermine Rickert.

Baitland had asked Rickert for permission to address the audience at the beginning of the school board meeting, and she had assented. Perhaps, Rickert thought to herself, the remarks would reassure Baitland's friends in the audience that she was receiving a fair retirement settlement and

¹ B.K. Carter, "Bev's burner," *Fort Bend Star*, 1 June 2005.

help persuade Bain, Hauenstein, and Knox that it would be in everyone's interest to have a unanimous vote on the deal that Rickert and Baitland had tentatively worked out.

Just after the meeting began, Baitland strode to the podium and briefly scanned the friendly audience. After thanking Rickert for allowing her to make a brief statement, Baitland began to speak—confidently and perhaps with a note of defiance.

First of all, I want to end a controversy that's apparently been brewing all weekend. *I am not being fired tonight.* I have worked hard—very hard—to provide high-quality leadership to this district. And for anybody to suggest that I *could* be fired, that I have done anything legally or morally wrong that would merit firing, is frankly libelous. And for anybody to believe it is pretty laughable.

[A]s the agenda states, tonight we are going to discuss an amendment to my contract, which will allow me to retire as superintendent in January 2007, despite the fact that my contract does not expire until 2009. Mrs. Rickert and I have discussed this, and we are determined to provide an orderly and successful transition to new leadership in the months to come.²

Baitland went on to emphasize that the “ongoing . . . controversy and negativity” surrounding her conflict with the school board majority had been bad for the school district and bad for the Fort Bend community. “Mrs. Rickert and I are committed to working together,” she said, “to create a constructive environment in which the board can move forward and the board can serve all the children and constituents of the district.”

Seeking Calmer Waters

A few moments later, when the public comment portion of the board meeting began, three citizens rose to speak in support of Baitland. The first, Wanda Donalson, harshly compared Rickert and her school board allies to “a hurricane and three tropical depressions.” These hurricane-force winds must die down, Donalson entreated, so that Baitland could bring the district back to “calm waters.”

Soon after, the board went into a closed session to discuss the details of the contract amendment drafted by Rickert and Baitland. When the board returned to open session, Bryant immediately moved for the board to accept the amendment to Baitland's contract “as recommended by the district's attorney and presented in cooperation with our superintendent.” Magee seconded the motion.

The board's attorney, David Feldman, stepped to the podium and publicly explained the terms of the agreement that would allow Baitland to retire early. The important elements were as follows:

- Baitland's contract, which ran until June 30, 2009, would be amended to terminate on December 31, 2006.

² Baitland's remarks were transcribed from the video recording of FBISD's meeting on October 3, 2005.

- Baitland would step down from actively administering the district in January 2006, and she would begin taking any personal leave or vacation days that had accrued to her.
- Baitland would receive full pay until her contract expired at the end of December 2006. The board would appoint an interim superintendent during 2006, and Baitland would not be required to perform any administrative duties for the district while she was on leave.
- The school board would indemnify and defend Baitland from any claim that might be brought against her pertaining to her duties as an FBISD employee.
- Both parties to the agreement—Baitland and the school board—would agree not to disparage each other or to interfere with any contracts or business relationships that Baitland or individual school board members might have.

When Feldman finished speaking, the board discussed the contract amendment briefly. The conversation was rushed due to the fact that the meeting had to end by sundown, when the Jewish holiday Rosh Hashanah would begin. (One of the board members was Jewish.)

Finally, Rickert called for a vote. She herself voted in favor of the contract amendment. To her surprise, however, only two others joined her. As a result, the motion failed on a 3-4 vote.

Fort Bend Independent School District: An Overview

In 2006, Fort Bend Independent School District was the seventh largest school district in Texas, with a student population of more than 66,000 students and over 7,000 employees.³ Located southwest of Houston, the district straddles U.S. Highway 59, a major commuter artery from Houston's southern suburbs to the downtown business district.

FBISD was founded in 1959, when the Missouri City and Sugar Land school districts were consolidated. At that time, FBISD consisted of two elementary schools, one junior high school, and one high school. Like many Southern school districts, it educated African American students in segregated schools during its early years. In fact, FBISD did not desegregate until 1965, when it closed two schools that had been designated for African Americans.⁴

In the early 1980s, FBISD grew rapidly, fueled by suburban development in Fort Bend County. Over the 25-year period stretching from 1980 to 2005, the district's enrollment tripled. (See Attachment B for data on trends in FBISD's student population.)

At the same time, the racial and ethnic mix of FBISD was also changing dramatically. In 1980, two-thirds of the district's students were Anglos (non-Hispanic white); by 2005, less than one-third were. Over the same period, the African American student population almost doubled, from 16% of the student body to 31%. By 2005, one FBISD student in five was Hispanic and another one in five was Asian.

³ Texas Education Agency, *2005-2006 AEIS Report for Fort Bend ISD*.

⁴ FBISD History, FBISD Web site. Available at <http://www.fortbend.k12.tx.us/about/history.cfm>

Concurrent with this population shift, the number of district students who were economically disadvantaged (ED) and who had limited English proficiency (LEP) also climbed quickly. In 1993-94, there were roughly 6,300 ED students in FBISD; by 2006, there were more than 20,000. Likewise, over the same 12-year period, the number of Fort Bend students identified as LEP more than tripled, growing from about 2,200 students to over 7,000.

To keep up with its growing enrollment, FBISD began building new schools—many of them. Beginning in 1983, the district opened at least one new school every year and sometimes as many as three.⁵ By 2005, there were 61 school campuses. In 2004, the district had more than \$400 million in bonded indebtedness to pay for its ongoing school construction contracts.⁶

In 1995, Don Hooper became FBISD's sixth superintendent. During his tenure, Fort Bend became known as a well-run school district with high levels of student performance. Scores on the Texas Assessment of Academic Skills (TAAS) rose steadily each year of Hooper's administration.⁷ Near the end of Hooper's tenure, in 2000-01, the school district's Texas Education Agency (TEA) rating moved up from "Academically Acceptable" to "Recognized."

The Rylander Report

In November 1999, while Hooper was still superintendent, the FBISD school board asked the state comptroller's office to conduct a Texas School Performance Review (TSPR) of the district. The board agreed to pay a quarter of the total cost, which the comptroller's office estimated would be about \$350,000.⁸

No special problem triggered the school board's request. Carol Keeton Rylander was Texas Comptroller at the time, and Rylander's office performed many TSPRs for school boards. These reviews were generally lengthy and exhaustive examinations of school districts' financial and management practices, and the written reports typically made specific recommendations and estimated the cost savings a district would realize if it implemented the TSPR suggestions.

Fort Bend's review began in March 2000 and concluded the following August. The report—almost 900 pages long—made 90 detailed recommendations for improving the district's performance. If implemented, the comptroller's office estimated, the district would realize net savings of nearly \$11 million over a five-year period.⁹

Although the comptroller's report found many areas where the district could improve management practices, its overall assessment of FBISD was positive, and it noted several exemplary programs and practices. "When we first looked at the district," Rylander wrote, "we saw a generally good picture of . . . academic and financial performance."

⁵ Ibid.

