

**Visalia Unified School District
Board of Education**

MINUTES

**OPENING
BUSINESS**

The special meeting of July 2, 2002, was called to order at 5:30 p.m. in the Board Room, VUSD Educational Office Complex, 5000 West Cypress Avenue, Visalia, followed by the determination that a quorum was present. Rob Stephenson lead the Pledge of Allegiance.

ATTENDANCE

	<u>Arrive</u>	<u>Leave</u>	<u>Absent</u>
Rodney Elder	7:00		
Juan R. Guerrero	7:00		
Larry Jones	7:00		
Michael Lane			X
Jim L. Qualls	7:00		
Robert Stephenson	7:00		
 Stan A. Carrizosa, Superintendent	 7:00		

Staff Members

Mark Fulmer, Assistant Superintendent, Administrative Services
 Carlyn Lambert, Assistant Superintendent, Curriculum/Educational Services
 Kay Van Andel, Assistant Superintendent, Human Resources Development
 Elizabeth Parker, Administrative Assistant, Superintendent's Office

**GENERAL
AGENDA**

Review/Public
Comment/Board
Discussion/ACTION

**Board Endorsement
of Public Statement
Motion No. 1**

Mr. Stephenson explained that because of the years Mr. Jones and he had worked with Mr. Foster, they felt it was appropriate that they develop a public statement regarding Mr. Foster's resignation from the board. He asked that the board consider endorsing the statement following its reading by Mr. Jones. On a motion by Qualls and second by Guerrero, the statement was so endorsed. Ayes: Elder, Guerrero, Jones, Qualls and Stephenson. Absent: Lane. Motion carried. President Stephenson asked his fellow board members if they had any statements they would like to make. Mr. Jones read a letter of apology he received from Mr. Foster on May 30, 2002 regarding his conduct toward a district administrator. Mr. Jones provided each of the board members with a copy of the letter. Mr. Guerrero said that he had spoken with Mr. Lane by telephone this afternoon and that Mr. Lane had asked him to convey his support of the public statement.

**The Board of
Education will
Consider Action to
Order a Special
Election to fill the
Board Member
Vacancy in Trustee
Area 5
Motion No. 2**

Superintendent Carrizosa explained that there were two options the board could consider in filling the board vacancy left by Mr. Foster. The first option would be to call for a special election and the second option would allow the board to act on making a provisional appointment. By a majority vote the board can appoint a person may fill the vacancy until the remainder of the expired term which would have ended in December 2003. Mr. Carrizosa said that if the board decides to call for a provisional appointment that item would be brought back to the board on an agenda for a regular meeting scheduled in July. If the board chooses to make a provisional appointment it must be done within 60 days of the time that the vacancy

occurred. The vacancy became official on June 28, so the action would have to be taken prior to August 27. Mr. Carrizosa explained the process the board would follow to make a provisional appointment. There are no additional costs associated with making a provisional appointment.

Mr. Carrizosa then explained that if the board would want to consider calling for a special election to fill the vacancy, the administration recommendation would be to act tonight so that the district would have an opportunity to consolidate the election with the November 5 election. This would be more cost effective than holding a "stand alone" election. Filing deadline to be considered for the November 5 election will be July 5. Included in the board packet was a resolution which the board would consider if it chooses to call for a special election. However, if the board chooses to make a provisional appointment, it would need to act tonight to reject the resolution. The board would then direct staff to bring back to the board in July an action item which would call for making a provisional appointment.

President Stephenson opened the session to public comment. Several members of the audience spoke in support of the board making a provisional appointment. This would save the district approximately \$34,000.

Discussion by the board regarding filling the board seat lead to a consensus of the board that because of the limited term the board appointee would serve and the cost of an election that a provisional appointment would serve the district and community well. On a motion by Stephenson and second by Qualls, the resolution to call for a special election to fill the board member vacancy in Trustee Area 5 was rejected. Mr. Stephenson asked that district staff prepare an item to come back to the board in July so that the board can take action to make a provisional appointment. Ayes: Elder, Guerrero, Jones, Qualls and Stephenson. Absent: Lane. Motion carried.

Mr. Stephenson adjourned the meeting at 7:40 p.m.

**CONVENE INTO
CLOSED SESSION**

The board then convened into closed session to discuss the item as posted on the agenda. No action was taken on this item. The meeting was adjourned at 8:50 p.m.

