## <u>RESOLUTION OF THE BOARD OF TRUSTEES FOR THE</u> <u>EDGEWOOD INDEPENDENT SCHOOL DISTRICT</u>

WHEREAS, since May of 2023, Trustee Valdez has engaged in a pattern of disruptive and disrespectful conduct in violation of the Edgewood ISD Board Operating Procedures and Professional Standards of Conduct; and

WHEREAS, the Edgewood Independent School District ("EISD" or "District") and the Texas Education Code entrust the Edgewood ISD Board of Trustees ("Board") with effective, lawful, and ethical governance of the District to further the District's mission and goals; and

WHEREAS, Section 11.051 of the Texas Education Code authorizes the District to be governed by a board of trustees, who, as a body corporate shall oversee the management of the District; and

WHEREAS, Section 11.151 of the Texas Education Code authorizes the Board to adopt rules and bylaws necessary to carry out its duties; and

WHEREAS, the Edgewood ISD Board Operating Procedures require board members to, among other requirements: (i) conduct themselves professionally and ethically during all meetings and public forums; (ii) conduct themselves according to Robert's Rules of Order during all public meetings; (iii) refrain from rude remarks, interruptions, and disrespectful language; (iv) direct agenda related questions to the Superintendent at least 8 hours before a board meeting; and (v) request additional materials related to an agenda item at least one business day before a board meeting but no less than 8 hours before a board meeting; and (vi) not assume a participatory role with staff or students unless specifically requested by campus staff; and

WHEREAS, the Board's Ethics Policy which is incorporated into the Board's Operating Procedures requires EISD trustees to treat colleagues, District administrators, staff, and members of the community with courtesy, honesty, and respect at all times during Board meetings; to recognize the integrity of colleagues; and to cooperate with colleagues and resolve disagreements through the appropriate channels, pursuant to Board Policy and established Board Operating Procedures; and

WHEREAS, the EISD Board of Trustees' Professional Standards of Conduct requires board members in relevant part to refrain from embarrassing or berating other board members; to conduct themselves in a civil and professional manner to support the success of the school district; to treat colleagues with honesty and respect at all times during board meetings; and to comply with District policies, and colleagues so they may perform their proper function on a professional level; and

**WHEREAS**, the failure to adhere to the Board's Professional Standards of Conduct subjects a board member to sanctions and public censure; and

**WHEREAS**, Board Members violating the EISD Board Operating Procedures are subject to certain consequences including, public reprimand, additional training, removal of committee assignments, and, exclusion from entry of district facilities, with the exception of board meetings; such consequences are subject to public posting requirements in accordance with the law; and

**WHEREAS**, on May 29, 2023, EISD Trustee, Michael Valdez, violated Section IV of the EISD Board Operating Procedures and Paragraph I of the Professional Standards of Conduct by engaging in unprofessional conduct during a non-District public event hosted by an outside entity when he demanded that a school district employee contact event organizers so that he could be seated on the event stage during the event; and

**WHEREAS**, on June 6, 2023, Trustee Michael Valdez violated Section IV of the Board Operating Procedures when he: (i) interrupted the EISD Board President multiple times to prevent the approval of the District's consent agenda; (ii) interrupted the Board President with the comment "*Point of Information*" to circumvent the Board's operating procedures; (iii) interrupted the Board President multiple times and speaking out without being recognized by the Board President in violation of Robert's Rules of Order; and (iv) violated Section IV of the Board's Professional Standards of Conduct when he disrupted the board meeting several times to point out legal counsel's absence after being told counsel was absent due to unforeseen circumstances and would be appearing telephonically; Trustee Valdez's disruptive and unprofessional conduct is documented in a June 9, 2023 letter which is attached hereto as **Attachment "A;"** and

**WHEREAS**, on June 7, 2023, during the Memorial High School Graduation, Trustee Valdez violated Sections IV of the Board's Operating Procedures, and Section XII, and IX of the EISD Board Professional Standards of Conduct when he and his **EISD** police officer in the performance of law enforcement duties by failing to promptly comply with the police officer's reasonable request to remove their vehicle which blocked an EISD employee from exiting the premises; and