⁶ Barbara Fulenwider, "FBISD gets straight A's on annual financial report," *Fort Bend Star*, 2 February 2005.

⁷ "Superintendent retires after 6 years with FBISD," *Fort Bend Sun*, 17 January 2001.

⁸ According to the Texas Comptroller's Office, FBISD was the second Texas school district to take advantage of legislation enacted during the 1999 Legislative Session, which required a district to pay 25% of the review's cost if a majority of the board requests the review.

⁹ Texas Comptroller's Office, *Texas School Performance Review for Fort Bend ISD*, August 2000. Unless otherwise indicated, all quotes regarding Fort Bend's performance review are drawn from this document.

As the Rylander report noted, FBISD's overall academic performance was satisfactory. The district had received TEA's "Academically Acceptable" rating since 1995 and had not had a single low-performing school campus since then. In 1999-2000, the district had 12 "Exemplary" schools (the highest TEA rating), 15 "Recognized" schools, and 23 "Academically Acceptable" schools. Two FBISD schools were recognized by the U.S. Department of Education as Blue Ribbon Schools.

But Rylander had numerous recommendations for the district pertaining to financial management. For example:

Budget amendment policy. FBISD does not always request board approval of expenditures that exceed the budget, which violates the Texas Education Code. In order to comply with state law, the board should hold the superintendent accountable for ensuring the board approves any changes in the budget.

Purchasing laws. In 1998-99, FBISD spent more than \$17 million on goods and services that, in aggregate, exceeded the mandatory \$25,000 that state law requires must be competitively bid. A sampling of purchase orders found 8 percent failed to follow purchasing laws for purchases of more than \$25,000 in aggregate. The district can solve this problem by implementing a commodity code system, which will allow the district to comply with purchasing laws and reduce purchase costs by more than \$400,000 over five years.

In addition, Rylander's report criticized the school district's audit functions.

Ineffective internal audit. FBISD's internal audit function is not operating according to internal audit standards; auditors do not conduct audits on key, high-risk operational areas, and it lacks independence because it does not report directly to the board. Rather than producing audits in a prescribed audit format, FBISD produces its findings in interoffice memorandum.

Rylander's office recommended four changes for improving the district's internal audit process.

1. Create a standing audit committee of the board that directs and mentors the internal audit function in auditing and investigating operational and financial matters in the district.
2. Adopt a charter for the Internal Audit Department that references the Standards for the Professional Practice of Internal Auditing as promulgated by the Institute of Internal Auditors.
3. Adopt a formal audit plan based on a risk assessment of the FBISD organization to direct the Internal Audit Department's focus to the district's high-risk operational areas.
4. Hire one additional internal auditor.

Finally, one key TSPR finding pertained to board-superintendent relations:

District management and governance. A number of board members said they feel managed by the superintendent and excluded from decision-making. Several recommendations are aimed at improving the relationships among and between board members and the superintendent. Some target team building, additional continuing education opportunities and retreats for strategic planning.

In February 2002, Comptroller Rylander issued a follow-up report on FBISD's progress in complying with the original report's recommendations. Rylander noted that the school board had implemented or was in the process of implementing 81 of her office's 90 recommendations.

However, FBISD had not followed all of the TSPR's recommendations concerning the district's internal auditing process. Specifically, FBISD continued to require the internal auditor to report to the superintendent and chief financial officer, not the school board's standing audit committee. Moreover, the board had not hired an additional auditor, as the comptroller's office had suggested.

Rylander's follow-up report concluded its internal audit discussion with this admonition:

A strong internal audit function is a vital management tool that helps administrators and the board manage and govern the district. Consequently, TSPR encourages FBISD to reconsider its decision that the internal auditor not report to a standing audit committee of the board as this would ensure independence—one of the most important standards for internal auditors. And, while TSPR understands the need to prioritize the hiring of personnel, we urge the district to hire an additional internal auditor as soon as its budget allows to ensure reasonable audit coverage.¹⁰

The Board Chooses Baitland

While Rylander was completing her follow-up of FBISD's performance review, the district was going through a change in leadership. Hooper had announced in January 2001 that he planned to retire in 18 months, at the end of June 2002.¹¹ But he opted to leave early. Betty Baitland was appointed the district's interim superintendent on April 10, 2001, and Hooper was allowed to go on paid leave until his official retirement date 16 months later. Baitland was given the job permanently in February 2002, just one month before Rylander's second report was released.

Baitland had begun working for FBISD in 1977 as a classroom teacher, and over the years, she had risen through the ranks from teacher to school principal to area superintendent. The school board appointed her to be the new superintendent without going through a national search. Her salary was set at \$200,000 per year, and she was awarded a three-year contract.¹² Each year thereafter, the board extended her contract for an additional year.

¹⁰ Texas Comptroller's Office, *Fort Bend ISD Progress Report*, February 2002.

¹¹ Barbara Fulenwider, "Hooper announces he will retire in 2002," *Fort Bend Star*, 17 January 2001.

¹² Barbara Fulenwider, "Baitland named FBISD superintendent," *Fort Bend Star*, 20 January 2002.

At first, Baitland's relationship with the school board was smooth. But things began to change in May 2004 when two new members—Lisa Rickert and Ken Bryant—were elected to the board, joining members Bruce Bain, Jane Clarke, Sue Hauenstein, Cynthia Knox, and Arthur Pace. Rickert had served in various volunteer capacities in the community, including FBISD's bond committee, and was a consultant to the computer industry. Bryant was an attorney and a U.S. Marine veteran. He was said to have larger political ambitions.

Changes in the Wind

When they were elected, Baitland did not anticipate that Rickert and Bryant would become her antagonists. "I didn't foresee any of this when [they] were running for the board," she later reflected.¹³

Rickert herself said that she had not run for the FBISD school board with the goal of ousting Baitland. In a newspaper interview during the election, she said, "I don't have an axe to grind. I just want to do what is best for our community and our children."¹⁴

Rickert perceived that running for the school board was a natural next step for her, and she believed that her prior service on the Municipal Utility District Board had given her useful experience for dealing with school finance issues. "I feel like that has qualified me to understand about the issuance of bonds and tax rates," she said, adding, "I am willing to learn, to ask questions, and hopefully be a servant to the community."¹⁵

Her propensity to ask questions became apparent almost immediately after she was seated on the board. Rickert and Bryant began asking the superintendent and other board members questions about a variety of issues, particularly regarding finances and school construction.

Rickert felt that she and Bryant were doing what good board members should do: inform themselves deeply about the district. But the veteran board members clearly felt that the two new members were meddling, showing disrespect to the existing board and to the superintendent, and in general behaving inappropriately. The veneer of good will quickly wore off, and according to Rickert, the veteran school board members began "taking turns slamming me whenever I asked a question." The environment, she said, "was a lot less professional than I expected it to be."¹⁶

After a month or two, Rickert came to the conclusion that the relationship between the school board and the superintendent was out of balance. It struck her, for example, that the board members had little say even about what was placed on their own meeting agenda.¹⁷ "It became quite clear to me," she said, "that Dr. Baitland ran the board . . . and that the board was not giving the directions. She was."

