

Report Regarding Whether  
Charges in IISD School Board Resolution #12-13-124  
Constitute IISD School Board Policy or TEC Violations

Irving Independent School District enlisted the services of Number One Consulting, Inc. to make an independent determination whether the charges made against Dr. Steven Jones in IISD School Board Resolution #12-13-124 constituted a violation of either the Texas Education Code, IISD School Board policy, or both.

Presented below are the independent findings by charge number.

**8 a. Dr. Jones threatened to terminate the employment contracts of several administrative employees without a recommendation from the Superintendent.**

Part BJA (Legal) of the Irving Independent School District's Board Policies lists the following duties that are the responsibility of the Superintendent:

“2. Except as provided by Education Code 11.202 (duties of principal) [See DK and DP], assuming administrative authority and responsibility for the assignment, supervision, and evaluation of all personnel of the District other than the Superintendent.

4. Initiating the termination or suspension of an employee or the nonrenewal of an employee's term contract. [See DF series]”

It is clear from the above Board Policy that it is the Superintendent's duty to assume the administrative authority and responsibility for the evaluation of all District personnel other than himself. The Superintendent is also charged by Board Policy with the responsibility of initiating the termination or suspension of employees and/or the nonrenewal of an employee's employment contract. Dr. Jones was thus in violation of Board Policy when, without a recommendation from the Superintendent, he threatened to terminate the contracts of the numerous IISD administrators, as described in the May 13, 2013 Investigative Report.

These actions taken by Dr. Jones also violate one of the IISD School Board ethical standards, which states, “I will avoid personal involvement in activities the Board has delegated to the Superintendent.”

**8 b. Dr. Jones called newly hired employees and advised them they would be employed for only one year.**

Again, the initiation of the termination of District employees or the nonrenewal of a District employee's term contract is the duty of the Superintendent, as seen in Board Policy BJA 4. Dr. Jones' communication with the two newly hired administrators about their short tenure was not allowed by Board Policy without the

Superintendent's recommendation. Additionally, according to the Texas Association of School Boards (TASB) legal services, the only District position that the School Board is completely responsible for is that of the Superintendent, as seen in Texas Education Code, Section 11.1513(a)(1).

As stated in the independent Investigative Report, Dr. Jones did not agree with the Superintendent or majority of the Board regarding filling the two administrative positions in question. The communications he had with the two newly hired administrators violated the Board Members Ethics (BBF Local), which states in part:

“As a member of the Board, I shall promote the best interests of the District as a whole and, to that end, shall adhere to the following ethical standards:

- I will respect the majority decision as the decision of the Board.”

**8 c. Dr. Jones attempted to influence the decisions of administration regarding the management of subordinate positions by directing staff to not fill certain staff positions.**

TEC Section 11.1513(a)(2) states that:

“The board of trustees of each independent school district shall adopt a policy providing for the employment and duties of district personnel. The employment policy must provide that:

- (1) the superintendent has sole authority to make recommendations to the board regarding the selection of all personnel other than the superintendent”

As a member of the Board of Trustees, it was not within Dr. Jones' purview to advise administrators not to fill administrative positions. As Board Policy BBF states in part:

“As a member of the Board, I shall promote the best interests of the District as a whole and, to that end, shall adhere to the following ethical standards:

- I will avoid personal involvement in activities the Board has delegated to the Superintendent.”

**8 d. Dr. Jones disparaged the performance of the administrative staff to their subordinates with the intent of undermining the supervision of subordinates.**

Disparaging the performance of administrators is a violation of one of the ethical standards for IISD School Board members, which states, “I will accord others the respect I wish for myself.”

As a member of the IISD Board of Trustees, it was not Dr. Jones' responsibility to involve himself in the supervision of IISD employees. This authority is given to the Superintendent in Part BJA (Legal) of the Irving Independent School District's Board Policies, which states in part that the Superintendent has the responsibility for "assuming administrative authority and responsibility for the assignment, supervision, and evaluation of all personnel of the District other than the Superintendent."

**8 e. Dr. Jones targeted the compensation of specific employees for reduction in the absence of a recommendation from the Superintendent.**

School Board policy DEA (Local) regarding Annual Pay states:

"The Superintendent shall recommend to the Board an amount for employee salaries through recommended salary schedules as part of the annual budget process. Also, salaries for employees who are not on District-approved salary schedules shall be recommended by the Superintendent for Board approval as part of the budget process."

Thus, Dr. Jones' numerous independent discussions regarding administrators' pay in the absence of the Superintendent's recommendation was clearly a violation of School Board policy.

Additionally, these actions taken by Dr. Jones also violate one of the IISD School Board ethical standards, which states, "I will avoid personal involvement in activities the Board has delegated to the Superintendent."

**8 f. Dr. Jones made disparaging and belittling comments to several staff.**

Board Policy BBF (Local), regarding Board Members ethics, states, in part:

"As a member of the Board, I shall promote the best interests of the District as a whole and, to that end, shall adhere to the following ethical standards:

- I will accord others the respect I wish for myself."

Dr. Jones' disparaging and belittling statements that the independent investigation found that he made to numerous IISD staff clearly violates this item in the IISD Board Members Ethics, as seen in Board Policy BBF (Local).

