

**2006-2007  
FRESNO COUNTY GRAND JURY**



**FINAL REPORT  
#4**

# **CHILDREN OR ADULTS: A CHOICE TO BE MADE**

**“THE SCHOOLS OF THE COUNTRY ARE ITS FUTURE”**

**Tehyi Hsier, Chinese Proverbs**

## **INTRODUCTION**

During the last four months there have been persistent requests to the Grand Jury to take an in-depth look at the Fresno Unified School District (FUSD). The District has a very troubled recent history and with the election of what is essentially a new board, the problems seem to have become even more critical. Statistics show that FUSD is currently in the lowest decile of student achievement with nearly sixty percent of the schools state designated Program Improvement. The Superintendent and his staff are experiencing significant differences with the current Board that are causing intolerable disruptions. The educational goals and objectives of our students must not be sacrificed by internal conflicts that will cause these students to pay the price of lost opportunities.

## **DECLINE OF THE DISTRICT**

During the past twenty years, the District’s academic achievements have deteriorated due in part to inconsistent administrative leadership. Administrators were frequently hired, fired or resigned, as evidenced by nine (9) different superintendents in nineteen (19) years.

Fiscally, the District was threatened by a state take over. The community became very concerned. In 2004, Dr. Walter Buster volunteered as Interim Superintendent to save the sinking ship. He concluded that in spite of many instances of heroic dedication by teachers and staff, there was not an agreed set of goals and strategies to guide them.

## **CHOOSING OUR FUTURE**

A task force was formed to address these issues. The result was a plan titled “Choosing Our Future, a Community-Wide Call to Action.” This document proposed five overarching goals:

- Meet grade proficiency within five years
- Advance English learners one level per year
- Adopt a wide variety of co-curricular programs to enhance the academic scope
- Decrease the drop-out rate by twenty percent (20%) per year until the state average is reached
- Ensure each school site has a safe environment

“Choosing Our Future” was unanimously adopted by the Board of Trustees on January 26, 2005.

During the same month, Mr. Chuck McCully became the Interim Superintendent while the Board searched for a superintendent who would implement the goals of the plan. Its search culminated in the hiring of Michael Hanson in May, 2005. He was partly

attracted to the position by the goals of “Choosing Our Future.” He assured the board he could and would follow this plan.

Superintendent Hanson’s first accomplishment was to attract a cadre of outstanding academic and financial administrators. The fiscal results were immediate as the budget was balanced with a small reserve fund.

Academically, the new leadership instituted extensive training of principals and teachers so that expectations of student achievement could be realized. Superintendent Hanson predicts that it will take three to five years to take FUSD from the present low decile position to the state average and above. The Board of Trustees supported the efforts of the Superintendent.

### **MICRO-MANAGEMENT**

*The California School Board Association Professional Governance Standards for School Boards* (October, 2006) state:

- “To be effective, an individual Trustee understands the distinctions between board and staff roles and refrains from performing management functions that are the responsibility of the superintendent and staff.”
- “The Board should hire and support the superintendent so that the vision, goals and policies of the district can be implemented. The board’s role is to set policy, to monitor district performance, adopt an annual budget, approve capital expenditures and to hire and evaluate the superintendent.”

*The Master Teachers Executive Summary for School Board Members* (1993) states:

- “The superintendent should expect the board to delegate to him or her the authority and responsibility to administer the school district. The superintendent should expect the board to channel administrative questions and problems through the superintendent. The superintendent should expect the board members to act in the best interest of students rather than act politically or for personal gratification.”
- “When a superintendent signs a contract, he or she becomes the chief executive officer of a school district. The contract does not relegate the superintendent to a strictly subservient relationship with the board of trustees. The board has a responsibility to the superintendent, and unless the superintendent has certain expectations of the board, he or she cannot be effective.”
- “The complexity of the contemporary school district requires an attitude of working together between the board and superintendent. Without it, the relationship is doomed to fail.”

Using the above references as guidelines and through interviews, we have determined that extensive micro-management by the FUSD Board has occurred over several years and during the tenure of several superintendents. The Grand Jury has concluded that most board members on occasion will stray over the line and forget that their role is to govern and not manage the district.