¹³ Betty Baitland interview, 9 May 2007, Sugar Land, Texas. Unless otherwise indicated, all quotes from Dr. Baitland are drawn from this interview.

¹⁴ Jamie Mock, "Danna, Rickert and Chen vie for FBISD trustee position 3," *Fort Bend/Southwest Sun*, 6 April 2004.

¹⁵ Ibid.

¹⁶ Lisa Rickert interview, 17 May 2007, Sugar Land, Texas. Unless otherwise indicated, all quotes from Mrs. Rickert are drawn from this interview.

¹⁷ District policy at the time required board members to fulfill a number of preconditions in order to place an item on the meeting agenda.

Relations became increasingly strained, with Rickert and Bryant on one side and the rest of the board members and Baitland on the other. When the board voted in January 2005 to renew Baitland's contract for an additional year (to 2009) and give her a \$10,000 raise, Rickert and Bryant voted no, resulting in a 5-2 vote.¹⁸

Rickert said that her vote was based partly on financial considerations. "Based on the financial constraints we face, I didn't think we could afford a raise of that magnitude."¹⁹ She also indicated that her vote reflected her concerns about the school district's recent internal audit reports.

Another Board Election—and More Signs of Trouble

In May 2005, just a few months after the vote to extend Baitland's contract, two more new members were elected to the FBISD board. Laurie Caldwell, an active volunteer in Fort Bend schools and co-owner of "Caldwell's Critter Sitters," handily defeated three opponents, winning her school board seat with 43% of the vote. Stan Magee, a retired FBISD school teacher, won his seat with 49% of the vote, defeating two opponents. Veteran board member Cynthia Knox retained her seat, but the vote was close: she won by just 42 votes.

During the 2005 election campaign, Caldwell and Magee said little that could be interpreted to mean that they were unhappy with Baitland's leadership. After the election, however, Magee quickly made it clear he would support the "new guard" on the board. "Ken [Bryant] and Lisa [Rickert] have fought a tremendous battle to change things for the betterment of students and teachers, but they're facing a losing battle with the old guard, which keeps letting [the superintendent] and the administration make all the policies instead of the board accepting their responsibilities and making those policies," Magee said.²⁰

Tragically, former school board member Jane Clarke, who stepped down from the board in 2005, lost her son in an accident only a few days after the 2005 board election. Clarke was well known and respected in the Fort Bend community, and many people turned out for her son's memorial service. When Rickert showed up at the memorial service, however, her appearance apparently upset Clarke. Steve Smelley, a former FBISD school board member, approached Rickert and told her, in essence, that her presence at the memorial service was inappropriate. Rickert immediately departed.²¹

A second incident in May pointed to further troubles ahead. Because of the death of Clarke's son, the May 2005 school board meeting was cancelled and rescheduled for June 13. Typically, new board members were sworn into office at the end of the May board meeting, and members stepping down from office were publicly thanked and recognized. Postponing the May meeting until June meant that Caldwell and Magee would not be able to vote on district issues until the July 10 meeting. Furthermore, they would not be sworn into office in time to participate as official board members at the May high school commencement services—a coveted role.

¹⁸ Barbara Fulenwider, "FBISD Baitland gets raise, contract extension to 2009," *Fort Bend Star*, 19 January 2005.

¹⁹ Ibid.

²⁰ Robert Stanton, "New trustees gearing up to take office," *Houston Chronicle*, 26 May 2005.

²¹ Several people interviewed for this case study mentioned this incident, which was also discussed in a newspaper column in the *Fort Bend Star*. See B.K. Carter, "Bev's burner," *Fort Bend Star*, 1 June 2005.

After making inquiries and learning that he could be sworn into office before a notary without having to wait for the June meeting, Magee had himself sworn into office by the employee of a local bank.²² He encouraged Caldwell to do likewise, and she had herself sworn in early too.²³ Both showed up at commencement exercises the following morning to participate in graduation ceremonies as sitting school board members.

The veteran board members were angry and offended by Magee and Caldwell's decision to be sworn into office independently rather than waiting for the postponed meeting to occur. "This is a hurtful way to start out," Knox said. She was particularly upset that the outgoing board members would not be able to participate in a final meeting and receive the recognition they deserved. "I was shocked that they disregarded the service of Clarke and Pace," Knox added. "I am puzzled as to why they felt that was necessary to do. It concerns me, and I think the public needs to be concerned."²⁴

Magee and Caldwell explained their decision in a press release on May 29, saying they had entered into their offices under unique circumstances caused by the cancellation of the May meeting. "We look forward to working with Dr. Baitland and the rest of the board to serve the students, teachers, and taxpayers of this district to the best of our abilities," the press release stated. "We also would like to take this opportunity to expressly thank and commend outgoing Trustees Clarke and Pace for their long and dedicated service to our district. And we look forward to honoring their service publicly at the June 13 board meeting."²⁵

"They Didn't Care About Decorum"

In the time between the May 2005 election and the next school board meeting in June, community members speculated about whether a new school board coalition would form. If Caldwell joined Magee to vote with Rickert and Bryant, the four would constitute a voting majority and could out-vote Baitland's three strong supporters: Bain, Knox, and Hauenstein.

None of the board's four newest members—Rickert, Bryant, Caldwell, and Magee—was eligible to hold a school board office, however. Under the board's operating procedures, members could not serve as president, vice president, or secretary until they had served on the board for at least two years. In early June, a newspaper columnist speculated about whether the four would engineer a change in those procedures that would do away with the two-year requirement.²⁶

On the night of the June 13 school board meeting, the four members immediately took control of the meeting. Rickert made a motion to suspend the agenda and proceed to the last item on the general consent agenda: a review of the board's operating procedures. Ken Bryant seconded the motion, which was approved by a 4-3 vote.²⁷ Bain, Knox, and Hauenstein voted no.

²² B.K. Carter, "Bev's burner," *Fort Bend Star*, 1 June 2005.

²³ Ibid.

²⁴ Barbara Fulenwider, "Newly elected Fort Bend ISD trustees take oaths of office early," *Fort Bend Star*, 1 June 2005.

²⁵ Ibid.

²⁶ Seshadri Kumar, "Suspense hangs over FBISD," *Fort Bend Sun*, 7 June 2005.

²⁷ B.K. Carter, "New majority quickly assumes power at FBISD board meeting," *Fort Bend Star*, 22 June 2005.

A motion was then made to eliminate the two-year service requirement for board leadership positions, to elect board officers in public, and to simplify the process by which board members could add items to the school board meeting agenda. These changes were also approved 4-3. Again Magee and Caldwell joined Rickert and Bryant in voting in favor of these revisions, while Bain, Knox, and Hauenstein voted no.²⁸

With these changes in place, Rickert moved to suspend the agenda for a second time, asking to move the election of officers next on the agenda. This motion passed by a vote of 5-2, with Knox and Bain voting no. Magee then nominated Rickert as president, Bryant as vice president, and Caldwell as secretary. The motion passed 5-2. Bain, who had started the evening as board president, voted with the board's four newest board members. Hauenstein and Knox voted no.

