

**Minutes of Special Board Meeting
Thursday, February 24, 2022
Board of Trustees
Katy Independent School District**

A Special Board Meeting of the Board of Trustees of the Katy Independent School District was held on **Thursday, February 24, 2022** in the Board Room of the Katy ISD Education Support Complex, 6301 S. Stadium Lane, Katy, Texas, 77494 with the following Board members present: Greg Schulte, Lance Redmon, Dawn Champagne, Rebecca Fox, Duke Keller, Ashley Vann, and Leah Wilson.

1. Call to Order

At 5:00 p.m. Board President Greg Schulte opened the meeting.

2. Open Forum

No individuals signed up to speak.

3. Closed Meeting

President Greg Schulte announced that the Board was convening in Closed Meeting as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq. concerning any and all purposes permitted by the Act, including but not limited to the sections and purposes listed below.

3.1 Consultation with Board's attorney. (Texas Government Code 551.071: For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law; and Texas Government Code 551.129: For the purpose of a private consultation with the Board's attorney by telephone conference call.)

4. Reconvene from Closed Meeting – The Board will reconvene from Closed Meeting

The Board reconvened into Open meeting at 5:35 p.m. Board President Greg Schulte called the meeting to order.

4.1 Consider Board approval to release information received from special counsel. Moved by Ashley Vann seconded by Lance Redmon that the Board of Trustees approves the release of certain designated information received from special counsel.

Motion passed by a 7 to 0 vote.

5. Discussion/Action

5.1 Discuss and consider information received from special counsel. Board President Greg Schulte led discussion on the item and read a statement. Lance Redmon, Ashley Vann, and Duke Keller gave remarks. Superintendent Dr. Ken Gregorski shared comments on behalf of the district.

5.2 Discuss and consider Resolution(s) regarding Trustee conduct and performance. Moved by Ashley Vann seconded by Lance Redmon that the Board of Trustees approves a resolution regarding Trustee Champagne's conduct and performance. Mr. Elza, Special counsel, read resolution to censure Trustee Champagne.

Motion passed by a 6 to 1 vote.
Dawn Champagne cast the opposing vote.

**A RESOLUTION OF THE KATY INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES CENSURING TRUSTEE DAWN CHAMPAGNE
FOR ACTIONS CONTRARY TO BOARD POLICY
AND THE BOARD S ADOPTED CODE OF ETHICS**

1. WHEREAS, Dawn Champagne was elected to the Katy ISD Board of Trustees in May 2018, and Trustee Champagne was re-elected to the Board in May 2021;

2. WHEREAS, Trustee Champagne took an oath to faithfully execute the duties of the office of a school board trustee for Katy ISD, and, as a trustee, owes a duty to comply with law, Katy ISD Board Policy, and the Board Code of Ethics;

3. WHEREAS, Katy ISD Board policy BBF(LOCAL) sets forth the Board's Code of Ethics, which includes the following commitments regarding Board member conduct:

a. I will make no personal promise or take private action that may compromise my performance or my responsibilities.

b. I will tell the truth.

c. I will base my decisions on fact rather than supposition, opinion, or public favor.

d. I will refuse to surrender judgment to any individual or group at the expense of the District as a whole.

e. I will consistently uphold all applicable laws, rules, policies, and governance procedures.

f. I will not disclose information that is confidential by law or that will needlessly harm the District if disclosed.

4. WHEREAS, the Board has established Operating Procedures to ensure the Board operates as a cohesive team to accomplish the District's vision, mission, and goals; and the Operating Procedures include the following:

a. 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;

b. All information provided and opinions shared in Closed Meeting shall remain confidential unless otherwise agreed upon by the Board. Non-compliance may result in private and or public censure;

5. WHEREAS, Katy ISD is a named defendant in a series of lawsuits filed by a former student, Bronson McClellan (referred to hereinafter as the pending litigation), with the first suit filed on November 12, 2020;

6. WHEREAS, Katy ISD trustees have received numerous confidential communications from Katy ISD's General Counsel and litigation counsel related to the pending litigation;

7. WHEREAS, Katy ISD's General Counsel cautioned trustees on multiple occasions about communicating with Bronson McClelland or his family members about the pending litigation;

8. WHEREAS, during the period from November 2020 to October 2021, Trustee Champagne engaged in regular private communications with Colburn McClelland regarding the pending litigation that Trustee Champagne did not share with the rest of the Board, the Superintendent, the District's General Counsel, nor the District's outside litigation counsel at the time the communications occurred;

