

Agenda of Special Meeting

The Board of Trustees McKinney ISD

A Special Meeting of the Board of Trustees of McKinney ISD will be held September 18, 2023, beginning at 9:30 AM in the Central Administration Building, Board room
#1 Duvall Street
McKinney, Texas 75069.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice.

1. Call to Order
2. First Order of Business
3. Invocation led by Board Secretary, Harvey Oaxaca
4. Pledges of Allegiance led by Board Secretary, Harvey Oaxaca
5. Public Comment on agenda item
6. Closed Meeting
 - 6.A. Deliberation related to the requirements of House Bill 3 for Security personnel on District campuses pursuant to Texas Government Code Section 551.076 to consider the deployment, or specific occasions for implementation, of security personnel or devices or to deliberate a security audit.
 - 6.B. Consultation with District counsel regarding pending or contemplated litigation, a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas government Code pursuant to Section 551.071 of the Texas Government Code.

Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee pursuant to Section 551.074 of the Texas Government Code.
 - 6.C. Consultation regarding the procedures for conducting a Level III hearing pursuant to Board Policy FNG(LOCAL).
 - 6.D. Conduct a hearing regarding Level III grievance filed by Kelli Perdue pursuant to Board Policy FNGLOCAL).
7. Reconvene from Closed Meeting
8. Discussion / Action
 - 8.A. Consider and take possible action regarding Level III grievance filed by Kelli Perdue pursuant to Board Policy FNG(LOCAL).

8.B. Review additional requirements of censure (section 3; number 5) dated May 31, 2022.

8.C. Consideration and possible action regarding censure (section 3; number 5) dated May 31, 2022

8.D. Consider and possible action on a resolution regarding Cause No.1-GN-23-004675 filed in the 419th District Court, Travis County

8.E. Authorization of Specific District Security Employees to Possess Firearms

9. Future Business/Meetings/Events

9.A. September 25, 2023, September Regular Board Meeting, CEC, 6:00 PM

9.B. September 29-Oct 1, 2023, TASA/TASB Convention, Dallas, Tx

10. Adjournment

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed or executive meeting or session of the Board of Trustees is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hours, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:

Texas Government Code Section:

551.071 For the purpose of a private consultation with the board's attorney.

551.072 For the purpose of discussing purchases, exchange, leases, or value of real property.

551.073 For the purpose of deliberating a negotiated contract for prospective gift or donation.

551.074 For the purpose of deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, unless the officer or employee who is the subject of the deliberation or hearing requests an open hearing.

551.076 For the purpose of deliberating the deployment, or specific occasions for implementation, of security personnel or devices.

551.082 For the purpose of deliberating in a case involving discipline of a public school child, or complaint or charge against personnel

551.0821 For the purpose of deliberating in a matter regarding a public school student if personally identifiable information about the student will necessarily be revealed by the deliberation.

551.083 For the purpose of deliberating the standards, guidelines, terms or conditions the board will follow, or will instruct its representative to follow, in consultation with representatives of employee groups.

551.084 For the purpose of excluding witnesses from a hearing.

Should any final action, decision, or final vote be required in the opinion of the school Board with regard to any matter considered in such closed or executive meeting or session, then the final action, or final vote shall be either:

(a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or

(b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.

**RESOLUTION OF THE MCKINNEY INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES TO ADDRESS THE CONDUCT OF, AND/OR CENSURE,
BOARD OF TRUSTEE MEMBER CHAD GREEN, PLACE 3**

WHEREAS, pursuant to Texas Education Code Sections 11.051 and 11.151 and McKinney Independent School District (“McKinney ISD” or “District”) Board of Trustees’ (“Board”) Policy BAA (LEGAL), the McKinney ISD Board constitutes a body corporate, that has the exclusive power and duty to govern and oversee the management of the public schools of the District;

WHEREAS, pursuant to Board Policy BBF (LOCAL) and the McKinney ISD Board Operating Protocols, each Board Member is required to “promote the best interests of the District as a whole” and, to that end, shall adhere to ethical standards including, but not limited to:

- I will be fair, just, and impartial in all my decisions and actions.
- I will accord others the respect I wish for myself.
- I will encourage expressions of different opinions and listen with an open mind to others’ ideas.
- I will be accountable to the public by representing District policies, programs, priorities, and progress accurately.
- I will be responsive to the community by seeking its involvement in District affairs and by communicating its priorities and concerns.
- I will work to ensure prudent and accountable use of District resources.
- I will make no personal promise or take private action that may compromise my performance or my responsibilities.
- I will tell the truth.
- I will share my views while working for consensus.
- I will respect the majority decision as the decision of the Board.
- I will base my decisions on fact rather than supposition, opinion, or public favor.
- I will refuse to surrender judgment to any individual or group at the expense of the District as a whole.
- I will consistently uphold all applicable laws, rules, policies, and governance procedures.
- I will not disclose information that is confidential by law or that will needlessly harm the District if disclosed.
- I will focus my attention on fulfilling the Board’s responsibilities of goal setting, policymaking, and evaluation.
- I will diligently prepare for and attend Board meetings.
- I will avoid personal involvement in activities the Board has delegated to the Superintendent.
- I will seek continuing education that will enhance my ability to fulfill my duties effectively.
- I will be continuously guided by what is best for all students of the District.

WHEREAS, Board of Trustees followed adopted Operating Protocols and revised them on January 25, 2022, establish and expand upon local Board policies, requiring all Trustees operate as a cohesive team to accomplish the District’s vision, mission, and goals, as well as adherence to ethical standards;

WHEREAS, the McKinney ISD, its community, staff, parents, and students entrust the Board with promoting the best interests of the District as a whole and adhering to legal and ethical standards in the exercise of its power and duty to govern and oversee the management of the public schools of the District;

WHEREAS, all Board Members are required to complete training regarding state and federal laws and regulations and Board Policies in a timely fashion, as outlined in Board Policies BBD (LEGAL), BBD (LOCAL), and BBD (EXHIBIT) and Board Operating Protocols;

WHEREAS, Board Operating Protocols permit a reprimand or censure of a Board Member in a duly posted public meeting in accordance with applicable laws and regulations;

WHEREAS, Board Members are expected to address concerns about the performance and/or actions of another Board Member through the process outlined in the Board Operating Protocols;

WHEREAS, Board Operating Protocols require all Board Members to conduct themselves professionally and ethically during meetings and public forums and in accordance with Robert's Rules of Order, Newly Revised, unless suspended by majority vote of the members present;

WHEREAS, no Board Member will criticize any Board Member's questions, discussion, or vote;

WHEREAS, except because of a conflict of interest as defined by policy, law, or regulation, or another legitimate reason for recusal, Board Members shall cast a vote;

WHEREAS, each Board decision, even when there are dissenting votes, shall be an action by the whole Board and binding upon each member;

WHEREAS, individual members are encouraged to express their opinions during the discussion of motions, but following the vote, members shall publicly discuss only the decision of the whole Board;

WHEREAS, all matters discussed in Closed Session are strictly confidential by law, and if Board Members are asked for information regarding Closed Sessions, Board Members will state that they can give no information other than what is posted on the agenda;

WHEREAS, the Board Operating Protocol outline a clear process for a Board Member who receives a complaint from a community member or an employee, requiring compliance with applicable Board policies, notification to the Board President and the Superintendent or designee;

WHEREAS, the Board Operating Protocol detail specific expectations for Board Members when they interact with the community including, but not limited to: listen politely and respectfully; accurately relay information about the District; refer questions about specific District issues to the appropriate staff person; clarify limitations, obligations, and responsibilities as a Board Member; and relay official decisions and actions of the Board;

WHEREAS, although a Board Member retains the right to communicate in any manner to anyone as an individual, he/she must understand that comments will likely be interpreted as an official statement of the Board and, therefore, must: clarify that they are speaking as an individual and not for the Board; remind the individual that official statements of the Board are made only by the Board President or their designee; remind the individual of the position or action of the Board related to the issue in question; and refrain from using District resources for the purpose of their individual response;

WHEREAS, Board Members are encouraged to visit any campus or facility to learn more about the District as a whole, however, they must follow specific requirements outlined in the Board Operating Protocols when visiting a District campus, including but not limited to, following campus safety protocols and avoiding utilizing campus visits or District resources for personal benefit, advantage, or gain (including as a parent at their student's campus) in violation of District policy or state and federal laws and regulations;

WHEREAS, to assure due process for Board Member Chad Green and impartiality in the review, the District retained the services of an independent third party to review the allegations of misconduct against Mr. Green;

WHEREAS, following a thorough review of relevant evidence including, but not limited to, an opportunity for Mr. Green to respond to the allegations, the independent investigator found as follows:

- Based on the information gathered, the relevant witness statements provided, and applicable Texas law and MISD Board Policies, there was **sufficient evidence** to conclude that the display of the McKinney First Banner and the McKinney First Brochures in the RJE Science Lab on the Family Fun Day constituted political advertising in violation of Texas law and MISD Board Policies.
- Further, based on the information gathered, the relevant witness statements provided, and applicable Texas law and MISD Board Policies, there was **sufficient evidence** to conclude that Mr. Green was fully complicit with the McKinney First violation of Texas law and MISD Board Policies regarding political advertising, and that Mr. Green's complicity was a dereliction of Mr. Green's duties in his position of public trust as an elected member of the MISD Board of Trustees.
- Based on the information gathered, the relevant witness statements provided, and applicable MISD Board Policies, there was **sufficient evidence** to conclude that: (i) Mr. Green bypassed the RJE Campus Security Protocols when entering and exiting the RJE building on the Family Fun Day; (ii) Mr. Green used his Access Badge to "badge" himself into the RJE building on the Family Fun Day, and (iii) Mr. Green's failure to follow the established Board Policies regarding the Campus Security Protocols was a dereliction of his duty as a Board Member.

WHEREAS, at the Board's meeting on May 17, 2022, the Board discussed Mr. Green publicly holding a sign that stated "McKinney School Board REFUSES to Pull the Porn! Larry Jagours and Harvey Oaxaca STEP UP!" Mr. Green stated he did not know what the sign said, and he was only holding the sign to provide shade from the sun. The Board expressed to Mr. Green its concerns

that he violated Board Policies and Board Operating Protocol and, in addition, expressly called out and criticized the only two minority Board members;

WHEREAS, the actions by Mr. Green were inconsistent with Mr. Green's duty to promote the best interests of the District as a whole and adhere to legal and ethical standards in the exercise of its power and duty to govern and oversee the management of the public schools of the District; and

WHEREAS, the actions by Mr. Green were disruptive and undermined the orderly governance of the District.

NOW, THEREFORE, BE IT RESOLVED, that the McKinney ISD Board of Trustees that:

SECTION 1: The execution of this Resolution shall evidence the concurrence of the McKinney ISD Board of Trustees with the findings set forth herein as being true and correct.

SECTION 2: The Board finds a public reprimand, directive, and/or censure are the only options available to address Mr. Green's conduct and clearly articulate the Board does not in any manner condone his actions, as described herein.

SECTION 3: The execution of this Resolution shall evidence the expression of the McKinney ISD Board of Trustees that it is opposed to the actions of Mr. Green and upholds the censure provided herein. In this regard, the Board:

1. Issues this Resolution as a public reprimand, directive, and/or censure of Mr. Green for the identified violations including, but not limited to, failure to execute his duties in compliance with applicable McKinney ISD Board Policies.
2. Directs Mr. Green to abide by all applicable state and federal laws and regulations, rules and regulations of the Texas Education Agency, and McKinney ISD Board Policies including, but not limited to, his duties under Board Policy BBF (LOCAL).
3. Directs Mr. Green to timely complete all training required by the Texas Education Agency, Texas Education Code, and/or McKinney ISD Board Policies. The training shall include, but is not limited to: the Texas Public Information Act; the Family Education Rights and Privacy Act; topics addressed under TEC 11.159, Board Policy BBD (LEGAL), BBD (EXHIBIT), 19 TAC 61.1(b)(2), BBF (LOCAL), the Texas Elections Code, McKinney ISD Board Operating Protocols, and other applicable McKinney ISD Board Policies. In the event Mr. Green fails to complete mandatory training within specified timeframes, the Board directs Mr. Green to complete the training no later than thirty (30) days from the date of approval of this Resolution.
4. Directs Mr. Green to comply with any and all applicable state and federal laws and regulations and McKinney ISD Board Policies including, but not limited to, those identified in the required additional training.
5. Imposes additional requirements for Mr. Green's future visits to McKinney ISD campuses and/or facilities whether in the capacity as a Board member, vendor, and/or community member to include:

- Comply with all applicable McKinney ISD Board Policies and/or Board Operating Protocols regarding Board Member visits to McKinney ISD campuses and/or facilities.
 - Obtain prior written approval from the campus principal, facility supervisor, and the Superintendent or designee at least twenty-four (24) hours prior to any campus or facility visit.
 - If a visit is approved, check-in at the principal's and/or facility supervisor's office and have his name badge or District identification visible.
 - When visiting a District campus or facility in his role as a Board Member, a name tag identifying Mr. Green as a Board Member should be worn. If Mr. Green's presence on a District campus or facility is incidental to his role on the Board of Trustees, (i.e., vendor / volunteer), it will not be necessary for him to wear a Board Member name tag. However, he will be required to wear an identifying badge, as required for other third parties on campus and/or in a District facility.
 - All of Mr. Green's visits will be accompanied by another Board Member and escorted by a staff member designated by the principal.
 - These additional requirements will remain in effect through May 31, 2023, at which time the Board will review Mr. Green's compliance to determine whether further action is required or the additional requirements can be lifted.
6. Directs District administration to meet with the officers of the Districts' PTAs/PTOs to discuss the findings of the independent investigation as they relate to the PTAs/PTOs required compliance with Board Policies GE (LEGAL) and GE (LOCAL).
 7. Directs District administration to self-report Mr. Green's and/or the McKinney First PAC's actions to the Texas Ethics Commission summarizing the allegations, investigation, findings, and action taken by the Board, to clearly articulate the Board does not in any manner condone their actions.
 8. Directs Mr. Green to cease all actions that have negatively impacted McKinney ISD's students, parents, staff, community, and the Board.
 9. Publicly denounces Mr. Green's actions, finding his conduct does not meet the Board's expectations, standards of conduct, Board Policies, and/or Board Operating Protocols. Further, the Board publicly announces its finding that Mr. Green's actions do not promote the best interests of the District as a whole or adhere to legal and ethical standards in the exercise of the Board's power and duty to govern and oversee the management of the public schools of the District.

SECTION 3: This Resolution shall take effect immediately upon its passage in accordance with applicable laws and regulations.

PASSED AND APPROVED this 31 day of May, 2022.



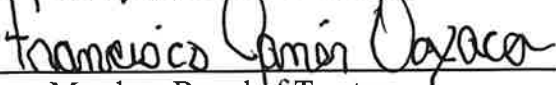
 President, Board of Trustees




 Vice-President, Board of Trustees



 Secretary, Board of Trustees



 Member, Board of Trustees


Member, Board of Trustees


Member, Board of Trustees

Member, Board of Trustees

McKinney Independent School District
#1 Duvall Street, McKinney, Texas 75069

To: Board of Trustees
From: Shawn Pratt, Superintendent
Subject: Resolution regarding Cause No. D-1-GN-23-004675 filed in the 419th District Court, Travis County
Date: September 18, 2023

Consider and possible action on a resolution regarding Cause No.1-GN-23-004675 filed in the 419th District Court, Travis County.

The following districts have officially joined with the O’Hanlon, Demerath & Castillo-led lawsuit. The O’Hanlon attorneys have agreed to place a \$10,000 cap on their fees for each district.

- | | |
|-------------------|---------------------|
| Bloomberg ISD | Kingsville ISD |
| Canutillo ISD | Lancaster ISD |
| Copperas Cove ISD | Llano ISD |
| Crowley ISD | Palestine ISD |
| Del Valle ISD | Pecos-Barstow-Toyah |
| Desoto ISD | San Elizario ISD |
| Duncanville ISD | Sequin ISD |
| Edinburg ISD | Sweetwater ISD |
| Fort Stockton ISD | |
| Frisco ISD | |

Impact Statement: *****

It is recommended: The Board approve the resolution as presented

Resource Person(s): *****

Respectfully submitted,

Shawn Pratt
Superintendent

**RESOLUTION OF THE BOARD OF TRUSTEES OF
THE MCKINNEY INDEPENDENT SCHOOL DISTRICT
REGARDING THE A-F ACCOUNTABILITY SYSTEM**

WHEREAS, the A–F Accountability System is a statewide rating system established by the Texas Legislature to provide information about the academic performance of Texas public schools; and

WHEREAS, the Texas Legislature, in Texas Education Code §39.054, has granted broad authority to the Commissioner (“the Commissioner”) of the Texas Education Agency to “adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F”; and

WHEREAS, the current A-F accountability system was designed by the current Commissioner; and

WHEREAS, despite the lack of a requirement in the statute that the Commissioner change the accountability system on any particular schedule, the Commissioner has stated that the A-F accountability system should be revised every five years; and

WHEREAS, the Commissioner intends to impose, on a retroactive basis, a new accountability system for the 2022-23 school year which has still yet to be finalized; and

WHEREAS, the changes made by the Commissioner are intended to be applied to graduating classes who have already graduated from the McKinney Independent School District (“McKinney ISD or the District”); and

WHEREAS, the Commissioner intends to release ratings for the 2022-23 school year on September 28 using retroactive updates to the accountability system that would lower the rating of thousands of schools; and

WHEREAS, the Commissioner still has not finalized the rules and methodologies that will be used to evaluate schools for the 2022-2023 school year or the 2023-2024 school year; and