Thus, in the course of an evening, the school board's leadership shifted from a majority who had strongly supported Superintendent Baitland to a new coalition that included at least some members who appeared intent on challenging her leadership.

After the election of officers, Rickert suggested that the board take a break because she had a new seating arrangement that she wanted to implement. Prior to the break, Baitland had sat at the center of the semicircular board table, facing the audience, with school board members seated on either side of her. When the break concluded and the new seating arrangement was in place, Baitland sat at the end of the table. Rickert sat at the center, flanked by Bryant, Magee, and Caldwell. Knox, Bain, and Hauenstein were seated at the outer edges of the group.²⁹

The veteran board members were shocked by the evening's events. "We'd never worked with board members like that," Hauenstein said. "We had a relationship you can't explain. We never tried to upstage anybody. It just wasn't done—there was decorum. They didn't care about decorum."³⁰

Rickert would later reflect on the evening's events, including her decision to change the seating arrangements.

In retrospect, the change in seating probably wasn't a wise thing to do. But my mindset was to send a clear message that things had changed and that the board—the seven members of the board—would now be giving direction to the superintendent. Really, some other board members wanted to put [Baitland] on the floor with the rest of the administration [but] I didn't think that was appropriate...

Outside commentators were split about how the new board majority had taken power. Bev Carter, a local newspaper columnist and frequent commentator on school district politics, called

²⁸ Diane Tezeno, "FBISD honchos ready to move ahead," *Fort Bend Sun*, 21 June 2005.

²⁹ Chris Sanson, "FBISD board undergoes major shakeup" *Fort Bend Coaster*, 15 June 2005.

³⁰ Sue Hauenstein interview, Sugar Land, Texas, 10 May 2007. Unless otherwise indicated, all quotes from Mrs. Hauenstein are drawn from this interview.

Baitland's new seating assignment "shoddy treatment" that spoke volumes about the new majority.³¹

But Seshadri Kumar, a columnist for a rival newspaper, took a different view. Emphasizing that the 2005 election results were a "referendum for change," he pointed out that the new majority had made it easier for a school board member to put an item on the agenda—not a bad thing, in Kumar's opinion. And the change in the school board's seating arrangement could be judged from different angles. Kumar advised citizens to judge the new board majority by the way it performed in the future and to desist from "blanket criticism of all that the new board members do."³²

Zeroing in on Internal Audits

Commencing with the June 13 school board meeting, the board divided into two factions. The four members of the "new guard" (a term coined by the local newspaper) often directed questions to Baitland and the school administration. In turn, the three members of the "old guard"—Bain, Knox, and Hauenstein—became increasingly frustrated.

Early on, the board was divided on the role of the district's internal auditor and the manner in which the audit findings were reported. FBISD had created an internal auditor's office in response to recommendations in the 2000 Rylander report. But instead of requiring the auditor to report directly to the school board, as the comptroller had suggested,³³ the auditor had continued reporting to the superintendent, who subsequently presented the findings to the board.

Until Rickert came onto the board, most of the trustees appear to have been satisfied with this arrangement. They perceived that the audits were serving their intended purpose of identifying problem areas in the district and trusted the superintendent to address the deficiencies being uncovered.

Rickert, however, was deeply troubled not only by the way in which the audit results were reported to the board, but also by what the audits were showing. In December 2004, the board received an audit of FBISD's computer network security that Rickert found particularly "scary." As she described it:

[W]e had absolutely no protection of our data, whether it be financial, student, personnel. We had a high-power wireless antenna with absolutely no encryption, nothing keeping anyone within a mile with a laptop and network card from accessing our system. Someone could hack into any area – HR, payroll, finance. And amazingly, they didn't even have the archive of the changes, so [if something was corrupted], you couldn't even find out what was changed. To this day we still will never know if some of our records were altered. It was either a case of gross malfeasance or gross incompetence.

³¹ B.K. Carter, "Bev's burner," *Fort Bend Star*, 15 June 2005.

³² Seshadri Kumar, "Time to heal for school trustees," *Fort Bend Sun*, 21 June 2005.

³³ Carol Keeton Rylander, *Progress Report on FBISD TSPR*, 25 February 2002.

Even more alarming than the audit results, Rickert said, was how the district dealt with them. “The auditor would make recommendations, and the director or associate superintendent, whoever was in charge of that particular department, would have a choice as to whether or not they wanted to adhere to those recommendations.”

From Rickert’s perspective, part of the problem was Baitland’s management style. But she believed another part of the problem was that educators had been put in charge of departments such as information technology (IT) and human resources (HR). “If you were an administrator, and you screwed up, you were sent to central office,” she commented. “That goes against my grain, coming from the private sector.”

Rickert believed the board should ensure accountability, but it appeared obvious that was not happening. “I kept thinking: ‘This is it. This is where the board will wake up,’” she commented. But instead, she added, “They just told Betty, ‘Good job, good thing you found this; now go ahead and fix it.’” In particular, the board’s response to the network security audit was a turning point for Rickert.

That pretty much told me that things were not going to change here, that the members who had existed on the board were not going to take a more active approach in demanding accountability. And the audits didn’t stop with the IT report. They just kept on rolling in, one right after another.

Prudent or Secretive?

Rickert was not the only person to raise questions about FBISD’s internal audits. In early 2005, Bud Smith, a Missouri City resident, requested a copy of the district’s network security audit under the Texas Open Records Act. When the school district refused to release the document, Smith appealed to the Texas Attorney General’s Office and eventually obtained a copy. He then wrote a letter to the *Fort Bend/Southwest Sun*, disclosing some of the audit report’s findings and stating that the report was an indication “of the extremely serious trouble we face within the walls of our school district.”³⁴

Board member Clarke replied to Smith’s public letter in a public letter of her own, explaining why the school district had not publicly released the auditor’s report. Clarke pointed out that the school board had asked the internal auditor to report on security issues in the district’s technology department because the board knew that there were “challenges” in the department and wanted an outside expert to conduct a review and make recommendations.³⁵

“Upon receiving the results of the audit,” Clarke explained, “Dr. Betty Baitland, without delay, reported the results to the board and immediately began addressing those results.” In the aftermath of the report, the technology department was reorganized.

Clarke argued that the school board had acted responsibly in declining to release the internal auditor’s report to the public:

³⁴ Lewis W. “Bud” Smith, “FBISD IT audit throws up problems,” *Fort Bend Sun*, 21 June 2005.

³⁵ Jane Clarke, “FBISD took the right step in asking for the audit,” *Fort Bend Sun*, 28 June 2005.

