

Fresno Unified School District
Board Agenda Item

Board Meeting Date: August 7, 2019

AGENDA SECTION: B

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Discuss and Consider Adoption

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Discuss and Consider Adoption of Resolution to Censure Trustee Major Terry Slatic

ITEM DESCRIPTION:

On July 18, 2019, the Board held a special meeting to discuss recent conduct of Trustee Slatic. Following extensive public comment and Board discussion, the Board voted to disapprove of the Trustee's conduct and refer the matter to an ad hoc committee to prepare a censure resolution. At this time the Board will hold a public hearing to consider evidence from Board members and the public related to the proposed censure resolution.

Following the public hearing, the Board may vote to adopt the resolution to censure Trustee Slatic. The ad hoc committee will finalize the proposed resolution on or before August 2, 2019.

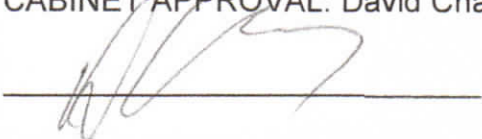
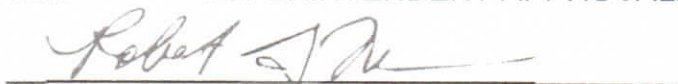
FINANCIAL SUMMARY: There is no fiscal impact to the district at this time.

PREPARED BY: David Chavez, Chief of Staff

DIVISION: Superintendent's Office
PHONE NUMBER: (559) 457-3566

CABINET APPROVAL: David Chavez, Chief of Staff

SUPERINTENDENT APPROVAL:

A handwritten signature in dark ink, appearing to be 'David Chavez', written over a horizontal line.A handwritten signature in dark ink, appearing to be 'Robert J. Mc', written over a horizontal line.

BEFORE THE BOARD OF TRUSTEES
OF THE
FRESNO UNIFIED SCHOOL DISTRICT
RESOLUTION TO CENSURE TRUSTEE MAJOR TERRY SLATIC
Resolution No. 19-18

The Board of Trustees ("Board") of the Fresno Unified School District ("District") hereby issues this public censure expressing disapproval of Trustee Slatic's violation of Board Policies, Regulations, and Bylaws, as follows:

WHEREAS, Board Bylaw 9000 states that, "[t]he Board of Trustees is elected by the community to provide leadership and citizen oversight of the District's schools" and further states that, "[t]he Board shall ensure that the District is responsive to the values, beliefs, and priorities of the community;" and,

WHEREAS, Board Regulation 9000 lists as among the duties of the Board, "[h]ear communications, written or oral, from citizens or organizations on matters of administration or policy;" and,

WHEREAS, Board Bylaw 9005 provides in part, "[t]o maximize Board effectiveness and public confidence in District governance, Board members are expected to govern responsibly and hold themselves and the Superintendent to the highest standards of ethical conduct" and requires each Board member to "[g]overn in a dignified and professional manner, treating everyone with civility and respect;" and,

WHEREAS, Board Bylaw 9005 further provides that individual Board members must "[u]nderstand the distinctions between Board and staff roles, and refrain from performing

management functions that are the responsibility of the Superintendent and staff” and
“[u]nderstand that authority rests with the Board as a whole and not with individuals;” and,

WHEREAS, Board Bylaw 9005 further provides that trustees must “[k]eep the District focused on learning and achievement for all students,” and “[g]overn within Board-adopted policies and procedures;” and,

WHEREAS, Board Bylaw 9200 states that, “[u]nless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee” and further states that, “[i]ndividual Board members shall submit requests for information to the Superintendent or designee” as “[i]ndividual Board members do not have the authority to resolve complaints;” and

WHEREAS, the Board is deeply committed to operating effectively in order to provide governance and leadership that models ethical and civil behavior for students, staff, fellow trustees and members of the public; and,

WHEREAS, the Board has openly and properly committed itself to upholding Board Policies, Administrative Regulations and Bylaws providing for open, honest and respectful communication and adhering to state laws and policies governing the Board’s actions and behaviors; and,

WHEREAS, on December 12, 2018, Trustee Slatik took an oath to faithfully discharge the duties of a Board member, consistent with the Constitution of the United States, the Constitution and laws of the State of California, and the policies of this District; and,

WHEREAS, in December 2018, Trustee Slatik attended a training for new Board members presented by the California School Boards Association; and,