**WHEREAS**, on August 16, 2023, Trustee Valdez violated Section XX of the Board Operating Procedures when he attended a meeting intended for EISD personnel only; Trustee Valdez's August 16<sup>th</sup> conduct along with other unprofessional conduct is outlined in a letter to him from the Superintendent imploring him to adhere to the standards expected of all EISD trustees and which is attached hereto as **Attachment "B"**; and

**WHEREAS**, on August 16, 2023, Trustee Valdez was notified by the Superintendent of his repeated violations of Section XVI of the Board Operating Procedures which states individual

board member must channel their inquiries to the District's legal counsel through the Superintendent, Board President, or Board's designee, as appropriate, which is attached hereto as **Attachment "B"**; and

WHEREAS, on October 16, 2023, during a School Board Workshop, Trustee Valdez violated Section IV of the EISD Board Operating Procedures by engaging in unprofessional and discourteous conduct when he became noticeably irritated with an EISD staff member, and yelled into the microphone while glaring at the staff member after the staff member made a reasonable request for Trustee Valdez to speak up so that the staff member could accurately record his questions and comments during a duly called public meeting; Trustee Valdez's October 16<sup>th</sup> conduct is documented in a letter dated October 18, 2023, from the EISD Board President and is attached hereto as Attachment "C"; and

WHEREAS, on October 17, 2023, during a Lone Star Governance meeting, Trustee Valdez violated Section IV of the EISD Board Operating Procedures and Section I of the EISD Professional Standards of Conduct when he publicly attempted to embarrass and berate the EISD Board President by saying she did not know what she was doing; such conduct is documented in a letter dated November 7, 2023, and is attached hereto as Attachment as **Attachment "D**"; and

WHEREAS, on October 24, 2023 during the Regular EISD Board Meeting, Trustee Valdez violated Section IV of the EISD Board Operating Procedures, and Sections I, III, and IV of the EISD Professional Standards of Conduct when he (i) raised his voice and used the word "damn" on at least three occasions during open session of the Board meeting; (ii) failed to express his concerns about another board member's conduct in accordance with Section 28 of the Board Operating Procedures and instead attempted to embarrass Board members who were deficient in their Continuing Education requirements, and (iii) alleged that the EISD Board President "makes up lies;" Trustee Valdez's October 24, 2023, unprofessional conduct is documented in a letter dated November 7, 2023, and is attached hereto as Attachment "E"; and

WHEREAS, on November 17, 2023, Trustee Valdez violated Section XX of the Board Operating Procedures by visiting Winston Intermediate School of Excellence ("WISE") without providing a courtesy notice to the Superintendent, who is tasked with providing the campus principal with at least 48 hours' notice of the visit; such conduct is documented in email correspondence dated November 17, 2023, from the Superintendent to Trustee Valdez and is attached hereto as Attachment "F"; and

WHEREAS, pursuant to allegations of violations of Board Policy DIA (Local), the Board retained a third-party investigator to conduct an investigation into these allegations; and

WHEREAS, on November 28, 2023, Walsh Gallegos Treviño Kyle, P.C., the third-party investigator, concluded its Investigative Report and recommended to the Board, among other things, censuring Trustee Valdez and that he attend a mandatory professionalism training based on the aforementioned violations including engaging in unprofessional behavior with staff and board members.

## NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF TRUSTEES OF EDGEWOOD INDEPENDENT SCHOOL DISTRICT:

- Section 1: Adopts the above listed recitals as findings of fact and incorporates such recitals into this resolution for all purposes.
- Section 2: Finds that Trustee Michael Valdez's has engaged in a pattern of incessant interruptions and rude remarks which conflict with a trustee's duty to maintain decorum and professionalism when conducting school business; adversely impacts the Board's ability to operate efficiently and effectively; undermines the orderly governance of the EISD Board; and violates the Edgewood ISD Board Operating Procedures.
- Section 3: Finds that Trustee Michael Valdez's failed to maintain professionalism and treat District administrators, staff, and members of the community with courtesy and respect at all times; and failed to provide support for the Superintendent, and employees of the District so they may perform their proper functions on a professional level.
- Section 4: Finds that Trustee Valdez has been provided training opportunities regarding EISD Board's policies, the Board's Ethics Policy, and the Board's Operating Procedures.
- Section 5: Finds that on March 28, 2023, Trustee Valdez agreed to abide by the Board's Professional Standards of Conduct which subjects board members to sanctions and public censure in the event a board member engages in actions or omissions in violation of such standards of conduct.
- Section 6: Finds that the EISD Board President and Superintendent sought Trustee Valdez's cooperation in addressing his unprofessional and disrespectful conduct in violation of the Board's Operating Procedures, and Professional Standards of Conduct is well documented in various communications which are attached hereto as **Attachments** "A" "F."

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- Section 7: Finds that it is appropriate to adopt recommendations a through c, and further suggestions a, c, d, e, f, and g, from Walsh Gallegos' Investigative Report.
- Section 8: Finds that, if Trustee Valdez fails to actively participate in trainings or continues to violate Board Operating Procedures, the Board may take action to strip Trustee Valdez of his committee assignments, and, should such conduct persist, ban him from District premises.

**BE IT FURTHER RESOLVED:** The Board of Trustees of the Edgewood Independent School District does hereby publicly censure Trustee Michael Valdez, publicly disavows, and formally expresses its disapproval of Trustee Michael Valdez's conduct on May 29, June 6, June 7, October 16, October 17, October 24, 2023, and November 17, 2023.

**BE IF FURTHER RESOLVED:** The Board of Trustees of the Edgewood Independent School District does hereby direct Trustee Valdez to perform his EISD Board Member duties ethically and professionally and in compliance with the EISD Board policies, the EISD Ethics Policy, the EISD Board Operating Procedures; the Board's Professional Standards of Conduct and Roberts Rules of Order.

**APPROVED AND ADOPTED** this 25<sup>th</sup> day of January 2024, by the Edgewood Independent School District Board of Trustees.

Martha Gastilla

President EISD Board of Trustees

Joseph M. Guerra Secretary EISD Board of Trustees



PROFESSIONALISM & ACCOUNTABILITY & COMMUNICATION

SCHOOL BOARD Martha Castilla, President Dr. James Hernandez, Vice President Joseph Guerra, Secretary Frank Espinosa, Trustee Luis Gomez, Trustee Michael Valdez, Trustee Richard Santoyo, Trustee Dr. Eduardo Hernández, Superintendent

June 9, 2023

Exhibit "A"

Mr. Michael Valdez Trustee, Edgewood Independent School District

Dear Trustee Valdez:

I am writing this letter to express my utmost concern and disappointment regarding your disruptive behavior during our most recent Edgewood ISD Board meeting. Your conduct not only disrupted the meeting, but it was also disrespectful, and violated the EISD Board Operating Procedures (BOP). There have been multiple opportunities for you to meet with trustees, legal counsel, and the Superintendent to discuss the importance of your responsibility to ensure that District business is conducted in an orderly, effective, and efficient manner. Your persistent interruptions during the June 6<sup>th</sup> Board meeting prevented the Board from efficiently addressing important school business and were a distraction to district personnel and the school district community.

The Board's Professional Standards of Conduct require board members to conduct themselves in a civil and professional manner to support the success of the school district. During the Board's June 6, 2023, regular meeting, you interrupted me several times with the statement: "*Point of information.*" Your persistent interruptions prevented the board from approving the consent agenda, a tool used by the board to streamline the approval of routine business items. Your persistent interruptions with "*Point of information*" were an attempt to circumvent the Board's operating procedures. You are well aware that the operating procedures require a Board member to direct agenda-related questions to the Superintendent at least **8 hours prior to the Board meeting**. Requests for additional information or materials relating to an agenda item must be made at least **one business day** but no less than 8 hours prior to the beginning of a board meeting. In the future, please adhere to the Board's operating procedures and request information about agenda items within the designated time limitations. Future interruptions with statements such as "*Point of information*" and similar disruptive conduct will be deemed <u>out of order</u>. Further, any requests for records that is not related to Board agenda items must be submitted in the form provided to all Trustees and the District Administration has between 20 and 30 business days to provide the information to the Trustees.