NEXT MEETING

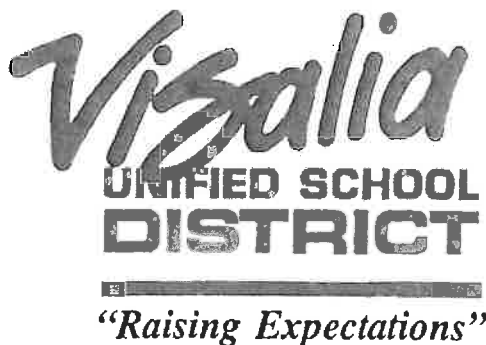
The next regularly scheduled Board Meeting will be July 16, 2002, at 5:30 p.m. in the Board Room at the VUSD Educational Complex located at 5000 West Cypress Avenue, Visalia.

Respectfully submitted,

Larry C. Jones
Clerk

Stan A. Carrizosa
Superintendent/Secretary

Stan A. Carrizosa
Superintendent



Board of Education

Rodney Elder
Niessen Foster
Juan R. Guerrero
Larry Jones
Michael D. Lane
Jim L. Qualls
Robert Stephenson

PUBLIC STATEMENT

June 28, 2002

On behalf of the Visalia Unified School District Board of Education and the administration, we regret to announce that board member Niessen Foster has resigned from his elected position of school board member representing Trustee Area Five (5) effective Friday, June 28, 2002. In a letter submitted to the district this past Tuesday, he cites **personal reasons** for his decision.

The school board and district administration have worked closely over the past year to establish a positive and effective governance relationship. We appreciate the time and effort Mr. Foster invested to be a part of this governance team. We respect his decision and honor his privacy in citing personal reasons for submitting his resignation. Mr. Foster has been a dedicated board member, a strong advocate for public education and a tremendous supporter of students, staff and parents. We wish him only the best and look forward to his continued involvement and support as a community member on local school issues and projects in the future.

We want to assure the parents, staff and community that the board will act responsibly to fill the vacancy now created by this resignation. We are working with County Counsel to follow the procedures set forth in the Education Code. The law requires that within sixty (60) days, the board must act to either call for the order of a special election, or make a provisional appointment of a new member to fill the vacancy for the remaining time on the elected term of office.

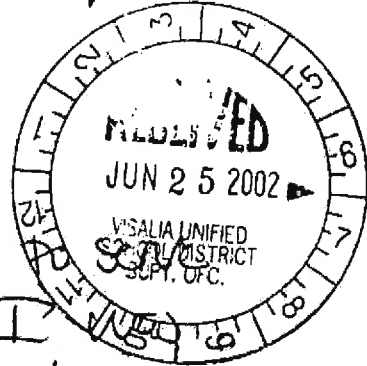
In state law and Education Code, the rules are founded on the fundamental principle that public officials are elected by the voters. When an unexpected vacancy occurs, only under certain circumstances is the board authorized to make an appointment in place of an election. In our particular case, the school board is required to call for a special election. The vacancy that now exists on the V.U.S.D. Board of Education, occurred within a specified period of time prior to the next regularly scheduled election. Therefore, the Ed Code requires the governing body to call for a special election to be consolidated with this regular election.

In order to meet the Elections Code time line for the upcoming November 5, 2002 election, the V.U.S.D. board must deliver a Resolution to the County Office of Education no later than July 5, 2002, calling for a special election. To meet this requirement, the V.U.S.D. board will hold a special meeting on Tuesday, July 2, 2002, to adopt this resolution. The estimated cost of this special election is \$34,000. In our opinion, this is a small investment for a district our size to assure that the will of the voters is preserved.

In summary, the board would like to assure the public that we will do due diligence to see that the requirements are met for the vacancy to be properly filled and look forward to bringing a new community member onto the governance team. The Board and administration are clearly focused on the important work at hand, and will continue our efforts to work on the many important goals and objectives for our district.

For further questions or comments regarding this matter, please contact **Superintendent, Stan Carrizosa**, at 730-7521 or email at scarrizosa@visalia.k12.ca.us.

June 20, 2002



To the wonderful citizens of Visalia:

It has been my distinct pleasure
You these past 30 months. When I
elected there was an atmosphere of discord,
division, and distrust.

Today, the situation is different. Stan Carr 10520
in one short year has brought stability and
direction. The turnaround has been outstanding.

Regretfully, I must resign at this time due
to personal reasons. To leave my wonderful governance
team at this time is painful. I have never served
with such a wonderful group of people.

Be assured, the teachers and support staff in this
district are working harder than ever. I also leave
with a heightened appreciation for school administrators
due to the daily challenges they face.

