

FORT BEND ISD BOARD OFFICER STATEMENT REGARDING TEXAS EDUCATION AGENCY COMPLAINT

April 8, 2024

Last week the Board learned that Trustee Malone filed a complaint with the Texas Education Agency (TEA) accusing her fellow trustees of violating the Open Meetings Act in connection with the board's decision to make a leadership change. In the interest of transparency, the board's officers want to make our community aware of Trustee Malone's complaint and the district's response. Our response is simple: Our trustees did not violate the Open Meetings Act and Trustee Malone has never provided any proof to support her allegations.

For many months, Trustee Malone has alleged that President Judy Dae told our former superintendent that she "had" the votes to terminate the superintendent's contract. Apparently aware this did not happen Trustee Malone now only alleges that President Dae "*implied*" there were enough votes to support separation. To be clear, President Dae never told the former superintendent that she "had" the votes to terminate her contract. President Dae only shared her personal belief that a majority of the board would support a leadership change if it came to a vote.

There is also a rumor circulating in the community that the board terminated the former superintendent's employment with the District. That did not happen. The board never voted to terminate the former superintendent's contract because the superintendent chose to resign. She participated with her personal attorney in negotiating and drafting a voluntary separation agreement that included a buyout of her contract.

What our community has not been able to see is that many trustees had concerns about the former superintendent's performance in certain areas. While the district cannot publicly share the former superintendent's written evaluation, all trustees, including Trustee Malone, were aware of these concerns.

Trustee Malone additionally alleges that trustees violated the Open Meetings Act in September 2023 while attending the TASB convention in Dallas. She specifically alleges that trustees had meetings with Dr. Smith during the convention to discuss his coming to our district. Trustee Malone has never provided proof to support this allegation. Nor could she because it simply did not happen. No trustee met with Dr. Smith at the convention to discuss his coming to our district.

In addition to repeating false allegations to the TEA, Trustee Malone has also violated the board's operating procedures by releasing confidential attorney-client privileged information to the TEA. Trustee Malone did not, and does not, have the legal authority to

waive the attorney-client privilege as only a majority of the board can do that by voting to waive the attorney-client privilege.

The District now has a new superintendent who is committed to working collaboratively with the board to make the District the best it can be. We have confidence in Dr. Smith's leadership, and it is our hope that all trustees will focus their efforts on supporting Dr. Smith and the board moving forward.

Trustee Judy Dae,
President

Judy Dae
dotloop verified
04/04/24 12:57 PM CDT
NHZY-H8UH-I5R6-F7CF

Trustee Dr. Shirley Rose-Gilliam,
Vice President

Shirley Rose-Gilliam
dotloop verified
04/04/24 1:53 PM CDT
JMVK-G5WL-PPF3-KWHT

Trustee David Hamilton,
Secretary

David Hamilton
dotloop verified
04/04/24 2:13 PM EDT
Q2AW-XXDJ-5AMM-Q4IL