There was never, as Mr. Smith claims, any effort on the district's part to prevent the public from knowing “how bad the situation is.” This particular audit was a security audit, so it is obvious that the results of the audit would not be publicized before the district had a chance to “plug the holes.” If the Board of Trustees had released the fact that there were security issues in FBISD, we would have invited hackers to invade the network, compromising confidential student information. To advertise the security problems prior to rectifying the situation would have been irresponsible.³⁶

About two months after Clarke’s public letter, Liz Mitton, a Sugar Land resident and community activist, raised questions about the way the school board discussed the internal auditor’s reports. Mitton charged that the school board had violated the Texas Open Meetings Act by discussing at least 10 internal audits in closed sessions without noting on meeting agendas that audit reports were being presented. Mitton asked the Fort Bend District Attorney to investigate.³⁷

At an August 2005 school board meeting, Mitton (who later ran unsuccessfully for a FBISD school board post³⁸) raised questions about one internal audit report in particular: a report that had focused on the school district’s fixed assets. According to a newspaper article, Mitton charged that the district had handled some property disposals improperly, making it possible for thefts to occur.³⁹

School officials maintained that internal audit reports had been handled appropriately. According to Tina Worrell, the district’s internal audits director, the school board had received 12 internal operational audit reports during the period in dispute and had only discussed two of them in closed executive sessions.⁴⁰ In both cases, Worrell said, those discussions had involved personnel matters. The school board’s attorney had counseled that those parts of an internal auditor’s report that pertained to school district personnel could only be discussed by the board in a closed session.⁴¹

Beefing Up the Audit Department

In the summer of 2005, Rickert asked Worrell to develop a proposal for putting more resources into the internal audit department. “We’ve got to do what’s necessary to safeguard the district, which means possibly beefing up the [internal] audit department with more staffing.”⁴²

At the board’s August 29 meeting, when the board was scheduled to adopt a budget for the following year, Worrell asked the board to invest an additional \$84,000 in her department.

³⁶ Ibid.

³⁷ Seshadri Kumar, “DA gets complaint against FBISD,” *Fort Bend Sun*, 30 August 2005.

³⁸ Seshadri Kumar, “Sonal Bhuchar and Steve Smelley handsomely won in the keenly contested Fort Bend ISD elections on Saturday,” *Fort Bend Sun*, 15 May 2006.

³⁹ Diane Tezeno, “Questions raised over management of FBISD fixed assets,” *Fort Bend Sun*, 30 August 2005.

⁴⁰ Barbara Fulenwider, “Internal audits at issue: Healey reviewing FBISD closed sessions,” *Fort Bend Star*, 9 November 2005.

⁴¹ Seshadri Kumar, “DA gets complaint against FBISD,” *Fort Bend Sun*, 30 August 2005.

⁴² Barbara Fulenwider, “FBISD board debates beefing up internal audit department,” *Fort Bend Star*, 31 August 2005.

Worrell's proposal included a salary increase for herself and three staff members in her office. She also asked for funding to hire a senior internal auditor.

Baitland and Charles Dupre, associate superintendent of business and finance, opposed Worrell's suggestion. Baitland said that the administration supported the idea of strengthening the internal auditor's office but that the timing of the proposal was wrong, coming as it did in the last stages of the budget-making process.⁴³ Dupre also expressed the view that adding a staff member to the internal audit office would be resented by other department heads and would demoralize "all areas of the district."⁴⁴

In the end, the board approved Worrell's suggestion for investing more money in the internal audit office. The vote was 4-3, with Bain, Knox, and Hauenstein voting no.

The three were adamant that their "no" vote did not signal a lack of support for the internal audit function within FBISD. They believed that the internal audit reports were very helpful to the board. Indeed, from Knox's perspective, having an internal auditor "was a very progressive way to show the business community that the taxpayers' money is being well spent."⁴⁵

Rather, the dispute among board members about expanding the internal audit function seems to have been based on differing interpretations of what the audit reports were for. The old guard considered the reports to be helpful guidelines for improving district operations. "Nobody was hiding anything," Knox said of the audits.

But the new guard—Rickert in particular—interpreted the auditor's reports to mean that the district had some serious management problems. The findings "clearly pointed to a lack of accountability, a lack of policies and procedures in place, and a total lack of controls," she said.

To Rickert, one of the root problems was the administrative climate in the district. "What I came to realize over time was that it was a climate where everyone protected his own little kingdom. It was not a sense of working together as a team."

Allegations of Wrongdoing, Part I

At about the same time that the school board was responding to questions about the district's internal audit processes, Baitland's administration was investigating a senior administrative employee for alleged poor job performance. Perhaps fearing that he was about to be fired, the employee wrote a letter to one of Baitland's subordinates, accusing Baitland and Dupre of serious misconduct. (The employee later left the district's employ under the terms of a settlement agreement.)

Baitland described the employee's charges as "potentially slanderous," but a majority of the board considered the allegations serious enough to warrant a full investigation. Attorney Feldman advised the board to hire an outside attorney to look into the matter. Rickert and

⁴³ Diane Tezeno, "FBISD board approves budget on a 4-3 split vote," *Fort Bend Sun*, 7 September 2005.

⁴⁴ Ibid.

⁴⁵ Cynthia Knox interview, Sugar Land, Texas, 11 May 2007. Unless otherwise indicated, all quotes from Mrs. Knox are drawn from this interview.

Bryant, as board president and vice-president, would select a “forensic attorney” to handle the investigation.

In September 2005, the board hired Lloyd Kelley, a Houston lawyer and former member of the Houston City Council,⁴⁶ to investigate FBISD’s administrative practices, including the employee’s allegations against Baitland and Dupre. The board hired an accounting firm as well. Throughout the fall of 2005, Kelley, aided by the accounting firm, investigated allegations against the school administration, examined documents, and interviewed employees. Baitland responded openly, providing documents that were requested and offering in writing to be interviewed.

Allegations of Wrongdoing, Part II

A second series of events in 2005 further aggravated tensions on the board and within the district. Even before the May 2005 election, veteran board members had been seriously at odds with Rickert and Bryant. Hauenstein consulted by telephone with officials at TEA, expressing her concern about the way the two were conducting themselves as school board members. A few days after the May 2005 election, Hauenstein and Clarke met with TEA officials in Austin to discuss their concerns.

Clarke filed a formal complaint with the TEA on September 16, 2005, four months after she stepped down from the school board, accusing Rickert, Bryant, and Magee of various improprieties.⁴⁷ Bain and Knox filed similar TEA complaints at about the same time, although their letters did not mention any board member by name. (See Clarke’s letter in Attachment C.)

Clarke charged that Rickert and Bryant had requested confidential information from two FBISD campuses and that the two had issued a press release with FBISD’s logo that gave the appearance of being a legitimate communication from the school district “when it was not.”⁴⁸ Clarke also accused Bryant and Magee of giving directives to staff members in the Human Resources Department and the Community Relations Department.⁴⁹

A Controversial Press Release

During the summer of 2005, Baitland began contemplating retirement—or at least a job change. She had 40 years in the Texas Teacher Retirement System, which would entitle her to retire in 2005 at essentially her full salary. “I was working for nothing,” she later observed, and the job of working with a divided school board had become increasingly stressful.

In August, she talked privately with board members about retiring early—perhaps in January 2007.⁵⁰ That same month, Baitland let her name be submitted for the superintendent’s job in Jacksonville, Florida.⁵¹

⁴⁶ B.K. Carter, “Bev’s burner,” *Fort Bend Star*, 18 January 2006.

⁴⁷ Letter from Jane Clarke to Ron Rowell, TEA, dated 16 September 2005.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ Barbara Fulenwider, “Fort Bend ISD Superintendent to interview for job in Florida,” *Fort Bend Star*, 7 September 2005.