To ensure that my successor is sworn in the
speediest time possible, my resignation is effective
June ~~30th~~ 2002.
28th

I am grateful for this positive experience. I
have truly appreciated this opportunity to serve you
Sincerely,

DE
J
6-28-02

PUBLIC STATEMENT

July 2, 2002

Response to Niessen Foster's Allegations

First, I want to say that this is difficult for me because Niessen and I have been very close. The situation that has prompted Niessen's resignation was never about the union or union issues. It is a matter of Boardmanship between he and his fellow elected officials and upholding the public trust. The issue has been one of confidence among board members, abiding by their Board Bylaws and board adopted Professional Governance Standards and preserving confidential information. Regarding the actual events of this matter, I will defer to the Board President and Clerk who are releasing a public response that will account for the details in an effort to set the record straight.

I will not engage in a point-by-point response to Niessen's accusations in recent news articles, nor will I disclose information that was discussed in confidential closed session. I do want to say that I did not call Ms. Audino a "cancer" in any setting, and I apologize for any hurt this may have caused her by Niessen making this allegation.

I can understand how hard it must be for Niessen to choose to leave office under these conditions. There are many different ways that individuals cope with a situation like the one he has found himself in. I care about him as a person and will not attack or defame him.

Respectfully,
Stan A. Carrizosa
Superintendent

To: Visalia Unified School District and the Community of Visalia

Date: July 2, 2002

Re: Public Statement regarding Resignation of Niessen Foster

Niessen Foster's resignation from the board was his own decision. His sudden hostility toward his fellow board members is contrary to all of his public words, actions and behaviors as a board member over the past twelve months. Mr. Foster was apparently feeling some pressure in his role as a board member, but it was not imposed on him by other members of the board or governance team. **To set the record straight, we share the following.**

Mr. Foster was contacted by a high-ranking officer in the Visalia Unified Teacher's Association, who inquired about a closed session discussion and personnel actions being considered by the district. Mr. Foster has confessed that he disclosed confidential closed session information to this VUTA officer. The officer then took that confidential information and openly acted on it by affronting a district administrator, proclaiming this closed session information was shared by a board member. Unfortunately, Mr. Foster not only disclosed confidential information, but misrepresented what was discussed.

The board's reaction to Mr. Foster's confession was one of hurt and disappointment. Our board has adopted professional governance standards for its members. Failure to meet those standards can result in a progressive sequence of both private and public disciplinary actions against a board member, ranging from individual counseling to formal legal action. When reviewing this sequence, the board took into account that Mr. Foster has had multiple offenses in disclosing confidential information to various parties outside the board and has experienced previous corrective measures for this behavior. The board was then preparing to bring this issue to the public at the first regularly scheduled meeting in July.

Following our regularly scheduled board meeting on Tuesday, June 25, 2002, Mr. Foster presented the district with his resignation effective June 28, 2002. The resignation was filed with the County Superintendent on Friday, June 28, 2002, and a public announcement was made. In an effort to respect that Mr. Foster cited "personal reasons" for his resignation, the district's public announcement was prepared so as to honor his privacy.

We are deeply saddened by Mr. Foster's attack on fellow board members and the governance team through his comments in recent news articles. **The only issue in this matter is, and has been one of Boardmanship, public trust and the responsibility of each board member to keep confidential information confidential.** We were seeking to hold ourselves accountable as elected officials, which we believe the public expects us to do. Any feelings of stress or pressure felt by Mr. Foster may have been personal, as he described in letters of apology which he sent to selected board members and district administrators.

We cannot dignify Mr. Foster's comments by responding to the array of accusations made in recent news articles. Rather we will respond in more general terms. Mr. Foster was proud to be a member of this board. He routinely commented at public board meetings that he felt, "blessed" and "fortunate" to work with such a "fantastic group of board members." If you examine the public record, you will find he has voted unanimously with his fellow board members and governance team over the past twelve months on virtually all district matters including union issues and those specific to labor relations. He has been an outspoken supporter of the district administration. As recently as last Tuesday, the very night he submitted his resignation, he voted unanimously with his fellow board members to approve a new three-year contract for the superintendent and three assistant superintendents. He had never shared with any board members or administrators that he felt pressure or was even uncomfortable with any aspect of the board's work or governance relationship. So his sudden hostility toward the board and superintendent is a complete turn of events. We can only hope that Mr. Foster's resignation from the board will relieve him of any anxiety or stress he was experiencing.

We see no benefit for the students, staff, parents or community to further exaggerate this unfortunate situation. We will take all necessary steps to fill the vacancy on the school board, and we look forward to the opportunity to welcome a new member to the governance team. We have many important projects and goals that we are focused on to improve our district. We will fully shift our attention now to the work at hand. We respectfully consider the matter of Mr. Foster closed and are committed to move forward on behalf of Visalia Unified School District.