The Board's Professional Standards of Conduct recognize that trustees serve as role models to students, the community, and staff and as such, trustees are required to refrain from embarrassing others. During the June 6, 2023, meeting you embarrassed the trustees, the Superintendent and the district's legal counsel when you interrupted the meeting to point out that legal counsel was not present and that *"This is second time he has been late!"* You are well aware that legal counsel is not required to be present during a board meeting. You were advised that the district's legal counsel was not present due to an unforeseen circumstance, yet you repeatedly disrupted the meeting by asking multiple questions about legal counsel's presence causing embarrassment to the trustees, the Superintendent, and our legal counsel. In the future, please refrain from disrupting the board meeting to embarrass a member of our school district community. If you are concerned about the presence of a particular individual, please contact me or the Superintendent to discuss your concern.

You are also aware that the Board adheres to Robert's Rules of Order. Incessant interruptions with "*Point of information*" and similar statements are in conflict with a trustee's duty to maintain decorum and professionalism when conducting school district business. If you have a question during the meeting, please raise your hand and wait to be recognized. If you persist in interrupting the orderly transaction of district business or speaking without being recognized or given the floor, you will be deemed **out of order**.

As a school district trustee, we are required to serve our community with equity, trustworthiness, integrity, honor in conduct, and a commitment to service. Disruptive and disrespectful conduct is inconsistent with these values and prevents the Board from conducting its business to do what is best for all students. I am requesting your cooperation in adhering to these values and complying with the board's operating procedures so that together we can accomplish the mission and goals of the Edgewood Independent School District and do what is best for our students.

Yours truly, astell

Martha Castila President EISD Board of Trustees

cc: Dr. Eduardo Hernandez, Superintendent of Schools



Please know that, while this is a challenging letter to write, I feel it is necessary so we can have a greater understanding of equitable access to district matters and the importance of fostering a relationship as a Governing Team of 8 for Edgewood ISD. This is the same expectation that we have of all seven board of trustees as it is in line with our Board Operating Procedures ("BOP"), which were approved via a board vote earlier this year. In this email, I would like to highlight your involvement in incidents or activities brought to my attention that I found concerning. A few of those activities worth mentioning include:

- 1. I have been informed about your attendance at our recent Town Hall Meeting which occurred August 16<sup>th</sup> at 5 pm. Your district designated email account was observed in attendance during the course of the meeting. I want to share with you that some staff members felt uncomfortable in terms of asking any questions that they had in relation to the information shared during the meeting. This meeting was not for Board Trustees or anyone else who is not a staff member is EISD. Section XX (8) of the BOP states, "Board Members will not assume a participatory role with staff or students unless specifically requested by campus staff." I hope you can understand that when board members place themselves in a district activity it does change the environment of the activity as well as the climate of transparency that we strive to build in our Edgewood Independent School District.
- 2. Staff members have expressed concerns regarding your aggressive behavior and hostile tone of language when you are in their presence and when speaking to some of our personnel in the district. For instance, staff have mentioned a pattern of recurring hostility as witnessed in their observance of the district regular board meetings via our streaming capability. As a trustee, it is your responsibility, along with all of us, to maintain a spirit and model of professionalism that is in alignment with both our Board Operating Procedures and our Core Values, which we call The P.A.C. (Professionalism, Accountability, and Communication).
- 3. At other times during this year, I have witnessed you in attendance at school functions without informing the Superintendent's Office per the Board Operating Procedures. As is expected of all Trustees, we ask that Board members inform our office of your visit so that we may notify and request approval from our campus principals who are the only person who can determine the appropriateness of the requested visit. I remind you of this procedure solely because all Trustees have repeatedly been respectful of the request to notify our offices because it directly effects campus functions. I hope you understand that

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Edgewood ISD provides an exceptional learning experience that engages, empowers, and prepares students to compete and reach their highest potential in an ever-changing World.