In early September, before Baitland flew to Jacksonville to be interviewed, Rickert issued a press release that commented on the fact that Baitland was being considered for another job.

In light of the announcement to us of her impending retirement, we were not surprised that she would make such a consideration. . . . It has become apparent that the superintendent and the board of trustees have a fundamental difference of opinion as to how the district should be managed. In light of recent audit findings indicating a lack of internal controls, this decision would only emphasize these fundamental differences.⁵²

Rickert’s press statement also commented on student achievement in FBISD under Baitland’s leadership. “During the current superintendent’s tenure,” Rickert noted, “our district went to a rating of Acceptable, down from Recognized, with only one campus rated Exemplary.”⁵³

Board members Bain, Knox, and Hauenstein had not viewed Rickert’s press statement before it was released, and all three expressed strong opposition to its message. “If this is a board announcement,” Hauenstein said, “I go on record against sending anything like this out.”⁵⁴

Hauenstein saw the press release as an indication that some board members did not know their proper role. “You have four people [on the board] who don’t understand the difference between oversight and management.” She also questioned why Rickert’s release had mentioned student achievement. “I’ve never in 16 months heard Rickert or Bryant ask questions about achievement, curriculum, instruction or programs,” Hauenstein observed.⁵⁵

Knox particularly criticized Rickert’s comment about the Jacksonville superintendent’s job. “I see that as a personal attack,” Knox said. She stressed that both Baitland and the school board wanted the same thing—an efficiently run district that provides good instruction. Nevertheless, the board seemed “bogged down in a lot of negativity.”⁵⁶

Bain echoed Knox’s and Hauenstein’s concerns. Bain said that it had been “incorrect” for Rickert to mention Baitland’s “impending retirement” in her press release. “It’s strictly Rickert’s opinion, as far as I know. It’s not anything that we have discussed.”⁵⁷

At the next board meeting, on September 12, 2005, Rickert defended her press release. Under board operating procedures, she pointed out, the board president was the board’s official spokesperson to the media.⁵⁸

⁵¹ Barbara Fulenwider, “Baitland stays at FBISD,” *Fort Bend Star*, 14 September 2005.

⁵² Press Release dated September 3, 2005, “FBISD president explains the importance of internal audits.”

⁵³ Ibid. Note: The district’s TEA rating did drop one category, but Superintendent Baitland explained that this was due to changes in the state’s rating system; the district’s scores on the state’s student achievement tests increased each year from 2001 to 2005.

⁵⁴ Barbara Fulenwider, “Fort Bend ISD Superintendent to interview for job in Florida,” *Fort Bend Star*, 7 September 2005.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Barbara Fulenwider, “Fort Bend ISD at odds over micro managing, president authority,” *Fort Bend Star*, 21 September 2005.

At this same meeting, Rickert and Bryant questioned a press release issued by the school district's public relations department that explained FBISD's internal auditing process. Bryant maintained that the board had agreed that all press releases pertaining to internal audits should be reviewed by the board president before being released. But board members disagreed about exactly what the board had decided about press releases. And Baitland said it would "bog down the district" if administrators had to get approval from the school board president or the board as a whole "every time we want to do an informational item."⁵⁹

Voting on Baitland's Early Retirement

One month later, on October 3, 2005, the motion to amend Baitland's contract with FBISD and allow her to retire early was voted down by a 3-4 vote. In the audience, Baitland's supporters cheered and applauded.

Three members voted for the contract amendment: Rickert, Bryant, and Magee. Their yes votes were unsurprising. Four members voted no, including Bain, Hauenstein, and Knox, who had supported Baitland unwaveringly. Their votes were a sign of their continued confidence in the superintendent's leadership. As Knox explained during the board's discussion, she supported Baitland's desire to retire but was uncomfortable with the way that events had transpired. Caldwell joined Bain, Hauenstein, and Knox in voting no, and it was her vote that defeated the motion on the evening of October 3.

During the board's discussion on the matter, Caldwell acknowledged that Baitland had agreed to the contract amendment's essential terms and seemed to suggest that the amendment would be good for all concerned. "We all care a great deal about Dr. Baitland," Caldwell said. "No one wants to see her hurt; no one wants to see any damage done to her. We would like to be able to accept her letter and her wishes to retire at this time."⁶⁰

After the vote, Caldwell quickly explained her vote by saying that she felt the board needed more time to discuss the issue. She moved to put the item back on the agenda for reconsideration at the next board meeting. On October 10, when the amendment was presented for a second time, Caldwell switched her vote, and the amendment was approved by a vote of 4 to 3.

Rickert said later that most board members were willing to support an early retirement package for Baitland but that some members wanted to postpone Baitland's departure by six to nine months. Rickert was unwilling to wait. "It was my opinion," she said, "that the superintendent was working against the board and that the longer we waited, the more damage would be done to hurt the board. If we could have done it in an easy transition, I would have certainly supported that."

Epilogue and Aftermath

Days after the first vote on Baitland's early retirement, TEA responded to the complaints that had been filed by the three board members. The complaints had been boiled down to nine specific allegations. In an October 6 letter to Baitland, a TEA official tentatively observed that

⁵⁹ Ibid.

⁶⁰ Caldwell's remarks were transcribed from the video record of the FBISD's school board meeting, 3 October 2005.

some board members might be acting “individually without expressed authority from the board of trustees” and that they might be “assuming the duties clearly assigned to the District’s administration under Chapter 11 of the Texas Education Code.”⁶¹

The agency’s investigation continued until January 2006. When it was concluded, TEA staff reported that none of the charges raised by Bain, Clarke, and Knox could be substantiated. In particular, TEA declined to find that school board members had engaged in inappropriate interactions with district staff. “[D]ocumentation describes instances in which trustees made inquiries or requested information which is not contrary to the TEC [Texas Education Code],” TEA reported. “In instances where trustees worked with district staff, the superintendent or board had prior knowledge, made recommendations, or were involved in the matter.”⁶²

The old-guard members were deeply disappointed by TEA’s findings and by the investigation itself. Knox would later regret writing her letter to TEA. What she had hoped for was a thorough review of governance issues in FBISD, but the investigation broke down because some FBISD employees weren’t forthcoming. Furthermore, Knox said, the TEA investigation became a political process. “All we wanted was some help,” she explained. “But they didn’t do that.” Knox lost faith in the agency as a result of the way it handled the FBISD investigation. “TEA let us down,” she said. “I have to say that five times.”

Hauenstein agreed with Knox’s assessment. The TEA investigation, she reflected, “made matters much worse.”

In Rickert’s view, the TEA complaints were attempts “to stop the four new board members from being able to make any changes.” Rickert called the accusations that had been made against her “totally unjustified” and said that the TEA investigation had made her job as a school board member more stressful. “But it didn’t stop me from doing what I felt needed to be done on the board. It didn’t impact that. I just saw [the TEA complaints] as something they tried to derail the board with, and it didn’t work.”