Respectfully Submitted by,
Rob Stephenson, Board President
Larry Jones, Board Clerk

Tulare County Office of Education

Committed to Students, Support and Service

July 1, 2002

Jim Vidak

County
Superintendent
of Schools

2637 W. Burrell Ave.
P.O. Box 5091
Visalia, California
93278-5091

559 733-6300
www.tcoe.org

Administration

559 733-6301
fax 559 627-5219

Business Services

559 733-6312
fax 559 737-4378

Human Resources

559 733-6306
fax 559 627-4670

Instructional Services

559 733-6328
fax 559 737-4378

Special Services

559 733-6317
fax 559 737-4378

Mr. Stan Carrizosa
Superintendent
Visalia Unified School District
5000 West Cypress
Visalia, CA 93277

Dear Stan,

This will acknowledge receipt of your letter notifying this office of Niessen Foster's resignation from the Visalia Unified School District board.

Pursuant to Education Code Section 5091, within 60 days of filing the vacancy with the county superintendent, or the filing of a deferred resignation, the district must either make a provisional appointment or order an election. The 60-day period for this vacancy ends on August 27, 2002.

Please use the enclosed form letter, "Official Notice to Appoint or Call for an Election," to notify my office how the district plans to fill this vacancy so that we can help you proceed with the next steps and legal requirements to be taken.

Should the board decide to make a provisional appointment, a Certificate of Appointment-Oath of Office is enclosed and may be used at the time of the appointment. If the district appoints, the appointee will take office immediately upon being sworn in and will serve until the district's election in 2002. Our records show that Mr. Foster's term expires in 2003. Within 10 days of making a provisional appointment you must post the notice of appointment in three (3) public places in the district and notify this office so that we may publish the notice of appointment. (Education Code 5092)

Whenever there is a change in any of the items included on the Statement of Facts (copy enclosed), the district must file an amended Statement of Facts with the Secretary of State and the County Clerk, and must also file, for the departing and arriving board members, their respective conflict of interest statements (Form 730).

If you would like additional assistance or would like a copy of our booklet *Procedures for Filling Governing Board Vacancies*, please do not hesitate to call.

Sincerely,



Jim Vidak
County Superintendent of Schools

/cc
Enclosures

May 30, 2002

Kay Van Andel
Assistant Superintendent
Human Resources
Wasika Unified School District
Wasika, Ca 93277

Dear Kay:

I am writing this letter to apologize to you personally for my unprofessional and shameful conduct. It is truly unbecoming of a Board member and an elected official.

My conduct was very wrong and inexcusable. It was not kind or Christlike. I write this letter with deep remorse. I will further attempt any methods you deem appropriate as the offended party.

I Thank you for the time spent with me yesterday although it was not pleasant. I look forward to meeting with you soon to rectify this situation.

My deepest apologies

Sincerely,

Messin

May 30, 2002

Larry Jones
Clerk
Visalia Unified School District
Visalia, CA 93277

Dear Larry

I am writing this letter to apologize for doing one of the stupidest acts in my life. My conduct was unprofessional and shameful. It is truly unbecoming of a Board member and an elected official.

My conduct toward Kay was wrong and inexcusable. Needless to say, it was not kind. It was bad and totally inappropriate.

I will meet with Kay in the near future to attempt to rectify a bad situation. The fault is mine and mine alone.

My deepest apologies

Nressen

UNIFIED SCHOOL DISTRICT

"Raising Expectations"

REVISED

SPECIAL BOARD MEETING

Tuesday, July 2, 2002

6:00 p.m. - Board Dinner

7:00 p.m. - 9:00 p.m. - Meeting

Board Room

5000 West Cypress Avenue

Visalia, CA

A G E N D A

1. **OPENING BUSINESS**
 1. CALL PUBLIC SESSION TO ORDER
 2. PLEDGE OF ALLEGIANCE - ROB STEPHENSON

2. **GENERAL AGENDA**

Review / Public Comment / Board Discussion / ACTION

 1. BOARD ENDORSEMENT OF PUBLIC STATEMENT (Encl. No. 1)
 2. THE BOARD OF EDUCATION WILL CONSIDER ACTION TO ORDER A SPECIAL ELECTION TO FILL THE BOARD MEMBER VACANCY IN TRUSTEE AREA 5 (Encl. No. 2)

3. **CLOSED SESSION**
 1. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

4. **RECONVENE IN OPEN SESSION**
 1. REPORT ACTION TAKEN IN CLOSED SESSION (If any)

5. **ADJOURNMENT**

6. **NEXT MEETING**

Unless otherwise determined, the next regular Board Meeting will be July 16, 2002, at 5:30 p.m. in the Board Room at the VUSD Educational Office Complex located at 5000 West Cypress Avenue, Visalia.