9. WHEREAS, Colburn McClelland regularly initiated contact with Trustee Champagne directly before and/or after Katy ISD Board meetings;

10. WHEREAS, on December 15, 2020, Trustee Champagne, communicated to Colburn McClelland that a specific topic was not discussed during an executive session of the Katy ISD Board of Trustees;

11. WHEREAS, on December 16, 2020, Trustee Champagne made inquiries to Katy ISD's superintendent about the pending litigation at the request of Colburn McClelland without acknowledging McClelland as the source of the inquiry;

12. WHEREAS, following a Board meeting on May 17, 2021, Board President Greg Schulte asked Trustee Champagne if she was communicating with Colburn McClelland, and Champagne denied any contact with McClelland;

13. WHEREAS, Trustee Champagne failed to notify Katy ISD's General Counsel or litigation counsel after she received a subpoena to appear for a deposition on October 26, 2021 to provide testimony about the pending litigation, and Trustee Champagne never informed counsel, the Superintendent, nor the Board that she intended to appear for the deposition and did appear at the supposed time at the office of the Plaintiffs counsel without legal representation;

14. WHEREAS, on October 22, 2021, Katy ISD's General Counsel requested all trustees provide copies of any documents or correspondence received from the McClellands related to the pending litigation, and Trustee Champagne failed to disclose any communications in response to the request;

15. WHEREAS, after it was discovered through written discovery in the pending litigation that Trustee Champagne had received numerous communications from Colburn McClelland, including multiple text and email communications, Champagne was not able to produce the email communications, which is a violation of a trustee's obligation to maintain a communication related to District business that is received by a trustee at a personal account or on a personal device, unless the trustee has already forwarded the communication to the District's public information officer;

16. WHEREAS, Trustee Dawn Champagne has conducted herself in a manner contrary to Board Policy and Board Ethics as follows:

a. She failed to disclose communications to and from Colburn McClelland related to the pending litigation; and on multiple occasions, she misrepresented her contact with Colburn McClelland;

b. She shared information about whether a topic was discussed in executive session and who was present in executive session;

c. Her acts and omissions related to communications with Colburn McClelland jeopardizes the District's ability to effectively manage its position related to the pending litigation.

17. WHEREAS, the Board has determined that a trustee's cooperation and/or failure to share knowledge of the McClelland family's efforts to influence trustees undermines the District's ability to act in the best interests of Katy ISD;

18. WHEREAS, the Board has determined that a trustee's disclosure of any information the trustee receives that is protected by attorney-client privilege undermines the interests of the District and jeopardizes the effective and efficient operation of the District;

19. WHEREAS, the Board has determined that a trustee's ability to speak freely in closed session, without concern such comments will be disclosed publicly, is essential to effective collaboration and deliberation; and the inability to rely upon the confidentiality of the Board's executive sessions jeopardizes the successful operation of the District and the effective operation of the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE KATY INDEPENDENT SCHOOL DISTRICT THAT:

Section 1. The above recitals are found and determined to be true and correct and are incorporated into the body of this Resolution as if copied verbatim.

Section 2. The Board of Trustees of the Katy Independent School District does hereby censure Dawn Champagne, Trustee, and hereby condemns her conduct in the strongest terms.

Section 3. It is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of the meeting was given and posted, all as required by Chapter 551, Texas Government Code.

IT IS SO ORDERED.

Dawn Champagne read her remarks.

Moved by Dawn Champagne seconded by Rebecca Fox that the Board of Trustees approves a resolution regarding Trustee Wilson's conduct and performance. Mr. Elza, Special counsel, read resolution to censure Trustee Wilson.

Motion passed by a 7 to 0 vote.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE KATY INDEPENDENT SCHOOL DISTRICT CENSURING LEAH WILSON FOR HER ACTIONS WHICH ARE CONTRARY TO THE TEXAS EDUCATION CODE, BOARD CODE OF ETHICS AND BOARD POLICY