As to the audit that had been launched months earlier, Kelley made a formal report to the board in December 2005 after spending about \$40,000. Although it identified some minor irregularities in administrative practices, the public report disclosed no serious wrongdoing. In fact, after listening to Kelley’s findings, one board member reportedly asked in exasperation, “Is this all there is?”⁶³

According to Rickert, the report that was released to the public did not tell the whole story of what Kelley and the accounting firm had found. Furthermore, Rickert said, the investigation revealed that the school board and administration relied too heavily on the board’s attorney, asking him for advice on issues that reached far beyond legal matters. Rickert perceived that

⁶¹ Letter from Ron Rowell, TEA, to Betty Baitland, dated 6 October 2005.

⁶² Barbara Fulenwider, “Final TEA report says FBISD board charges are unsubstantiated,” *Fort Bend Star*, January 2006.

⁶³ B.K. Carter, “Bev’s burner,” *Fort Bend Star*, 15 March 2006. Note: Kelley met with District Attorney John Healey shortly after the investigation report was released, but no criminal charges were filed as a result of the investigation. See: Bob Dunn, “Fort Bend ISD probe could turn into district attorney investigation,” *Fort Bend Now*, 22 December 2005.

attorney Feldman had been allowed to become a “super-board member,” which she believed was inappropriate.

On December 7, 2005, just a few days before Baitland stepped down as superintendent, the Fort Bend Chamber of Commerce and the Fort Bend Economic Development Council hosted a reception in her honor. The affair was attended by numerous business and political leaders. The mayors of Meadows Place, Missouri City, and Sugar Land all read proclamations proclaiming December 7, 2005, as “Betty Baitland Day.”⁶⁴

Later that month, the school board appointed Associate Superintendent Manuela Pedraza to be the district’s interim chief.⁶⁵ The vote was 4 to 3, with Bain, Knox, and Hauenstein voting no. Months later, after numerous discussions, the board engaged the Texas Association of School Boards to conduct a national search for a new superintendent. Timothy Jenney became FBISD’s eighth superintendent in September 2006.

The superintendent was not the only change. In January 2006, the board voted to discontinue its longstanding relationship with attorney Feldman. The item was not on the meeting agenda and took many observers, including Feldman, by surprise. The board subsequently voted to hire Bracewell and Giuliani to represent them.

That May, the Texas Legislature enacted Texas Education Code § 11.170, which clarified the relationship between Texas school boards and their internal auditors. (See Attachment D.)

A year later, in May 2007, Fort Bend County District Attorney John Healey publicly announced his conclusion that the FBISD school board had violated the Texas Open Meetings Act by discussing various internal audit reports in closed sessions of school board meetings from 2003 to 2005.⁶⁶ Healey said he did not believe that criminal prosecution of board members would be proper, however.

According to Healey, two safeguards were now in place in FBISD to “ensure heightened compliance” with the Texas Open Meetings Act. First, the auditor’s internal audit reports were no longer presented to the school board in executive session. Second, “as of January 1, 2006, elected or appointed public officials who are members of a governmental body must complete a course on their responsibilities under Texas Open Meetings Act.”⁶⁷ Healey also said that board members had apparently relied on the advice of their attorney when they discussed audit reports in closed school board sessions. “Such reasonable reliance is a defense to prosecution,” Healey concluded.⁶⁸

In May 2007, less than a year after Jenney became superintendent, Rickert and Bryant were voted out of office. The Fort Bend Employees Federation, which represented about 1,500

⁶⁴ “Fort Bend Chamber, EDC honor Betty Baitland,” *Fort Bend Sun*, 12 December 2005.

⁶⁵ “Board names Dr. Manuela Pedraza as FBISD acting superintendent,” *Fort Bend Now*, 15 December 2005.

⁶⁶ Seshadri Kumar, “DA: FBISD violated Open Meetings Act,” *Houston Chronicle*, 23 May 2007.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

FBISD teachers, endorsed Rickert's and Bryant's opponents.⁶⁹ Rickert lost by a margin of almost 2 to 1, receiving only 36% of the vote.⁷⁰ Bryant ran against four opponents and garnered 30% of the vote.⁷¹

In a post-election interview, Rickert expressed disappointment about the results but no bitterness about being voted out of office, saying, "I hope and pray this board will continue to provide oversight and support for the superintendent."⁷² She also reaffirmed her philosophy about the nature of school-district governance:

Fort Bend ISD is a large business. I was criticized for [saying] that over and over and over again, but it's true. The bottom line is, it is a business. [The school district] has employees, it has data to manage, it has a customer, and the customer is the child. And while you don't operate like they're a pair of shoes that you're selling in a retail store, it is still a business.

⁶⁹ "Half Empty: Fort Bend ISD School Board Elections Gain Momentum," 16 April 2007 [Blog commentary downloaded on 13 May 2007. See also Bob Dunn, "Fort Bend ISD candidates outline goals, vie for union support," *Fort Bend Now*, 13 April 2007.

⁷⁰ "Election 2007: Results of area races," *Houston Chronicle*, 14 May 2007. The winner, Bob Broxson, received 6,406 votes (64% of the total). Rickert received 3,670 votes.

⁷¹ "Election 2007: Results of area races," *Houston Chronicle*, 14 May 2007. The winner, David Reitz, received 3,521 votes; Bryant received 2,936 votes.

⁷² Zen Zheng, "Turnovers on the FBISD school board occurring more frequently." *Houston Chronicle*, 25 May 2007.

**Attachment A:
Fort Bend ISD School Board Members During 2004 to 2006**

Name	Years in Office	Occupation
Bain, Bruce	1996 to 2006	Marketing
Bryant, Ken	2004-2007	Attorney
Caldwell, Laurie	2005 to present	Small business owner
Clarke, Jane	1993 to 2005	Registered nurse
Hauenstein, Sue	1997 to 2006	Homemaker and community volunteer
Cynthia Knox	1996 to 2008	Teacher
Magee, Stan	2005 to 2008	Retired teacher
Pace, Arthur	1996-2005	Education consultant
Rickert, Lisa	2004-2007	Consultant in computer industry
Smelley, Steve	1997-2004, 2006-present	Businessman

Attachment B:
Fort Bend Independent School District
Enrollment, TEA Ranking, and Student Characteristics,
1993-94 to 2005-06

Year	TEA Accountability Ranking	Enrollment	Economically Disadvantaged	Limited English Proficient
1993-94	Accredited	41,981	15 %	5 %
1994-95	Academically Acceptable	43,115	22 %	6 %
1995-96	Academically Acceptable	40,223	not reported	5 %
1996-97	Academically Acceptable	46,881	20 %	7 %
1997-98	Academically Acceptable	49,093	21 %	7 %
1998-99	Academically Acceptable	50,890	21 %	8 %
1999-2000	Academically Acceptable	52,704	21 %	8 %
2000-01	Recognized	53,999	20 %	9 %
2001-02	Recognized	56,059	23 %	9 %
2002-03	Recognized	59,217	24 %	10 %
2003-04	Academically Acceptable	61,011	26 %	10 %
2004-05	Academically Acceptable	62,657	29 %	10 %
2005-06	Academically Acceptable	65,997	31 %	11 %

**Attachment C:
Jane Clarke's letter to the Texas Education Agency,**

September 16, 2005

Mr. Ron Rowell
Texas Education Agency
1701 Congress Avenue
William B. Travis Building
Austin, TX

Re: Governance issues in Fort Independent School District

Dear Mr. Rowell:

As a former twelve year member of the Fort Bend Independent School District Board of Trustees I am filing a formal complaint of violations of the Texas Open Meeting Act and violations of interference in the day to day operations of the district board members.