VISALIA UNIFIED SCHOOL DISTRICT
OFFICE OF THE SUPERINTENDENT

Encl. No. 1

Board Meeting Date of July 2, 2002

TO: Board of Education
FROM: Stan A. Carrizosa, Superintendent
PREPARED BY: Stan A. Carrizosa, Superintendent
APPROVED BY: Stan A. Carrizosa, Superintendent
PRESENTED BY: Stan A. Carrizosa, Superintendent

AGENDA TITLE: Board Endorsement of Public Statement

AGENDA SECTION:

<input type="checkbox"/> Public Recognition/Proclamations/ Action	<input type="checkbox"/> Focus on Student Learning: Presentation/ Public Comment/Board Discussion
<input type="checkbox"/> Status Report/Public Comment	<input type="checkbox"/> Public Hearing/Action
<input checked="" type="checkbox"/> General Agenda: Review/Public Comment/Board Discussion/Action	<input type="checkbox"/> Administrative Panel Recommendations/ Action
<input type="checkbox"/> Routine Action	<input type="checkbox"/> Public Comment/Public Interest Announcements

BACKGROUND/SUMMARY:

A public statement will be read regarding the resignation of board member Niessen Foster.

CONTRACT CHANGES:

N/A

RECOMMENDED ACTION:

Endorse statement.

FINANCIAL IMPACT:

N/A

To: Visalia Unified School District and the Community of Visalia
Date: July 2, 2002
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The board's reaction to Mr. Foster's confession was one of hurt and disappointment. At a meeting on May 21, 2002, the board asked the administration to consult legal counsel regarding appropriate options for public disciplinary action. Mr. Foster voluntarily announced before leaving that meeting that he would resign at the end of June. However, a resignation is not official until it is filed with the County Superintendent of Schools, so it was not announced publicly. While he volunteered this resignation that night, the board could not assume it was official until a letter was submitted. Therefore, they directed staff to pursue options of public discussion and possible public action on the disclosure of information matter, which would be addressed at their first regularly scheduled meeting in July.

Our board has adopted professional governance standards for its members. Failure to meet those standards can result in a progressive sequence of both private and public disciplinary actions against a board member, ranging from individual counseling to formal legal action. When reviewing this sequence, the board took into account that Mr. Foster has had multiple offenses in disclosing confidential information to various parties outside the board and has experienced previous corrective measures for this behavior.

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VISALIA UNIFIED SCHOOL DISTRICT
OFFICE OF THE SUPERINTENDENT

Encl. No. 2

July 2, 2002

TO: Board of Education
FROM: Stan A. Carrizosa, Superintendent
PREPARED BY: Stan A. Carrizosa, Superintendent
APPROVED BY: Stan A. Carrizosa, Superintendent
PRESENTED BY: Stan A. Carrizosa, Superintendent

AGENDA TITLE: Filing Board Member Vacancy

AGENDA SECTION:

<input type="checkbox"/> Public Recognition/Proclamations/ Action	<input type="checkbox"/> Focus on Student Learning: Presentation/ Public Comment/Board Discussion
<input type="checkbox"/> Status Report/Public Comment	<input type="checkbox"/> Public Hearing/Action
<input checked="" type="checkbox"/> General Agenda: Review/Public Comment/Board Discussion/Action	<input type="checkbox"/> Administrative Panel Recommendations/ Action
<input type="checkbox"/> Routine Action	<input type="checkbox"/> Public Comment/Public Interest Announcements

BACKGROUND/SUMMARY:

The Board will act in accordance with Education Code Section 5091 and Elections Code 1000 et seq. to adopt a resolution calling for the order of a special election. This special election will be held to fill the board member vacancy in Trustee Area 5 created by the resignation of board member Niessen Foster. The resolution adopted by the board must be delivered to the County Superintendent of Schools no later than July 5, 2002. This will enable the special election to be consolidated with the regularly scheduled election of November 5, 2002. The person elected to fill this vacancy will hold this seat for the remainder of the regular term of office which expires on the first Friday in December of 2003. The estimated costs of this special election is \$34,000.

CONTRACT CHANGES:

n/a

RECOMMENDED ACTION:

Adoption of Resolution

FINANCIAL IMPACT:

\$34,000

Elected in 1999

Resigned July, 2002