1. WHEREAS, Leah Wilson was elected to the Katy ISD Board of Trustees in November 2020;
2. WHEREAS, Trustee Wilson took an oath to faithfully execute the duties of the office of a school board trustee for Katy ISD, and, as a trustee, owes a duty to comply with law, Katy ISD Board Policy, and the Board Code of Ethics;
3. WHEREAS, Katy ISD Board policy BBF(LOCAL) sets forth the Board's Code of Ethics, which includes the following commitments regarding Board member conduct:
 - a. I will make no personal promise or take private action that may compromise my performance or my responsibilities;
 - b. I will tell the truth;
 - c. I will consistently uphold all applicable laws, rules, policies, and governance procedures;
4. WHEREAS, the Board has established Operating Procedures to ensure the Board operates as a cohesive team to accomplish the District's vision, mission, and goals; and the Operating Procedures include the following: 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;
5. WHEREAS, Katy ISD is a named defendant in multiple lawsuits filed by a former student, Bronson McClelland, and his family (pending litigation);
6. WHEREAS, Katy ISD's General Counsel cautioned trustees on multiple occasions about communicating with Bronson McClelland or his family members about the pending litigation;
7. WHEREAS, after being elected to the Board, Trustee Wilson had conversations with Colburn McClelland, father of the Plaintiff in the pending litigation, and received emails and texts from McClelland related to the issues giving rise to the pending litigation;

8. WHEREAS, Trustee Wilson did not share the correspondence received from Colburn McClelland with the rest of the Board, the Superintendent, the District's General Counsel, nor the District's outside litigation counsel at the time the communication was received;

9. WHEREAS, on October 22, 2021 Katy ISD's General Counsel requested all trustees provide copies of any documents or correspondence received from the McClellands related to the pending litigation, and Trustee Wilson did not promptly disclose communications in response to the request;

10. WHEREAS, Trustee Wilson later informed Katy ISD's General Counsel she received communications from Colburn McClelland and produced multiple emails, but she was not able to produce all electronic communications she received because she deleted messages from her personal device in March 2021, when she ceased all communication with McClelland, which is a violation of a trustee's obligation to maintain a communication related to District business that is received by a trustee at a personal account or on a personal device, unless the trustee has already forwarded the communication to the District's public information officer;

11. WHEREAS, the Board has determined that a trustee's cooperation and/or failure to share knowledge of the McClelland family's efforts to influence trustees undermines the District's ability to act in the best interests of Katy ISD.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE KATY INDEPENDENT SCHOOL DISTRICT THAT:

Section 1: The above recitals are found and determined to be true and correct and are incorporated into the body of this Resolution as if copied verbatim.

Section 2: The Board of Trustees of the Katy Independent School District does hereby censure Leah Wilson, Trustee, and hereby condemns her conduct in the strongest terms.

Section 3: It is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of the meeting was given and posted, all as required by Chapter 551, Texas Government Code.

IT IS SO ORDERED.

5.3 Discuss and consider Reorganization of Board Officers.

Office of President. A nomination was made by Lance Redmon to elect Greg Schulte as President. A motion to close nominations was made by Duke Keller seconded by Lance Redmon. The motion to close nominations for the office of President passed by a 7 to 0 vote. The nomination to elect Greg Schulte as President passed by a 6 to 1 vote with Dawn Champagne casting the opposing vote.

Office of Vice President. A nomination was made by Ashley Vann to elect Lance Redmon as Vice President. A motion to close nominations was made by Ashley Vann seconded by Duke Keller. The motion to close nominations for the office of Vice President passed by a 7 to 0 vote. The nomination to elect Lance Redmon as President passed by a 7 to 0 vote.

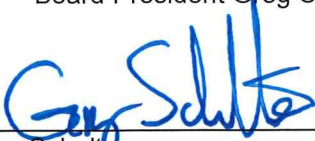
Office of Secretary. A nomination was made by Ashley Vann to elect Duke Keller as Secretary. A motion to close nominations was made by Lance Redmon seconded by Ashley Vann. The motion to close nominations for the office of Secretary and to nominate Duke Keller as Secretary passed by a 4 to 3 vote. Dawn Champagne cast the opposing vote. Rebecca Fox and Leah Wilson Abstained from voting.

5.4 A nomination was made by Lance Redmon to elect Greg Schulte to the TASB Board of Directors, Region 4, Position E. A motion to close nominations was made by Ashley Vann seconded by Lance Redmon. The motion to close nominations for the TASB Board of Directors, Region 4, Position E, passed by a 7 to 0 vote. The nomination to elect Greg Schulte to the TASB Board of Directors, Region 4, Position E, passed by a 5 to 2 vote. Dawn Champagne cast the opposing vote. Leah Wilson Abstained.

Final comments made by all Trustees.

6. **Adjournment**

Board President Greg Schulte adjourned the meeting at 6:38 p.m.



Greg Schulte
President, Board of Trustees



Duke Keller
Secretary, Board of Trustees

Approved: March 28, 2022