In the case of the FUSD, we have determined by sworn testimony to the Grand Jury, that the current Board President and to a lesser extent the current Board Clerk, have engaged in micro-management practices that have seriously harmed the District and undermined the faith and trust of the Superintendent and staff. They are distracting the District from its primary mission, the improvement of student achievement.

There are many examples of micro-management by the Board President and to a lesser extent the Board Clerk that include the following:

- Emails and other lists to the Superintendent and staff with directions of things to do that clearly are management in nature.
- The Board President and Board Clerk have exhibited inappropriate involvement with District personnel issues.
- They have made excessive demands on staff for information, research, and justification for actions taken and proposed to the extent it has hindered the Superintendent and staff from completing their assigned tasks in a reasonable manner.
- Without the entire Board's knowledge, approval and consent and without informing the Superintendent of their actions, they have scheduled meetings, set agendas, represented the District and blindsided the staff in violation of generally accepted school board practices and policies.

There are legitimate concerns that the Board has lost direction. An ineffective working relationship has developed between the Superintendent and the Board President. Sworn testimony revealed that a significant number of the Board members have lost confidence in the Board President.

### **THE BROWN ACT AND BOARD TRAINING**

FUSD had applied for and was awarded a \$380,000 grant funded by The Broad Foundation to provide intensive training in setting policies and goals through the Center for the Reform of School Systems (CRSS). The mission of the CRSS is to teach school board members and superintendents how to transform their districts for high student achievement. The current Board President cast the single vote against accepting this grant. The training began in July, 2006. She attended but did not participate in one of the sessions, claiming that it was a violation of the Brown Act, even though the Board had been given a clear legal opinion that the training would not violate the Brown Act.

When she became Board President, two new board members asked her to place an item on the board agenda postponing the training. There was a risk this could cancel the grant. She sent an email to the Board Clerk to place the item on the agenda but did not notify or consult with the remainder of the Board or Superintendent. On February 7, 2007 this matter was placed on the board agenda without prior notice. A motion was made to postpone the training followed by an immediate second and call for the question. Two of the board members not consulted objected, stating the matter needed to be discussed with the Superintendent and debated in a noticed session. Their objections were overridden by a vote of 5-2. After the meeting, the Superintendent stated he had been "blindsided."

A community outcry ensued. The League of Women Voters protested the action and the Fresno Bee published opinion pieces and editorials supporting the accusation that the Board had conducted public business in private. As a result, the Board rescinded this

vote at a properly agendized and noticed meeting. The vote was 7-0 to continue the training.

The California School Board Association (CSBA) offers a District-specific training program aimed at school boards who need assistance in resolving relationship issues as well as training in board governance. This could ameliorate the festering and on-going problems that are distracting the District from its primary mission-- the strengthening of the school system and the improvement of student classroom success. This program would be helpful to this Board. Cooperation and congeniality between the Board and the Superintendent are crucial.

There are legitimate concerns the Board has lost direction. An ineffective working relationship has developed between the Superintendent and the Board President. Sworn testimony revealed that a significant number of the board members have lost confidence in the Board President.

### **EVALUATIONS**

The Superintendent's contract calls for an annual evaluation. To date, the Board and Superintendent have not agreed on the evaluation process. This process must be open, honest and one that demonstrates both the good will and fair play of all concerned. They should move forward and complete this process without delay.

On an annual basis, the Board should perform a self-evaluation to determine how they are performing in relation to their goals and objectives. Once this self-evaluation is completed, it should be discussed openly and honestly in order to be used as a tool for improved effectiveness on the part of the Board as a whole, as well as by each individual Board member.

### **ADDITIONAL CONCERNS**

The Grand Jury strongly supports the following items:

- The Board must practice fiscal responsibility to ensure the protection of educational programs for students. Only compensation packages that can be supported over the long-term should be considered. The needs of students must come first.
- The budget reserve of four percent (4%) of the District's state general fund money should be maintained.
- Increase the instructional time for all students to include a longer school day and school year.
- A Core Beliefs and Commitments document has been presented to the Board, but not acted upon. The Board should move forward to consider it without delay.