WHEREAS, in violation of state law, in the 2022-2023 school year, the Commissioner failed to provide school districts “a document in a simple, accessible format that explains the accountability performance measures, methods, and procedures that *will* be applied” for the 2022-2023 school year; and

WHEREAS, in violation of state law, in the 2023-2024 school year, the Commissioner has failed to provide school districts “a document in a simple, accessible format that explains the accountability performance measures, methods, and procedures that *will* be applied” for the 2023-2024 school year; and

WHEREAS, STAAR performance across McKinney ISD increased in the 2022-2023 school year; and

WHEREAS, the percentage of McKinney ISD students who achieved college, career, and military readiness exceeded the last adopted A standard in the 2022-2023 school year; and

WHEREAS, based on retroactively-applied changes in the accountability system, despite improvements in student achievement, the District expects McKinney ISD's overall district rating to decline several points and for ratings of several district schools to decline one or more letter grades; and

WHEREAS, the District believes the A-F Accountability System should be adjusted to raise standards, but only with appropriate advanced notice; and

WHEREAS, the purpose of the A-F Accountability System is to provide transparency and clarity for schools, parents, and the community at large about the performance of Texas public schools in relation to state expectations; and

WHEREAS, contrary to the purpose of transparency regarding school performance, the ratings intended to be issued by the Commissioner under the 2022-2023 school year will give the appearance that schools with higher levels of student achievement are actually declining in performance; and

WHEREAS, the failure of the Commissioner to comply with state law and provide an explanation of the measures, methods, and procedures to be used during the 2022-2023 school year prevented the District from appropriately adjusting its practices and allocation of resources in accordance with state expectations; and

WHEREAS, the retroactive application of new measures, methods, and procedures without the required advanced notice represents harm to the District and its community because it gives the appearance of declining school performance which impacts enrollment, property values, the application of potential sanctions by the Commissioner, and the effective use of resources; and

WHEREAS, several Texas school districts have filed a lawsuit seeking an injunction to prevent the Commissioner from issuing new ratings using the retroactively applied, yet-to-be-finalized, measures, methods, and procedures; and

WHEREAS, the District agrees with the arguments laid out in the lawsuit and believes the intention of the Commissioner to issue ratings using retroactively applied, yet-to-be-finalized measures, methods, and procedures to be in contravention of state policy regarding the A-F accountability system and in violation of the law;

NOW, THEREFORE, BE IT RESOLVED, that:

1. All the above-referenced paragraphs, findings, and recitals are incorporated into and made part of this resolution.
2. The McKinney ISD Board of Trustees ("Board") directs the Superintendent to take the necessary steps to join the litigation challenging of the Commissioner's failure to provide Texas school districts advanced notice of the measures, methods, and procedures to be used in the 2022-2023 and 2023-2024 school years prior to the start of each of those school years in violation of state law.

3. The McKinney ISD Board urges the Commissioner to comply with state law and issue ratings for the 2022-2023 and 2023-2024 school years utilizing the existing measures, methods, and procedures of which school districts had notice in accordance with state law.

RESOLVED THIS THE 18th day of September, 2023.

PHILIP HASSLER, PRESIDENT
BOARD OF TRUSTEES
MCKINNEY INDEPENDENT SCHOOL DISTRICT

HARVEY OAXACA, SECRETARY
BOARD OF TRUSTEE

DRAFT

McKinney Independent School District
#1 Duvall Street, McKinney, Texas 75069

To: Board of Trustees
From: Shawn Pratt, Superintendent
Subject: Authorization of Specific District Security Employees to Possess Firearms
Date: September 18, 2023

Pursuant to its authority under state law, the Board may authorize specific District employees to possess certain firearms in schools, at Board meetings, and at school-sponsored or school-related events on District property, to the extent allowed by law. Each specifically authorized employee shall be approved by action of the Board and the Superintendent shall issue written authorization to each approved employee, once he/she has met all training and licensing requirements established by the State of Texas and policy CKE (LOCAL). Authorization for a specific employee to possess a firearm shall be automatically revoked if the employee is placed on administrative leave or separates from employment with the District, regardless of the reason. The following employees are recommended for authorization.

Todd Stewart
Steve Goodman

Impact Statement: N/A

It is recommended: The Board approve and authorize the specific District security employees to possess a firearm on District property pursuant to Policy CKE(LOCAL).

Resource Person(s): Russel May, Senior Director of Safety & Security

Respectfully submitted,

Shawn Pratt
Superintendent

Dr. Melinda DeFelice
Deputy Superintendent of
Secondary Student Support