WHEREAS, on May 22, 2019, the Board held a training workshop for all the Trustees and Trustee Slatc attended. The workshop discussed proper board behavior and the proper role of a trustee; and,

WHEREAS, the Board has, at the District's expense, participated in other trainings regarding effective and responsible governance and received advice from legal counsel regarding the same; and,

WHEREAS, Trustee Slatc has nonetheless engaged in abusive and unprofessional conduct with staff, students, fellow trustees, and members of the public, and exceeded his role as an individual Board member; and,

WHEREAS, on January 11, 2019, Trustee Slatc was involved in a physical altercation with a student at Bullard High School. Following the incident, Trustee Slatc reported to local media that he had engaged the student only after the student threatened to kill him; and,

WHEREAS, the District retained an investigator to investigate the incident and concluded that Trustee Slatc physically engaged the student as a result of profane and disrespectful comments the student made to Trustee Slatc. However, the report concluded that the student did not threaten the Trustee's life until after the Trustee had already grabbed the student's backpack. Trustee Slatc was provided a copy of the report and provided an opportunity to respond; and,

WHEREAS, following the January incident, and on various other occasions, individual Trustees reached out to Trustee Slatc to inform him that he was acting outside the scope of his role as an individual trustee and requested that he change his behavior; and

WHEREAS, on January 15, 2019, Superintendent Bob Nelson sent Trustee Slatc a letter reminding him that a Board member has no individual authority. In the letter, Superintendent

Nelson raised concerns about Trustee Slatc's presence at meetings where his attendance had not been requested and general behavior toward staff that is unnecessarily confrontational.

Superintendent Nelson insisted that Trustee Slatc refrain from interfering in impermissible administrative functions and otherwise conform his conduct to the limits of "law, Board Bylaw, and general policy of civility;" and,

WHEREAS, in February 2019, the District received a complaint regarding Trustee Slatc's inappropriate conduct toward an Army recruiter. The recruiter contended that Trustee Slatc treated him in an unprofessional and discourteous manner on January 7, 2019, while at Bullard High School performing his recruiting duties for the United States Army. The recruiter stated that Trustee Slatc attempted to intimidate and demean him, cut him off when he attempted to speak, used threatening and intimidating language and tone, and used inappropriate language in a conversation initiated by Trustee Slatc; and,

WHEREAS, the complaint was investigated by an attorney investigator. The investigator found that Trustee Slatc was confrontational and aggressive with the recruiter in his pursuit of information regarding the recruiter's activities at Bullard High School. The investigator concluded that Trustee Slatc's conduct violated various Board Policies and Bylaws. Further, Trustee Slatc reported to the investigator that he had the authority as an individual Board member to question individuals regarding their functions and roles at the District. Trustee Slatc was provided a copy of the report and provided an opportunity to respond; and,

WHEREAS, in February 2019, the District received a complaint regarding Trustee Slatc's inappropriate conduct toward a wrestling coach. The coach generally contends that Trustee Slatc confronted him in a hostile, aggressive and intimidating manner because he was upset that the Bullard wrestling team was scheduled to participate in a joint practice. The coach

claims that Trustee Slatc told the coaching staff that he demanded, as a “trustee,” that the joint practice be cancelled. The coach further claims that Trustee Slatc threatened to prevent him from obtaining employment with the District; and,

WHEREAS, the complaint was investigated by the attorney investigator. The investigator found that Trustee Slatc engaged in a verbal confrontation with the coach and threatened to use his position as a Board member to limit the coach’s employment opportunities with the District. The investigator concluded that Trustee Slatc’s actions likely violated existing Board Bylaws. Trustee Slatc was provided a copy of the report and provided an opportunity to respond; and,

WHEREAS, on July 10, 2019, Trustee Slatc attended a cheerleading practice as an individual Board member and ordered the members of the cheer team to refrain from commenting on discipline arising from a social media post of a cheerleader wearing blackface. At the meeting he purported to have the authority to ban individual students from participating in cheer should they comment on the incident. Trustee Slatc also threatened to end the cheer team altogether in the event multiple girls were to speak out. Several girls report to have left the meeting emotionally distressed and in tears; and,

WHEREAS, following the incident, Trustee Slatc reported to local media that he did not regret talking to the cheerleader because his “basic message to them was to stop doing the ‘mean girl’ thing and if they don’t there would be consequences;” and,

WHEREAS, a special meeting was held on July 18, 2019, where an extensive discussion regarding Trustee Slatc’s conduct was held by both the Board and the public; and,

WHEREAS, after the discussion the Board found that Trustee Slatik failed to treat the cheerleaders with civility and respect. The Board requested that an investigation be conducted in to determine whether Trustee Slatik was authorized to attend the practice.