As a member of the board of trustees I was aware of these incidents:

- Mrs. Rickert and Mr. Bryant each requested confidential student information from two separate campuses
- Mrs. Rickert and Mr. Bryant issued a press release using the logo from the FBISD website on the document. This gave the press release the appearance of being a legitimate communication from the school district when it was not

The behavior of the trustees continues to fuel numerous rumors in the community. For example:

- Mr. Bryant and Mr. Magee visited a campus (unannounced) to counsel a teacher who was having problems with Human Resources regarding her certification
- Mr. Bryant and Mr. Magee visited a campus to counsel an administrator who was on a growth plan
- Mrs. Rickert and Mr. Bryant went to the office of the Associated Superintendent of Facilities and Planning to negotiate a construction manager at risk contract
- Mr. Magee and Mr. Bryant gave directives to staff in Human Resources
- Mr. Magee and Mr. Bryant gave directives to staff in the Community Relations department

In my opinion, the newer trustees do not understand the difference between oversight and management or rather micro-management. Also, it is my opinion that they do not understand the laws governing the Open Meetings Act. In the latest press release from the president, she states she is speaking for the board, yet there was no meeting posted to discuss the particular item she refers to.

September 16, 2005
Mr. Ron Rowell
Page 2

I am making a formal complaint to the Texas Education Agency regarding Open Meeting Act violations as well as intervention by trustees in the day to day operations of the school district. I hereby request an investigation of the Fort Bend Independent School District Board of Trustees by the TEA.

Thank you for your time and attention to this matter.

Sincerely,

Jane Clarke
Member Board of Trustees
1993 – 2005

[Address and contact information omitted]



TEXAS EDUCATION AGENCY

1701 North Congress Ave. ★ Austin, TX 78701-4194 ★ 512/463-9838 ★ <http://www.tea.state.tx.us>

Shirley J. Neeley, Ed. D.
Commissioner

September 19, 2005

Jane Clarke
[Address and contact information omitted]

Co-Dist. No: 079-907
FY: 2005-2006
Complaint No: 20060112

Dear Ms. Clarke:

Please be informed that your correspondence to the Texas Education Agency regarding the Fort Bend Independent School District has been forwarded to the Division of School Governance for any action that may be required regarding the concerns you have registered with the Agency. If it is determined that formal intervention by the Agency is necessary, agency procedures allow up to 60 days for resolution from the date assigned by the Complaints Management Unit.

If you have any questions, please call the Division of School Governance at (512) 475-3697.

Your interest and concern are appreciated.

Sincerely,

Pablo Carrasquillo, Program Specialist
Program Monitoring and Interventions
General Education Unit

*“Good, Better, Best—never let it rest—until your good is better—and your better is **BEST!**”*

**Attachment D:
Revisions to Texas Education Code Regarding Internal Auditor**

Texas Education Code § 11.170 (2006) provides:

§ 11.170. Internal Auditor

If a school district employs an internal auditor:

- (1) the board of trustees shall select the internal auditor; and
- (2) the internal auditor shall report directly to the board.

HISTORY: Stats. 2006 79th Leg. Sess. (3rd Called), Ch. 5 (H.B. 1), § 2.04, effective May 31, 2006.

NOTES:

Applicability. -- Stats. 2006, 79th Leg. Sess. (3rd Called), Ch. 5 (H.B. 1), § 15.01 provides: "Except as otherwise provided by this Act, this Act applies beginning with the 2006--2007 school year."



Corvallis

SCHOOL DISTRICT

VII. BREAK (2:00 p.m.)

VIII. FINANCIAL OVERSIGHT (2:15 p.m.)

IX. CLOSING (3:45 p.m.)

*All times are approximate.

Note: The Chair of the Board may alter the order of business as they deem proper and necessary.



Corvallis

SCHOOL DISTRICT

Agendas – Agendas and supporting materials are available online at <https://v3.boardbook.org/Public/PublicHome.aspx?ak=1000829> a few days before each School Board meeting. For more information, please contact Kim Nelson at kimberly.nelson@corvallis.k12.or.us.

Communication With The School Board – Communication with the Board can be made by telephone, letter, e-mail and public testimony. Letters may be addressed to individual Board members or the Board as a whole and sent to 1555 SW 35th Street, Corvallis, OR 97333. E-mail may be sent to schoolboard@corvallis.k12.or.us and will be sent to all board members simultaneously as well as to key District Office staff. For more information, please contact Kim Nelson at kimberly.nelson@corvallis.k12.or.us.

Consolidated Action Agenda – The purpose of the consolidated action agenda is to expedite action on routine agenda items. All agenda items that are not held for discussion at the request of a Board member or staff member will be approved/accepted as written as part of the consolidated motion. Items designated or held for discussion will be acted upon individually.

Public Comment –

Guidelines are at: <https://www.csd509j.net/about-us/school-board/provide-input-and-be-informed/>

Executive Session – Permissible purposes of Executive Sessions include: ORS 192.660(2)(a) – Employment of Public Officers, Employees and Agents; ORS 192.660(2)(b) – Discipline of Public Officers and Employees; ORS 192.660(2)(d) – Labor Negotiator Consultations; ORS 192.660(2)(e) – Real Property Transactions; ORS 192.660(2)(f) – Exempt Public Records; ORS 192.660(2)(h) – Legal Counsel; ORS 192.660(2)(i) – Performance Evaluations of Public Officers and Employees; ORS 192.660(2)(j) – Public Investments.

Grievance Process - ORS 192.705

Grievances alleging a violation by a governing body of provisions in Public Meetings Law may be submitted in writing to Kim Nelson at kim.nelson@corvallis.k12.or.us or submitted between 8:00 am – 5:00 pm Monday through Friday at 1555 SW 35th Street, Corvallis, OR 97333. Additional information is available on the district website.

SCHOOL BOARD MEMBERS			
Judah Largent	541-231-8415	Terese Jones, Co-Vice Chair	541-230-1673
Sami Al-Abdrabbuh	541-283-6611	Shauna Tominey, Co-Vice Chair	541-829-8411
Chris Hawkins	541-602-2045	Luhui Whitebear, Chair	541-714.3305
Bernie Wang	541-704-7298		

EXECUTIVE STAFF MEMBERS	
Ryan Noss, Superintendent	541-757-5841
Melissa Harder, Assistant Superintendent / Human Resources Director	541-766-4857
Lauren Wolfe, Finance Director	541-757-5874
Byron Bethards, Student Growth & Experience Director	541-757-5470
Kim Patten, Operations Director	541-757-3849
Kim Nelson, Executive Assistant to the Superintendent; Board Secretary	541-757-5841