Exhibit "C"

October 18, 2023

Trustee Valdez,

I am writing to you again to address a serious matter concerning your recent conduct during Monday's Board Workshop. I am wholly disappointed with your response to a reasonable request from a staff member who was tasked with recording Board member questions during the workshop. The staff member politely asked you to speak up so that she could accurately record your questions and comments. Rather than respectfully complying with her request, you became visibly irritated, grabbed the microphone and yelled into the microphone while glaring at the employee. The employee was clearly embarrassed by your actions, which detracted from the district's business at hand. Your actions towards the employee violated EISD Board Policy as well as the Board's Operating Procedures.

Consistent with Board Policy BBF (Local) Board members are expected to "treat colleagues, District administrators, staff, and members of the community with courtesy, honesty, and respect at all <u>times</u> during Board meetings, individual meetings, conferences, District-sanctioned events, and social events." The Board's General Code of Ethics also requires Board members to display helpful, kind, patient, and tolerant demeanor, practice fair and nondiscriminatory treatment towards others and uphold their position with honor and dignity. Your conduct during Monday's workshop was neither honorable nor dignified.

The Edgewood ISD school community staff and students look to you to set an example. Your actions reflect upon the district as a whole. Unfortunately, this is not the first letter that I have written to you to address disrespectful and rude conduct. Your pattern of unprofessional, rude, and disrespectful behavior towards district employees, district administration, and fellow board members is unacceptable.

I am calling on you to refrain from such antagonistic behavior. I am also calling on you to ensure that future actions and communications with your fellow trustees, EISD administrators, and staff are at all times respectful, professional, and consistent with the Board's Ethics policies and the Board's Operating Procedures.

Unprofessional and rude conduct by a board member affects the entire organization and adversely affects the District's administrative operations. I am once again seeking your cooperation to conduct yourself in accordance with the Board's policies and operating procedures. Doing so will ensure we accomplish the mission and goals of the Edgewood Independent School District and will ensure the Board and District operations are productive and efficient.

Martha Castilla

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EISD Board President

cc. Dr. Eduardo Hernandez, Superintendent of Schools Juan J. Cruz, Legal Counsel



Martha Castilla, Preside Dr. James Hernandez, Vice Preside Joseph Guerra, Secreta Frank Espinosa, Truste Luis Gomez, Truste Michael Valdez, Truste Richard Santoyo, Truste Dr. Eduardo Hernández, Superintende

Exhibit "D"

November 7, 2023

Trustee Valdez,

Once again, I write to you to express my sincere disappointment in your rude and judgmental language and tone during the October 17, 2023, Lone Star Governance meeting and the October 24, 2023, Edgewood ISD Board meeting. It is unfortunate that, despite multiple efforts to convince you to respect your colleagues, the Superintendent, and District staff, you nevertheless persist on conducting yourself in an unprofessional and disrespectful manner in violation of the Trustee's Professional Standards of Conduct, Board Operating Procedures (BOP), and the Board Policy BBF (Local).

On October 17, 2023, the District held a Lone Star Governance meeting. As opposed to focusing your efforts on our goal of improving student outcomes, you resorted to saying I did not know what I was doing. Your comment was not only offensive, but also in violation of the Trustee's Professional Standards of Conduct, which prohibits a Board member from embarrassing another member.

Additionally, during the October 27, 2023, Board meeting, you openly humiliated multiple Board members who are deficient on their Continuing Education requirements. The community was clearly made aware of which Board members have not met their requirements. As I stated in my last letter to you, Board Policy BBF (Local) requires that Board members "treat colleagues ... with courtesy, honesty, and respect at all times during Board meetings..." Similarly, the Trustee's Professional Standards of Conduct states, "In the spirit of maintaining the decorum of meetings and public forums, and as role models for the community, staff and students of the District, I shall refrain from embarrassing or berating other Board Members." Please be advised that you also violated Section 28 of the BOP, which provides the procedures by which a member may express concerns about another member's performance.