**8 g. Dr. Jones has routinely heard complaints from teachers and staff without requiring the complainants to go through the chain of command.**

In accepting complaints that came to him as a Board member, Dr. Jones violated both the Texas Education Code and IISD Board Policy, as seen below:

"If employees, parents, students, or other members of the public bring concerns or complaints to an individual Board member, he or she shall refer

them to the Superintendent or another appropriate administrator, who shall proceed according to the applicable complaint policy.” (BBE Local)

“Unless authorized by the Board, a member of the Board may not, individually, act on behalf of the Board.” (Texas Education Code 11.051(a-1), (IISD Board Policy BBE)

**9 a. Dr. Jones attempted to influence decisions relating to curriculum and instruction by demanding consideration of specific language programs and the removal or implementation of certain instructional delivery strategies.**

According to Board Policy BJA Local, it is the Superintendent’s responsibility, as the chief executive employee of the District, to oversee instructional management, which includes instructional and curricular evaluation, planning, and decision-making, and monitoring the effectiveness of instructional programs.

The IISD Board Policy BBE (Legal) states the following about Board members’ authority:

“The Board may act only by majority vote of the members present at a meeting held in compliance with Government Code Chapter 551, at which a quorum of the Board is present and voting. Unless authorized by the Board, a member of the Board may not, individually, act on behalf of the Board.  
*Education Code 11.051 (a-1)*”

This conduct exhibited by Dr. Jones also violate one of the IISD School Board ethical standards, which states, “I will avoid personal involvement in activities the Board has delegated to the Superintendent.”

Thus, according to Board policy, it was the Superintendent’s responsibility, not Dr. Jones’, to deal with instruction and curriculum management. Additionally, Dr. Jones’ attempts to influence decisions regarding curriculum and instruction without authorization from the Board violated Board and State standards.

**9 b. Dr. Jones directed staff to violate employee First Amendment rights by demanding administrative staff forbid staff from speaking Spanish in schools.**

Rights of free speech or expression, as guaranteed under the First Amendment of the U. S. Constitution and Section 8 of the Texas Constitution’s Bill Of Rights are contained in Section 37.123 of the Texas Education Code. Dr. Jones’ forbidding persons in IISD from speaking Spanish was a violation of free speech/expression as provided for in the state and U.S. constitutions, as well as the Texas Education Code.

**9 c. Dr. Jones independently conducted an investigation of an employee by contacting a vendor to determine if a district employee has a substantial**

**financial interest in the company and telling the company they should not be speaking to the administration.**

Section 11.201 of the Texas Education Code, and the BJA (Legal) of the IISD School Board policy both state that the superintendent is the educational leader and chief executive officer of the school district. The duties of the superintendent are listed in both the district policy and the state law, and include assuming administrative responsibility and leadership for the planning, operation, supervision, and evaluation of the education programs, services, and facilities of the district and for the annual performance appraisal of the district's staff; and managing the day-to-day operations of the district as its administrative manager.

It is apparent from the established duties of the superintendent that the superintendent would have been the official responsible for any investigation into the conduct of an employee, not a School Board member.

Additionally, the fact that Dr. Jones acted alone in his investigation of this matter violates School Board policy BBE and Texas Education Code 11.051 (a-1), which state that a member of the Board may not individually act on behalf of the Board.

Dr. Jones' conduct also violated one of the IISD School Board ethical standards, which states, "I will avoid personal involvement in activities the Board has delegated to the Superintendent."

**9 d. Dr. Jones directed an employee other than the Superintendent to investigate the alleged misconduct of another employee.**

As discussed in 9 c, it is the responsibility of the Superintendent to investigate the conduct of an employee, as seen in Section 11.201 of the Texas Education Code, and the BJA (Legal) of the IISD School Board policy. Additionally, Dr. Jones' action was taken independently of the rest of the Board, which violates School Board policy BBE and Texas Education Code 11.051 (a-1).

Dr. Jones' conduct also violated one of the IISD School Board ethical standards, which states, "I will avoid personal involvement in activities the Board has delegated to the Superintendent."

**9 e. Dr. Jones attended district administrative training and/or meetings without specific invitation that has resulted in disruption of the training or meeting.**

Chapter 11, Subchapter D of the Texas Education Code lists the powers and duties of the Boards of Trustees for Independent School Districts. The list of Board members' powers and duties do not include anything that would involve a Board member being on campuses or district facilities without notice.

One duty that the School Board does have is to work with the Superintendent to support the professional development of principals, teachers, and other staff. [Texas Education Code Section 11.1512 (b)(5)]. Dr. Jones' unannounced attendance at district training and negative comments about the training and the administration was found to have disrupted the training, which worked to oppose the professional development of District employees.

Additionally, the Board Members Ethics, contained in IISD School Board Policy, states the following [BBF (Local)]:

“I will avoid personal involvement in activities the Board has delegated to the Superintendent.”

According to the Texas Education Code, Section 201(d)(5), one of the duties of the Superintendent is the management of the day-to-day operations of the District as its administrative manager.

Thus, Dr. Jones' unsolicited attendance at District meetings and training constituted a violation of the Texas Education Code and School Board policy.

**Final Conclusion:**

Each of the twelve charges against Dr. Jones in IISD School Board Resolution #12-13-124 was found to constitute a violation of provisions in the Texas Education Code, the IISD School Board policy, or both.

Report submitted by:  
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