### **THE FUTURE**

The future of the FUSD students is crucial. The recommendations enumerated in “Choosing Our Future” and the strategies being used by the Superintendent must be given a chance to succeed. These ongoing problems are preventing the staff from focusing on their primary mission -- the learning and achievement of all students. The needs of students should be paramount to those of adults.

The Grand Jury strongly believes that a renewed commitment by the Board and Superintendent will result in a school district that will serve our community well in the years to come. Fresno Unified School District can once again be an academic leader in California.

The 2006-2007 Grand Jury will recommend that subsequent grand juries closely monitor FUSD relative to the findings of this report.

### **FINDINGS**

1. FUSD is one of the lowest performing school districts in the State.
2. FUSD was recently threatened with a state take-over due to fiscal deficits.
3. Inconsistent administrative leadership was evidenced by nine (9) superintendents in nineteen (19) years.
4. A community task force developed a plan for improvement, “Choosing Our Future.”
5. A new superintendent was hired, in part, to implement the goals of “Choosing Our Future.”
6. During the past two years, this Superintendent and staff have developed positive strategies for improvement.
7. The Board President, and to a lesser extent the Board Clerk, have engaged in micro-management and practices that are not in the best interests of our District or students.
8. The FUSD Board has not followed the generally accepted school board practices and policies regarding micro-management.
9. The FUSD Board President and Clerk do not understand the difference between governance and management of the District.
10. There is board training available through the Center for Reform for School Systems and the California School Board Association.
11. A process for evaluation of the Superintendent has not been agreed upon nor implemented.
12. The policy of “Core Beliefs and Commitments” has not been adopted.

13. Increased instructional time is a factor in the improvement of student achievement.
14. Previous boards have used one-time funds for continuing financial obligations that could not be sustained.
15. In the past, adequate budgetary reserves have not always been maintained.
16. There is no process whereby the Board evaluates its effectiveness in terms of its stated goals and objectives.
17. Sworn testimony before the Grand Jury indicated the Board has violated the Brown Act.
18. FUSD emails obtained through the Public Records Act suggest the Board has violated the Brown Act.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

R401 the Fresno Unified School District Board and Superintendent start the California School Board Association Training Program for Individual District Training to resolve festering problems that are preventing the district from focusing on their primary mission --the success of our students.

R402 the Board change its leadership and elect a president and clerk that clearly understand the difference between governance and management of the district.

R403 all Board members focus on their role as policy makers and refrain from efforts to micro-manage the district.

R404 the Board and Superintendent resolve immediately by collegial means the Superintendent evaluation process through an open and honest procedure requiring the good will and fair play of all concerned.

R405 the District immediately refocus on meeting its stated student success goals. The Superintendent and his new leadership team must move our district ahead.

R406 the District at all times follow the letter and spirit of the Brown Act, without exception.

R407 the Fresno Unified School District increase instructional minutes above the state minimum requirements at all grade levels and especially grades one through three.

R408 the Board be fiscally responsible in budget development to ensure it protects the educational programs for students and their needs should come before those of adults in the school district.

R409 FUSD take immediate action on the policy of "Core Beliefs and Commitments."

R410 the Board perform an annual self-evaluation to determine the success of its goals and objectives.

R411 the District practice sound fiscal management including an adequate reserve and refrain from using one-time budget funds for on-going expenses.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code Section §933.05, the Grand Jury requests that you respond to each specific recommendation as outlined in the attached letter of instruction.

The FUSD Superintendent: R401, R404 through R407, R409, and R411

The FUSD Board of Trustees: R401 through R411

The responses are to be a collaborative effort of the entire board and signed by each Board member.

Please be reminded that the responses from elected officials are due within 60 days at the release of this report and 90 days for others.

## **RESOURCES**

- Extensive interviews
- Documents:
  - Choosing Our Future
  - Center for the Reform of School Systems (CRSS)
  - Broad Foundation
  - California School Board Association Professional Governance Standards
  - Master Teachers Executive Summary for School Board Members
- Media:
  - Fresno Bee
  - Televised FUSD Board meetings
- Emails:
  - District
  - Individual
- Attendance at FUSD Board meetings
- FUSD Board minutes
- League of Women Voters
- Internet research