WHEREAS, the Board moved to continue with Public Censure by creating a written resolution to be considered by the Board at a subsequent meeting where Trustee Slatik would have the opportunity to respond. The Board also established an ad hoc committee to draft such resolution; and,

WHEREAS, in addition to these specific incidents, Trustee Slatik has raised his voice to District staff and other trustees on several occasions and made inappropriate demands that exceed his authority as an individual Board member. Although formal complaints may not have presented, these incidents have negatively impacted staff morale and distract from the District's primary function of educating kids; and,

WHEREAS, Trustee Slatik's abusive and disrespectful behavior, language, and conduct toward District employees, students, and the public continues to fail to meet the professional standards for an elected representative or the minimum standards expected of any District employee or trustee, and violated District Policies and Board Bylaws, including Board Bylaws 9000, 9005 and 9200. Trustee Slatik has refused to accept responsibility for his actions. Instead, Trustee Slatik discredits his accusers and disseminates confidential information; and,

WHEREAS, censure by a public body is a collective judgment of stern condemnation of one of its members for behaviors or actions that violate laws or policies; it is also a formal public act of disapproval of a member's unacceptable conduct.

NOW, THEREFORE, BE IT RESOLVED: That the Board does hereby censure, disavow and formally express its disapproval of Trustee Slatik's conduct described above.

BE IT FURTHER RESOLVED: That the Board does hereby direct Trustee Slatik to comply with federal and state law, Board Policy, Regulations, and Bylaws; and cease and desist from engaging in abusive and disrespectful treatment of District employees, students, fellow Trustees and members of the public.

BE IT FURTHER RESOLVED: That Trustee Slatik is instructed to [k]eep the district focused on learning and achievement for all students” and to avoid behavior that distracts from this object.

BE IT FURTHER RESOLVED: That Trustee Slatik is reminded that he may not unilaterally schedule meetings purporting to represent the District in violation of generally accepted Board practices and policies. Trustee Slatik is expressly prohibited from attending internal staff meetings or meetings between administration and third parties (including students and/or parents) in his role as a member of the Board unless authorized to attend by action of the Board, or with the approval of the Board President, with notice to the Superintendent.

BE IT FURTHER RESOLVED: That Trustee Slatik is instructed to be respectful of staff time by directing questions or requests for information to the Superintendent, Chief of Staff, or designee. If substantial staff time will be required to complete a particular project/task, the request must be agendized at a Board meeting to determine if time should be spent acting upon the request.

BE IT FURTHER RESOLVED: That Trustee Slatik shall notify a site administrator and sign-in as a visitor whenever attending a District school site. Trustee Slatik shall wait to enter the campus until accompanied by a school site representative.

BE IT FURTHER RESOLVED: That the Board removes Trustee Slatik from any committee or leadership position he sits on in his capacity as a Trustee until he demonstrates

successful completion of a District-approved anger management program and demonstrates a commitment to abide by Board Bylaws, and suspends him from representing the District and the Board at public functions in any official capacity, including but not limited to school ceremonies, fundraisers, conferences and scholarship dinners.

BE IT FURTHER RESOLVED: That the Board will reevaluate Trustee Slatic's conduct at a public meeting following successful completion of an anger management program to determine whether he has appropriately complied with the direction of this Resolution, and the Board will determine whether or not to reinstate Trustee Slatic in any committees or leadership positions.

BE IT FURTHER RESOLVED: That Trustee Slatic is put on notice that, consistent with Government Code section 995.2, a failure to comply with Board Policies, Regulations, Bylaws, or this Resolution has, and will continue to result in the Board's refusal to defend or indemnify Trustee Slatic for any claims or actions resulting from said conduct.

PASSED AND ADOPTED by the Board of Education of the FRESNO UNIFIED SCHOOL DISTRICT at a regular meeting held on August 7, 2019 by the following vote:


6 Ayes

0 Noes

1 Abstain

I, Claudia Cazares, President of the Board of Trustees, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Trustees of the FRESNO UNIFIED SCHOOL DISTRICT at a regular meeting held on the 7th day of August, 2019, which resolution is on file in the office of said Board.

DATED: 8/16, 2019



Claudia Cazares
President, Board of Trustees