You also claimed that I "make up lies and say you're violating the Board Operating Procedures." Every letter I have sent you specifically addresses the manner in which your conduct violates our BOP and or our Board Policy. Your dishonest allegation is yet another violation of BBF (Local). The fact that you fail to understand that your actions are not only disrespectful but, in this case, false, affects the Board's ability to work together in efficiently operating our Board meetings.

Lastly, throughout the meeting, you raised your voice and said the word "damn" at least three times. Profanity at Board meetings is strictly prohibited. Your foul language was in direct violation of Section IV of the BOP and the Trustee's Professional Standards of Conduct. Swearing is unbecoming of a Board member and clearly disruptive to our meetings. Such language is especially unprofessional since you are aware that children regularly attend our Board meetings.



Exhibit "E"

November 7, 2023

Trustee Valdez,

Once again, I write to you to express my sincere disappointment in your rude and judgmental language and tone during the October 17, 2023, Lone Star Governance meeting and the October 24, 2023, Edgewood ISD Board meeting. It is unfortunate that, despite multiple efforts to convince you to respect your colleagues, the Superintendent, and District staff, you nevertheless persist on conducting yourself in an unprofessional and disrespectful manner in violation of the Trustee's Professional Standards of Conduct, Board Operating Procedures (BOP), and the Board Policy BBF (Local).

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From: Hernandez, Eduardo <u><Eduardo.Hernandez@eisd.net></u> Sent: Friday, November 17, 2023 4:26:06 PM To: Valdez, Michael <u><Michael.Valdez@eisd.net></u>

Cc: Castilla, Martha <u><Martha.Castilla@eisd.net>;</u> Juan Cruz <u><icruz@ica-law.com></u> Subject: Re: Task Force Update

Mr. Valdez,

transition and keep their focus on the children's academic well-being. Thank you for your understanding of this request. In fact, I will reiterate to all principals, the procedure around Trustee visits which has been As I shared with you on Tuesday night I wanted to follow up with an update on your recent communication. Regarding your request to visit the campuses mentioned below (Wrenn and WISE) I have spoken with one principal regarding the visit and at this time the request is that we not have any visitors due to the recent activities associated with school closures. It is best to allow the campus to move forward with the in place for some time. As soon as I hear back from the other principal, I will let you know sir.

our office in accordance with the Board Operating Procedures. All trustees have adhered to this expectation when they are requesting such a visit to the building and in some instances we have visited together. In fact, last year you attended a few lunch meetings with students, of course with principal approval, and I reiterated to you the need to follow protocol when you visited a campus without informing our office. Associated with this request I also want to formally request a meeting with you and our Board President to discuss your recent visit to WISE today and your subsequent visit to classrooms without sharing with

campus principal in case of any activity on campus that may not make it beneficial for outside visitors. Moreover, the BOP was recently amended to address this expectation and all changes were approved by a Mr. Valdez, the Board Operating Procedures have spoken to the expectation of trustees visiting schools, which is encouraged, as long as a trustee speaks with the Superintendent so that he may check with the board majority. It is my understanding that all board members are expected to follow such a rule and I use it as a guide to train all principals on these matters.

In closing, Mr. Valdez I will reiterate to you the need to follow the board operating procedures as they protect the sanctity of our daily operations on our campuses. A trustees visit is of course welcomed but it does cause consternation to staff as was the case today and this is a matter that I consider to be serious. Specifically, when it is communicated to me directly in the course of the day when our staff is serving children during employment hours.

Again, I am requesting a meeting with you on this matter. Would you share your availability upon our return from the Thanksgiving holiday? I will ask our office to reach out to you to set this up. As always, my goal is to continue to work alongside you but I ask that we do so in a respectful manner and without any hostility.

Dr. Eduardo "Ed" Hernandez

Superintendent of Schools

Edgewood ISD of San Antonio

5358 W. Commerce St.

San Antonio, Texas 78237

Strengths: Significance, Futuristic, Individualization, Focus, Maximizer